

STATE OF NEW YORK

4586--A

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. CRUZ -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law and the administrative code of the city of New York, in relation to requiring annual reports of legal settlement payments related to law enforcement activity

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The executive law is amended by adding a new section 837-w
2 to read as follows:

3 § 837-w. Settlement reporting. 1. The comptroller shall make an annual
4 report which details all payments made for legal settlements relating to
5 law enforcement activity. Such report shall include, but not be limited
6 to, monetary amounts, plaintiffs and named parties, and shall be
7 published on the website of the comptroller, provided, however, that
8 every plaintiff whose name would be included in the report shall have
9 the option to have a pseudonym used in place of such plaintiff's name.
10 Any named party in a legal settlement relating to law enforcement activ-
11 ity who is or was a defendant in such action shall be named in the
12 report and shall not have the option to use a pseudonym in place of such
13 defendant's name. As used in this section, "law enforcement" means
14 every local police department, local correctional facility, each county
15 sheriff, the division of the state police, the department of corrections
16 and community supervision, and every agency that employs a peace officer
17 in this state.

18 2. The person in charge of every local police department, local
19 correctional facility, each county sheriff, the superintendent of the
20 division of the state police, the commissioner of the department of
21 corrections and community supervision, and the person in charge of every
22 agency that employs a peace officer in this state shall promptly report
23 to the comptroller all payments made for legal settlements relating to

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 law enforcement activity, including but not limited to, all information
2 required to be reported pursuant to subdivision one of this section, and
3 details and descriptions of any allegations or misconduct involved in
4 each case, and shall provide each plaintiff the opportunity to elect to
5 use a pseudonym. Notwithstanding any provision of law to the contrary,
6 failure to report all information required pursuant to the provisions of
7 this subdivision by a law enforcement agency shall result in a loss of
8 both eligibility for state funding and accreditation by the division for
9 such agency. Such eligibility for funding and accreditation by the divi-
10 sion shall be restored once such law enforcement agency is in compliance
11 with the provisions of this subdivision.

12 3. The comptroller, in consultation with the division of criminal
13 justice services, shall promulgate regulations to effectuate the report-
14 ing of data from law enforcement departments sufficient to make the
15 reports required by subdivision one of this section.

16 4. The comptroller together with the division of criminal justice
17 services, shall identify law enforcement departments that fail to report
18 the required information. The division of criminal justice services
19 shall, as part of any process to accredit police agencies, require all
20 such agencies to report any settlements as described under this section.

21 § 2. The administrative code of the city of New York is amended by
22 adding a new section 14-192 to read as follows:

23 § 14-192 Settlement reporting. The comptroller shall make an annual
24 report which details all payments made for legal settlements relating to
25 law enforcement activity. Such report shall include, but not be limited
26 to, monetary amounts, plaintiffs and named parties, and details and
27 descriptions of any allegations or misconduct involved in each case, and
28 shall be published on the website of the comptroller, provided, however,
29 that the comptroller shall provide every plaintiff whose name would be
30 included in the report the option to have a pseudonym used in place of
31 such plaintiff's name. Any named party in a legal settlement relating
32 to law enforcement activity who is or was a defendant in such action
33 shall be named in the report and shall not have the option to use a
34 pseudonym in place of such defendant's name. Notwithstanding any
35 provision of law to the contrary, failure to report all information
36 required pursuant to the provisions of this section by a law enforcement
37 agency to the comptroller shall result in a loss of both eligibility for
38 city funding and accreditation for such agency. Such eligibility for
39 funding and accreditation shall be restored once such law enforcement
40 agency is in compliance with the provisions of this section.

41 § 3. This act shall take effect immediately.