STATE OF NEW YORK

3799--A

Cal. No. 549

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

Introduced by Sens. COMRIE, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the New York city charter, in relation to expanding the investigative scope of the Civilian Complaint Review Board to include allegations of biased-based profiling

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

Section 1. Paragraph 1 of subdivision (c) of section 440 of the New York city charter, as amended by a vote of the people of the city of New York at the general election held in November of 2019, is amended to read as follows:

1. The board shall have the power to receive, investigate, hear, make findings and recommend action upon complaints by members of the public against members of the police department that allege **bias-based profiling or** misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The board shall also have the power to investigate, hear, make findings and recommend action regarding the truthfulness of any material official statement made by a member of the police department who is the subject of a complaint received by the board, if such statement was made during the course of and in relation to the board's resolution of such complaint. The findings and recommendations of the board, and the basis therefor, shall be submitted to the police commissioner. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such finding or recommendation. **For the purposes of this paragraph "bias-based profil-**

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

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ing" shall mean an act by a member of the New York city police department or any other New York city law enforcement professional who rely on actual or perceived race, national origin, color, creed, age, immigration or citizenship status, gender, sexual orientation, disability or housing status as the determinative factor in initiating law enforcement action against an individual, rather than an individual's behavior or other information or circumstances that links a person or persons to suspected unlawful activity.

§ 2. This act shall take effect immediately.