STATE OF NEW YORK

4336--A

2023-2024 Regular Sessions

IN SENATE

February 7, 2023

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the New York city charter, in relation to establishing a process for neutral arbitrators to review certain disciplinary decisions and penalties imposed on members of the New York city police department

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

Section 1. Paragraph 3 of subdivision (d) of section 440 of the New York city charter, as amended by section 4 of question 2 of local law number 215 of the city of New York for the year 2019, is amended to read as follows:

3. The police commissioner shall report to the board in writing on any action taken, including the level of discipline and any penalty imposed, in all cases in which the board submitted a finding or recommendation to the police commissioner with respect to a matter within its jurisdiction pursuant to this section. In any case substantiated by the board in which the police commissioner intends to impose or has imposed a different penalty or level of discipline than that recommended by the board or by the deputy commissioner responsible for making disciplinary recommendations, the police commissioner shall provide such written report, with notice to the subject officer, no later than 45 days after the imposition of such discipline or in such shorter time frame as may be required pursuant to an agreement between the police commissioner and the board. Such report shall include a detailed explanation of the reasons for deviating from the board's recommendation or the recommendation of the deputy commissioner responsible for making disciplinary recommendations [~~and, in~~]. In cases in which the police commissioner intends to impose

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

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[~~or has imposed~~] a penalty or level of discipline that is lower than that recommended by the board or such deputy commissioner, **the police commissioner** shall also include an explanation of how [~~the final~~] **such** disciplinary outcome was determined, including each factor the police commissioner considered in making his or her [~~decision~~] **determination, and such disciplinary matter shall then be immediately referred to a neutral arbitrator assigned from a panel of five neutral arbitrators appointed by the public advocate for a hearing and decision. The arbitrator's decision shall be final but disciplinary arbitrators shall confine themselves to determinations of guilt or innocence and the appropriateness of the proposed penalties, and may not exceed the penalty recommended by the board**.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.