

Chapter 360 of the laws of 1911
Police in certain municipalities

Section 1. a. Within thirty days after this act takes effect, the commissioner of police, superintendent of police, chief of police, or other officer or officers, having the management, control or direction of the police force of any city of the first or second class in this state, (except the City of New York Police Department and the City of Syracuse Police Department) shall divide the lieutenants, sergeants and patrolmen of such force (but not including the detective sergeants) who may be on duty in the open air, on the streets, or other public places of the city, into three platoons. No one of such platoons nor any member thereof shall be assigned to more than one tour of duty; such tour of duty shall not exceed eight consecutive hours of each consecutive twenty-four hours and no platoon or member thereof shall be assigned to more than forty hours of duty during any seven consecutive day period, excepting only that in the event of strikes, riots, conflagrations, or occasions when large crowds shall assemble, or other similar emergency, or on a day on which an election authorized by law shall be held, or for the purpose of changing tours of duty, so many of said platoons, or of the members thereof, may be continued on duty for such hours as may be necessary. Within thirty days after this section as hereby amended takes effect, the commissioner of police, superintendent of police, chief of police, or other officer or officers, having the management, control or direction of the police force of any other city and of each county, town or village having a police force of not less than four members, and of each police force of any commission or other agency of a county having a police force of not less than four members, shall not assign any patrolman thereof who may be on duty in the open air, on the streets or other public places to more than one tour of duty; such tour of duty shall not exceed eight consecutive hours of each consecutive twenty-four hours and no patrolman shall be assigned to more than forty hours of duty during any seven consecutive day period; except in an emergency as described in this section or for the purpose of changing tours of duty.

b. Each such uniformed member after having served one year in the said police force or service, shall be allowed an annual vacation of not less

than fourteen consecutive days without diminution of salary or compensation as fixed by or pursuant to law. During an emergency, as herein defined, the annual vacation provided for herein may be withheld, and the length of a day's work, and the nature of the duty whether patrol, reserve or emergency duty shall be determined by the local authorities.

c. Upon cessation of such an emergency each uniformed member from whom, during such an emergency, a vacation or a portion of a vacation shall have been withheld shall receive within six months from such cessation a leave of absence with pay commensurate with the number of days of such vacation withheld.

d. In the city of New York, the police commissioner, and in the city of Syracuse, the chief of police, shall promulgate duty charts for members of the police force which distribute the available police force according to the relative need for its services. This need shall be measured by the incidence of police hazard and criminal activity or other similar factor or factors. No member of the force shall be assigned to perform a tour of duty in excess of eight consecutive hours excepting only that in the event of strikes, riots, conflagrations or occasions when large crowds shall assemble, or other emergency, or on a day on which an election authorized by law shall be held, or for the purpose of changing tours of duty so many members may be continued on duty for such hours as may be necessary. No member shall be assigned to an average of more than forty hours of duty during any seven consecutive day period except in an emergency or as permitted in this subdivision or for the purpose of changing tours of duty or as otherwise provided for by law.

e. The commissioner of police, superintendent of police, chief of police, or other officer or officers, having the management, control or direction of the housing police service of the New York city housing authority, shall promulgate duty charts for members of such force or service which distribute the available force or service according to the relative need for its services. This need shall be measured by the incidence of police hazard and criminal activity or other similar factor

or factors. No member of such force or service shall be assigned to perform a tour of duty in excess of eight consecutive hours excepting only that in the event of strikes, riots, conflagrations or occasions when large crowds shall assemble, or other emergency, or on a day on which an election authorized by law shall be held, or for the purpose of changing tours of duty so many members may be continued on duty for such hours as may be necessary. No member shall be assigned to an average of more than forty hours of duty during any seven consecutive day period except in an emergency or as permitted in this subdivision or for the purpose of changing tours of duty or as otherwise provided for by law.

f. The chief of police, or other officer or officers, having the management, control or direction of the uniformed transit police force of the New York city transit authority, shall promulgate duty charts for members of such force which distribute the available force according to the relative need for its services. This need shall be measured by the incidence of police hazard and criminal activity or other similar factor or factors. No member of such force or service shall be assigned to perform a tour of duty in excess of eight consecutive hours excepting only that in the event of strikes, riots, conflagrations or occasions when large crowds shall assemble, or other emergency, or for the purpose of changing tours of duty so many members may be continued on duty for such hours as may be necessary. No member shall be assigned to an average of more than forty hours of duty during any seven consecutive day period except in an emergency or as permitted in this subdivision or for the purpose of changing tours of duty or as otherwise provided for by law. In making assignment to the aforementioned tours of duty, volunteers for said tours of duty shall have priority and shall be taken in order of seniority. As vacancies occur in said tours of duty, such vacancies shall be filled with volunteers on the basis of seniority. If sufficient volunteers are not available to fill the aforementioned promulgated tours of duty, the chief of the department shall have the right to assign low seniority members where consistent with the needs of the department to perform such tours of duty.

§ 2. The tours of duty of sergeants, roundsmen, patrolmen, (not

including detective sergeants) on duty in the open air, on the streets or other public places of a city of the first class or a city of the second class shall be changed at least once in each calendar month. Provided, however, that in cities of the first and second class which on December thirty-first, nineteen hundred and ten, had in force and operation a three platoon system, the tour of duty of such platoons and each member thereof, and the manner of changing such tours of duty may, at the election of the local authorities, having the management, control or direction of the police force, be and continue as the same were in force and in operation on said December thirty-first, nineteen hundred and ten.

§ 3. Policemen, while on reserve duty as mentioned in the first section of this act, shall not be required to render any service except in case of an emergency, and shall be free to retire for sleep during reserved duty in their station house, subject to call in case of an emergency. For the purpose of this act, an emergency shall be defined as enumerated in section number one of this act.

§ 4. Any commissioner of police, superintendent of police, chief of police, or other officer or officers, having the management, control or direction of the police force of any city of the first or second class in this state, (excepting such cities which on December thirty-first, nineteen hundred and ten, had in force and operation a three platoon system) who shall fail to divide such force into three platoons within the time prescribed in section one of this act shall be deemed to have forfeited his office and, upon the written petition of any citizen of the city in which such violation took place, must be removed therefrom by the supreme court of the judicial district within which such city is contained. A copy of such petition must be served upon the officer accused and he shall have the right to appear and to give evidence and to be heard in his defense.

§ 5. Any commissioner of police, superintendent of police, chief of

police, or other officer or officers, having the management, control or direction of the police force of any city of the first or second class in this state, and any inspector, captain, lieutenant, sergeant or roundsman of the police force of any such city, who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as prescribed by law.

§ 6. All general or special laws inconsistent with this act, or with any part thereof, are hereby repealed. Provided, however, that this act shall in no manner affect any provisions of such laws concerning furlough or leave of absence of policemen or exempting patrolmen from obligation to wear uniform when not on actual duty.