

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2016**

No. 85

Introduced by Council Members Lancman, Williams, Dromm, Johnson, Mendez, Cornegy, Barron, Rose, Menchaca, Kallos, Wills and Rosenthal.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring the police department to publish quarterly and annual reports relating to use of force incidents

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-158 to read as follows:

§14-158 Use of force incident reports.

a. Definitions. As used in this section, the following terms have the following meanings:

Excessive force. The term “excessive force” means force that has been found by the department to be, considering the totality of the circumstances in which it is used, greater than that which a reasonable officer, in the same situation, would use under the circumstances that existed and were known to the officer at the time such force was used.

Use of force incident. The term “use of force incident” means any instance where a member of the department, while taking police action, responds to an incident or condition and takes action in a manner intended to have an immediate effect on the body of another person, and consists of the following categories: (i) the use of hand strikes, foot strikes, forcible take-downs or the wrestling of the subject to the ground; (ii) the discharge of oleoresin capsicum spray; (iii) the

deployment of a conducted electrical weapon; (iv) the use of a mesh restraining blanket to secure an individual; (v) the intentional striking of a person with any object, including a baton or other equipment; (vi) a police canine bite; and (vii) the use of physical force that is readily capable of causing death or serious physical injury, including the discharge of a firearm.

b. Use of force incident report. No later than February 1, 2017, and no later than 30 days after the end of each quarter thereafter, the department shall post on its website and deliver to the council a report containing the following information for the prior quarter:

1. The number of use of force incidents, in total and disaggregated by: (a) the category of use of force incident; (b) the precinct or other departmental unit to which the officer who used such force was assigned; and (c) whether or not the officer was on duty at the time of the use of force.

2. The number of injuries to an officer or civilian resulting from a police and civilian interaction involving a use of force incident, in total and disaggregated by the following categories: (a) physical injury, such as minor swelling, contusion, laceration, abrasion or complaint of substantial contracted pain; (b) substantial physical injury, such as a significant contusion or laceration that requires sutures or any injury that requires treatment at a hospital emergency room; and (c) serious physical injury, such as a broken or fractured bone, gunshot wound, heart attack, stroke, or any injury requiring hospital admission. Such injuries shall also be disaggregated by the precinct or other departmental unit to which the officer who used such force was assigned, whether such officer was on duty at the time the injury was sustained, whether the injury was sustained by an officer or civilian, and, if known, whether the injury was caused by an officer or civilian.

c. No later than May 1, 2017, and thereafter on an annual basis, the department shall post on its website and deliver to the council a report that contains the information in paragraphs 1 and 2 of subdivision b of this section for the previous calendar year. Such report shall also include the number of incidents involving the use of excessive force for the previous calendar year, in total and disaggregated by:

1. the category of use of force incident, where applicable, and whether the use of excessive force involved the drawing or displaying of a firearm in a manner determined to be excessive force;

2. the precinct or other departmental unit to which the officer who used such excessive force was assigned;

3. whether or not such officer was on duty at the time of the use of excessive force; and

4. if available, dispositions of departmental charges brought against officers for the use of excessive force.

d. The reports produced pursuant to subdivisions b and c shall be stored permanently and shall be accessible from the department's website, and the quarterly report produced pursuant to subdivision b shall be provided in a format that permits automated processing. Each quarterly report produced pursuant to subdivision b shall include a comparison of the information for the current quarter to the information in the same quarter in each of the prior three years, where such prior information is available.

§ 2. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on July 14, 2016 and approved by the Mayor on August 3, 2016.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 85 of 2016, Council Int. No. 539-A of 2014) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel