

Safe & Healthy Communities

Model Legislation

WHO WE ARE

The Policing Project at NYU School of Law partners with communities, lawmakers, and the police to enhance safety, accountability, and transparency in policing. Our team of attorneys, advocates, and community organizers is ready to help you draft and pass legislation that protects safety and addresses community concerns about aggressive policing.

LEGISLATION@POLICINGPROJECT.ORG

WHAT WE CAN HELP WITH

We have developed model statutory language in the following areas.

> Preventing use of force abuse

We have a comprehensive approach that provides clear guidance to officers on use of force.

- Covers specific circumstances including canines, chokeholds, tear gas at protests, and less lethal weapons (such as batons and Tasers).
- Includes training requirements, and requires robust reporting, investigation, and enforcement mechanisms.

> Data collection & transparency

The police need to collect the right data, and the public needs easy access to it. This model statute addresses both issues.

- Requires public access to agency policies, payouts to victims of police misconduct and collective bargaining agreements.
- Ensures data is collected on officer stops, use of force, and complaints and that the data is made publicly available in a clear format.
- Ensures public access outlines access to body worn camera footage and complaint investigation records.

> Officer Discipline and Requiring Due Diligence

- This statute ensures that an officer who commits serious misconduct is no longer permitted to work in policing.
- The statute gives the state's Peace Officers Standards and Training (POST) broad authority to investigate allegations of misconduct and to suspend or decertify officers for serious wrongdoing.
- Establishes a robust set of reporting requirements for both officers and agencies

to ensure that the POST quickly learns of any alleged misconduct.

- Requires agencies to conduct comprehensive background checks when hiring a new officer so that agencies are aware of any past allegations of misconduct.

> **Traffic stops for minor issues**

This statute addresses traffic stops for minor reasons that can lead to dangerous situations for officers and individuals.

- Requires agencies to collect data on all stops, citations and arrests, and make the data public.
- Limits traffic stops for equipment violations and low-level traffic violations (e.g. not wearing a seatbelt) that can lead to further inquiry. Officers can still issue citations when pulling individuals over for a different reason, or mail the driver a citation.
- Decreases the scope of stops when they do occur (for example, limiting the use of consent searches and drug-sniffing dogs without some reason to think that the search will in fact turn something up).
- Limits the issuance of warrants for low-level offenses and first-time failures to appear in court, which will also reduce the need for traffic stops due to warrants—and reduce the risk that a traffic stop will result in an unnecessary arrest.

> **Warrant reform**

This statute focuses on reducing the number of warrants issued (when a summons works instead) and improves the integrity of warrant databases.

- Provides ways for individuals to clear outstanding warrants, and employs proactive measures such as text reminders to reduce failures to appear.
- Reduces warrants due to failure to pay fines and fees. It institutes the ability to pay hearings and other ways to fulfill financial obligations (e.g. community service).

- These reforms will reduce incarceration due to warrants.

> **Barriers to holding officers accountable**

This statute ensures that agencies conduct prompt, thorough and impartial investigations of police misconduct by eliminating provisions in state law or collective bargaining agreements that make it difficult to hold officers accountable.

- Eliminates mandatory waiting periods before an officer can be questioned after a serious use of force incident.
- Requires agencies to accept anonymous and unsigned complaints, and it prohibits agencies from purging disciplinary records.
- Includes various other provisions to ensure that disciplinary investigations are thorough and fair.

HOW WE CAN HELP

- We support local advocacy efforts. We've done some thinking on how to tackle these difficult topics, but we are committed to aiding existing state efforts. We are not wedded to language we have drafted; we are here to work with you and offer support.
- We offer educational materials and example statutory language.
- We provide expert testimony.
- We give feedback on proposed bills and suggest revisions to make legislation more effective.
- We're here for phone calls just to think through these issues.