



PATROL BOROUGH BROOKLYN SOUTH COMMUNICATIONS



TOPIC
MEMORANDUM REGARDING QUOTA BILL

PREFIX	BORO	SEQ.
5	8	29
PC		
OCD		
IAB		
PSB	17-51	
QAD		
311		
PCM		

<u>COMMANDING OFFICERS ASSIGNED:</u>	<u>DATE RECEIVED</u>	Mon, 10/25/10
<input checked="" type="checkbox"/> CO'S ALL COMMANDS		
<input type="checkbox"/> 60 <input type="checkbox"/> 61 <input type="checkbox"/> 62 <input type="checkbox"/> 63 <input type="checkbox"/> 66 <input type="checkbox"/> 67 <input type="checkbox"/> 68 <input type="checkbox"/> 69 <input type="checkbox"/> OTHER		
<input type="checkbox"/> 70 <input type="checkbox"/> 71 <input type="checkbox"/> 72 <input type="checkbox"/> 76 <input type="checkbox"/> 78 <input checked="" type="checkbox"/> BSTF <input checked="" type="checkbox"/> ECT <input checked="" type="checkbox"/> ALU		BORO - CRIME

<u>PBBS MEMBER ASSIGNED:</u>			
<input type="checkbox"/> CO PBBS	<input type="checkbox"/> ADMIN COMM	<input type="checkbox"/> PIMS	<input checked="" type="checkbox"/> ADM LT.
<input type="checkbox"/> XO PBBS	<input type="checkbox"/> BSIU	<input type="checkbox"/> COMPSTAT	<input type="checkbox"/> TRAINING
<input type="checkbox"/> ADJUTANT	<input type="checkbox"/> OPERATIONS	<input type="checkbox"/> PERSONNEL	<input type="checkbox"/> COUNTER TERROR
<input type="checkbox"/> OPS CMDR	<input type="checkbox"/> TRAFFIC	<input type="checkbox"/> COMM. AFFAIRS	<input type="checkbox"/> QOL
			<u>OTHER:</u>

<u>THE ATTACHED COMMUNICATION IS REFERRED TO YOU FOR:</u>	
<input checked="" type="checkbox"/> INFORMATION/NECESSARY ATTENTION	<input type="checkbox"/> INTERVIEW COMP WITHIN 14 DAYS
<input type="checkbox"/> INVESTIGATE AND REPORT BY: _____	<input type="checkbox"/> RETURN APPENDIX "A" BY: _____
<u>OTHER:</u>	
PLEASE GIVE A COPY TO EACH PRECINCT SUPERVISOR AND MOS IN THE PRECINCT.	

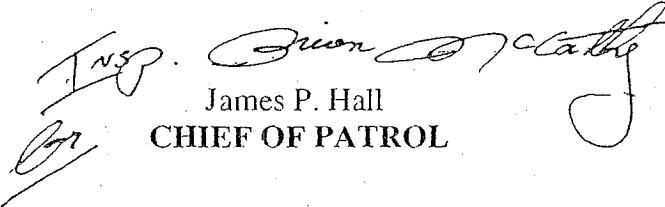
<u>INFORMATIONAL COPIES FOR:</u>			
<input type="checkbox"/> CO'S ALL COMMANDS			
<input type="checkbox"/> 60	<input type="checkbox"/> 61	<input type="checkbox"/> 62	<input type="checkbox"/> 63
<input type="checkbox"/> 66	<input type="checkbox"/> 67	<input type="checkbox"/> 68	<input type="checkbox"/> 69
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<input checked="" type="checkbox"/> ADJUTANT	<input type="checkbox"/> OPERATIONS	<input type="checkbox"/> PERSONNEL	<input type="checkbox"/> COUNTER TERROR
<input checked="" type="checkbox"/> OPS CMDR	<input type="checkbox"/> TRAFFIC	<input type="checkbox"/> COMM. AFFAIRS	

**POLICE DEPARTMENT
CITY OF NEW YORK**

October 22, 2010

From: Chief of Patrol
To: Commanding Officer, All Patrol Boroughs
Subject: **MEMORANDUM REGARDING QUOTA BILL**

1. The attached memorandum was prepared by the Legal Bureau to assist Borough and Precinct Commanders in understanding the amendment to Labor Law Section 215-a (Quota Bill) which became effective on August 31, 2010.
2. Assistant Deputy Commissioner Thomas Doepfner, Legal Bureau, will present an overview of the Quota Bill to all Borough/Precinct Commanders from a particular Borough at the conclusion of each weekly Compstat meeting. (Note: Patrol Boroughs Bronx and Brooklyn North have already received this overview).
3. Borough Commanders are directed to review the memorandum with **ALL Supervisors** within the borough.
4. Precinct Commanders are directed to review the memorandum with **ALL Supervisors** within their command.
5. All supervisors will be furnished with a copy of this memorandum.
6. Assistant Deputy Commissioner Doepfner may be contacted at the Legal Bureau to address any issues pertaining to the Quota Bill.
7. For your information and compliance.


James P. Hall
CHIEF OF PATROL

QUOTAS

Department Policy:

The Department has never had a policy of making or setting quotas for police officers for issuing summonses, making arrests or stopping criminal suspects. The setting and enforcement of quotas sets unfair standards and could result in an officer taking enforcement action for the purpose of meeting a quota rather than because a violation of the law has occurred. Quotas are not addressed as part of any managerial training and have never been an acceptable measure of police officer performance. In an effort to address crime and public safety conditions in precincts, supervisors have made statements that could be interpreted as the setting of quotas for enforcement activity. However, a requirement that a specific number of summonses be issued or arrests be made over a specific period of time has always been prohibited.

Labor Law Section 215-a:

An amendment to Labor Law Section 215-a, which became effective on August 31, 2010, is commonly referred to as the Quota Bill. Labor Law Section 215-a prohibited an employer from transferring or penalizing an employee *solely* because such an employee failed to meet a quota for the issuance of a certain number of traffic tickets or summonses within a specified period of time. The amendment to the law significantly expanded the scope of the prohibition to include not just quotas for traffic violations, but also for: (1) arrests, summonses or tickets for any violation of a law for which an arrest could be made or a summons or ticket issued; and (2) for stops of individuals suspected of criminal activity. In addition, the new law specifically prohibits an employer not only from transferring, but also from penalizing or threatening, in any other manner, an employee as to his or her employment, including but not limited to, reassignment, scheduling change, adverse evaluation, constructive dismissal, denial of promotion, or denial of overtime, based *in whole or in part* on the failure to meet a quota. What this new law prohibits is consistent with existing Department policy.

What is a "Quota"?

Under Labor Law 215-a a quota is defined as a requirement that a specific number of arrests or stops be made, or that a specific number of tickets or summonses be issued within a specified period of time. Thus, directing an officer to issue a certain number of summonses each week or make a certain number of arrests each month would be a violation of the law, if any adverse action was taken against the officer for failing to meet those requirements.

Supervision and Performance:

The law does not prohibit the use of appropriate managerial measures to maximize employee performance. The Department and Department managers can set performance goals for the officers under their supervision and can insist that officers take appropriate enforcement action to address crime problems, quality of life conditions and public safety issues in the commands they are responsible for policing.

Officers can, depending upon their specific assignments and the conditions in the command in which they work, be expected to make arrests, issue traffic and criminal court summonses, conduct stops of individuals who are suspected of criminal activity and engage in other enforcement activities. Such enforcement activity must be based, however, on the meeting of the appropriate legal standard, i.e., probable cause or reasonable suspicion, not on the requirement that a specific number of arrests or summonses be completed each tour, week or month.

Officers who avoid engaging in enforcement activities, despite the existence of crime and public safety conditions in their work environment, can be subjected to adverse consequences. The standard for such consequences must be the failure to perform as an officer is expected to perform; not the failure to meet a specific quota. The changes to Labor Law 215-a, therefore, do not impede or prevent a supervisor from ensuring that an employee is doing his/her job.

Permissible Performance Indicators:

An obvious way of gauging an officer's activity level is to count the number of enforcement encounters that an officer has over time. Comparing an officer's enforcement against the activity level of similarly situated officers is an appropriate measure of performance. Other things that supervisors can do to include the following:

- Define conditions that officers should be observing and correcting
- Direct officers to address specific conditions or problems in a command
- Monitor efforts undertaken to address those conditions or problems through appropriate documentation.
- Accompany officers on patrol to point out conditions and direct that enforcement action be taken when legally appropriate

Avoiding Accusations About Quotas:

To address a complaint about a violation of Labor Law Section 215-a an employee may bring a grievance proceeding. In attempting to motivate officers to increase or maintain enforcement activity supervisors must ensure that officers are not instructed that adverse employment action will be taken unless a specific number of enforcement measures are undertaken over a specific period of time. It is extremely important to avoid discussing specific numerical objectives at roll calls, in training sessions or in documents that are given to subordinates. Any discussion or direction that links failure to reach a specific numeric goal with an adverse employment consequence can give rise to an allegation of a quota violation.