



Legislation Text

File #: Int 0182-2014, **Version:** C

Proposed Int. No. 182-C

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A Local Law to amend the administrative code of the city of New York in relation to requiring law enforcement officers to identify themselves to the public

Be it enacted by the Council as follows:

Section 1. Declaration of Legislative Intent and Findings. The City Council finds that the people of the City of New York are in great debt to the hard work and dedication of police officers in their daily duties. The Council further finds that mistrust of law enforcement officers based on real or perceived discrimination hinders law enforcement efforts and is a threat to public safety. New York City Police Department policy already requires that officers wear shields and nameplates at all times while in uniform, and that they provide their rank, name, shield number and command when asked. In adopting this law, it is the intent of the City Council to increase transparency in police practices and to build trust between police officers and members of the public by providing the public with notice of the reasons behind their encounters with the police, and written information to identify officers that interact with them in situations that do not result in an arrest or summons.

§ 2. Chapter 1 of title 14 of the administrative code of the city of New York is amended to add a new section 14-168 to read as follows:

§ 14-168. Identification of Law Enforcement Officers.

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

Law enforcement activity. The term “law enforcement activity” means any of the following activities when conducted by law enforcement officers:

1. noncustodial questioning of individuals;
2. pedestrian stops;
3. frisks;
4. searches of persons, property, or possessions, including vehicles;
5. traffic stops;
6. vehicle checkpoints that have been established for the purpose of DWI checks;
7. home searches; and
8. investigatory questioning of potential victims and witnesses to crimes.

Law enforcement officer. The term “law enforcement officer” is as defined in section 14-151(a)(2) of the Administrative Code of the City of New York.

Noncustodial questioning. The term “noncustodial questioning” means investigatory questioning of individuals and the questioning of suspects where such individuals or suspects have not been detained and are free to end the encounter at will.

b. Upon initiation of a law enforcement activity, law enforcement officers shall:

1. identify themselves to the subject of the law enforcement activity by providing their full name, rank and command; and
2. provide the specific reason for the law enforcement activity.

c. At the conclusion of a law enforcement activity that does not result in an arrest or summons a law enforcement officer shall present the subject of such activity with such officer’s business card. Such card shall be pre-printed and include, at a minimum:

1. the name, rank, and shield; or name, rank and tax registry number of the officer; and
2. a phone number for the Civilian Complaint Review Board and an indication that such phone number

may be used to submit comments or complaints about the encounter.

d. The department shall develop a plan to ensure that all law enforcement officers have an adequate number of cards prior to engaging in any law enforcement activity, in order to comply with this section. The department shall publish such plan on the department's website. No later than 24 hours after any amendment to the department's plan, the department shall update the plan on the department's website to reflect such amendment and shall conspicuously note the amended sections and their effective dates.

e. A law enforcement officer shall not be required to comply with the provisions of subdivisions b and c of this section where:

1. a law enforcement officer is not in uniform and is engaged in an approved undercover activity or operation involving the use of an assumed name or cover identity, and the relevant law enforcement action is taken pursuant to such undercover activity or operation;

2. an emergency exists requiring immediate action by the law enforcement officer to respond to an imminent and substantial risk of physical injury to the police or public, or imminent and substantial damage to property, or to forestall the imminent escape of a suspect or imminent destruction of evidence; or

3. the law enforcement officer is conducting a security search of persons or possessions, including a consent search or identification check where such search or identification check is predicated upon entrance to a public building or facility, event, or gathering, or an entertainment event, provided however that the officer shall be required to identify themselves and present a business card when such information is requested by the person subject to such search or identification check.

f. A law enforcement officers shall not be required to comply with subdivision c of this section where:

1. the law enforcement officer is verifying identification in order to access a particular location or particular streets after a terrorist attack or natural disaster; or

2. the officer does not have an adequate number of pre-printed cards on his or her person at the time of the law enforcement activity because of an insufficient supply of pre-printed cards at their command, provided

that during any such time, such officer shall present a hand written card with the information defined in subdivision c. If there is an insufficient supply of pre-printed cards available, the department shall provide such cards within 14 business days.

§ 3. This local law shall take effect 120 days after its enactment into law.