Legislation Details (With Text)

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Date	Ver.	Action By	Action	Result
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12/31/2017	*	City Council	Filed (End of Session)	

Int. No. 1543

By Council Members Gibson, Lancman, Menchaca, Cohen, Gentile, Levin and Ricahrds

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to record interrogations

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-166 to read as follows:

§ 14-166. Interrogation procedures.

a. Recording. The department shall video and audio record all custodial interrogations in a place of detention of suspects arrested for index crimes and sex offenses as defined in article 130 of the penal law. For the purpose of this section, "a place of detention" means a location within a department precinct or facility where persons are held in detention in connection with criminal charges which have been or may be filed against them and are interrogated by a public servant.

b. Duration of the recording. The recording shall begin prior to a suspect entering the place of detention and shall end upon the suspect's exit from the place of detention. If at the start of any custodial interrogation, the officer or detective conducting the interrogation is unaware that the suspect may have committed an index crime or sex offense and becomes aware of such commission during the course of such interrogation, such officer or detective shall begin recording at the time such officer or detective had reason to believe that the suspect has committed such offense

c. Exceptions. Notwithstanding subdivision a of this section, the department is not required to record a custodial interrogation upon good cause. Good cause shall include:

1. equipment malfunction;

2. if an officer or detective determines that recording the interrogation would jeopardize the safety of any person or an ongoing investigation;

3. if such suspect requests not to be recorded, or refuses to participate in the custodial interrogation if it is recorded and such refusal or request is memorialized.

d. Legal proceedings. If during legal proceedings a defendant moves to suppress evidence obtained in the course of a custodial interrogation, failure to comply with this section may be considered a factor in determining the suppression of evidence.

e. Reporting. No later than March 1, 2017 and by every March 1 thereafter, the department shall publish on the department's website and provide to the council an annual report regarding interrogation procedures for the prior calendar year. Such annual report shall include, but not be limited to, the following information:

1. the number of arrests for index and sex offenses as defined in article 130 of the penal law, in total and disaggregated by precinct;

2. the number of custodial interrogations in a place of detention of suspects of index crimes and sex offenses as defined in article 130 of the penal law;

3. the number and rate of recorded custodial interrogations in a place of detention of suspects of index crimes and sex offenses as defined in article 130 of the penal law, in total and disaggregated by precinct;

4. the number of custodial interrogations in a place of detention of suspects of index crimes and sex offenses as defined in article 130 that were not recorded, in total and disaggregated by the reason or reasons such interrogation was not recorded.

§ 2. This local law takes effect immediately.

LS 6083
DA

1/27/2016