



Legislation Details (With Text)

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Int. No. 489

By Council Members Seabrook, Comrie, Foster, Jennings, Liu, Lopez and Vann

A Local Law to amend the administrative code of the city of New York, in relation to videotaping the use of diversionary devices during a raid conducted by the New York City Police Department.

Be it enacted by the Council as follows:

Section One. Declaration of legislative findings and intent.

On May 16, 2003, police officers raided the apartment of Alberta Spruill, based on information from an informant that drugs and guns were stored in the apartment. The police, using a “no-knock” warrant, battered down the door and used a diversionary device known as a flash grenade, which creates a loud noise and flash. The police also handcuffed Ms. Spruill, and after looking through the apartment, realized that they had entered the wrong location. However, Ms. Spruill, a city employee and devoted churchgoer who suffered from a heart condition, died two hours later as a result of the fear induced by these police actions.

The use of diversionary devices such as flash or concussion grenades, though perhaps appropriate in

certain instances, must be carefully monitored and used sparingly, as the Police Commissioner appeared to indicate by suspending their use after this tragic incident. The City Council finds, however, that should the police once again use these diversionary devices, they should be required to videotape any raids in which the devices are used in order to document the circumstances under which they were employed.

§2. Chapter 1 of Title 14 of the administrative code of the city of New York is hereby amended to add a new section 14-151, to read as follows:

§14-151. Videotaping of the use of Diversionary Devices by the New York Police Department.

a. Definitions. “Diversionary device” shall mean any device, including flash grenades, concussion grenades or any other explosive instrument, designed to stun and disorient.

“Raid” shall mean an intrusion into or on property, including apartments and homes, and includes, but is not limited to, high risk tactical entry or execution of a search warrant.

b. The police department shall record, in its entirety, on videotape of reasonable clarity and audibility, a raid during which a diversionary device is used.

§3. This local law shall take effect immediately.

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