



Legislation Text

---

File #: Int 0260-2014, Version: \*

---

Int. No. 260

By Council Members Matteo, Koslowitz, Barron, Cornegy, Crowley, Espinal, Ferreras-Copeland, Gentile, Greenfield, King, Koo, Levine, Maisel, Palma, Richards, Rodriguez, Rose, Torres, Ulrich, Vacca, Vallone and Chin

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a pilot program for the use of body-worn video cameras during certain sanitary inspections of food service establishments.

Be it enacted by the Council as follows:

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1506 to read as follows:

§17-1506 Pilot Program for the Use of Body-Worn Cameras in Sanitary Inspections. a. Definitions. The following terms shall have the following meanings:

1. “Body-worn camera” shall mean a video recording device that can be attached or affixed to a person’s body, apparel or clothing.

2. “Food service establishment” shall have the same meaning as such term is defined in section 17-1501 of this chapter.

3. “Food service establishment inspector” shall have the same meaning as such term is defined in section 17-1501 of this chapter.

4. “Notice of violation” shall have the same meaning as such term is defined in section 17-1501 of this chapter.

5. “Sanitary inspection” shall have the same meaning as such term is defined in section 17-1501 of this chapter.

b. The department shall establish a pilot program, which shall require at least ten percent of all sanitary inspections to be conducted for one year by food service establishment inspectors who wear body-worn cameras. At least ten percent of all sanitary inspections in each borough shall be conducted pursuant to such program.

c. Prior to commencement of a sanitary inspection pursuant to such program, the food service establishment inspector shall notify the food service establishment that a body-worn camera will be used to record such inspection, and that the video footage from such inspection may be admitted by either the department or by the food service establishment in a proceeding to adjudicate the liability for an alleged violation issued as a result of such inspection.

d. The department shall upload all video footage recorded during a sanitary inspection conducted pursuant to such program to a secure computer system, accessible only to the department, the health tribunal at the office of administrative trials and hearings, and the respondent who is issued a notice of violation as a result of a sanitary inspection pursuant to such program. All such notices of violation shall provide respondents with information on how to access and view such video footage. Such video footage shall be admissible in any proceeding to adjudicate the liability for an alleged violation issued as a result of a sanitary inspection pursuant to such program. A copy of all such video footage shall be retained by the department and shall be deemed a record kept in the ordinary course of business.

e. Following the disposition of a proceeding to adjudicate the liability for an alleged violation issued as a result of a sanitary inspection pursuant to such program, the department shall develop and conduct a survey to offer food service establishment owners the opportunity to provide feedback on the pilot program.

f. Upon completion of the pilot program, the department shall, as soon as practicable thereafter, submit to the mayor and the speaker of the council a report which shall include, but not be limited to, the number of all sanitary inspections that were conducted pursuant to such program as compared to the total number of all sanitary inspections of food service establishments conducted by the department; the total number of notices of

violation arising from sanitary inspections conducted pursuant to such program as compared to the total number of all sanitary inspections of food service establishments conducted by the department; the number of proceedings to adjudicate the liability for alleged violations issued as a result of sanitary inspections pursuant to such program in which video footage was admitted as evidence pursuant to subdivision d of this section as compared to the total number of proceedings to adjudicate the liability for alleged violations issued as a result of all sanitary inspections of food service establishments conducted by the department; results of any surveys conducted pursuant to subdivision e of this section; and recommendations by the department regarding such program, including, but not limited, to whether to implement, continue or expand such program, and any changes that should be made to such program.

g. Such program shall continue to exist for at least one year after the enactment of this local law.

§2. This local law shall take effect 180 days after enactment, except that the commissioner shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

DSH  
LS 790/2014  
4/7/2014