



Legislation Text

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

Int. No. 182-D

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

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent and findings. The 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 allegations of discrimination hinders law enforcement efforts and that greater transparency during encounters with the public would build trust in the work of the police. New York City Police Department policy already requires that officers wear shields and nameplates at all times while in uniform, and that they provide identifying information and offer a contact card when asked. Additionally, when an officer reasonably suspects that a person has committed, is committing or is about to commit a crime, Department policy directs that an officer provide identifying information and the factors that contributed to the officer's suspicion. In adopting this law, it is the intent of the Council to increase transparency in police practices and to build trust between police officers and members of the public by requiring the Department to provide members of the public with officer identification information and notice of the reasons behind their encounters with the police.

§ 2. Chapter 1 of title 14 of the administrative code of the city of New York is amended to add a new section 14-174 to read as follows:

§ 14-174 Identification of police officers.

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

Assigned detective. The term “assigned detective” means a detective employed by the department who is leading the investigation of a particular crime.

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

1. Noncustodial questioning of individuals suspected of criminal activity;

2. Pedestrian stops where an officer has an individualized, reasonable suspicion that the person stopped has committed, is committing, or is about to commit a crime and where a reasonable person would not feel free to end the encounter at will;

3. Frisks;

4. Searches of persons or property, including vehicles;

5. Roadblock or checkpoint stops, including checkpoints related to enforcement of article 31 of the vehicle and traffic law, but not including planned security checks of vehicles at sensitive locations or street closures for public events or emergencies;

6. Home searches; and

7. Investigatory questioning of victims of or witnesses to crimes.

Noncustodial questioning. The term “noncustodial questioning” means the questioning of an individual during an investigation where such individual has not been detained and is free to end the encounter at will.

Officer. The term “officer” means a sworn police officer of the department.

b. During a law enforcement activity, an officer shall:

1. Identify himself or herself to the person who is the subject of such law enforcement activity by

providing his or her name, rank and command;

2. Provide to such person an explanation of the reason for such law enforcement activity, unless providing such information would impair a criminal investigation;

3. Offer a business card to such person at the conclusion of any such activity that does not result in an arrest or summons, provided that where such person is a minor, the officer shall offer such business card to the minor or, if present at the scene, to a parent, legal guardian, or responsible adult, and provided further that where such activity is the first in-person investigatory questioning of victims of or witnesses to a crime, only the assigned detective for such investigation shall be required to offer such business card to such person at the conclusion of such activity;

4. Offer to provide to such person the information set forth in paragraph 1 of subdivision f on a hand-written card, when such officer does not have an adequate number of pre-printed business cards on his or her person at the time of such law enforcement activity; and

5. Offer to provide to such person the information set forth in paragraph 1 of subdivision f verbally and allow sufficient time for such person to record such information when such officer does not have an adequate number of pre-printed business cards or hand-written cards on his or her person at the time of such law enforcement activity.

c. Notwithstanding the provisions of subdivision b, an officer shall offer a business card to any person requesting identifying information, or provide such information verbally to such person and allow such person sufficient time to record such information when such officer does not have an adequate number of pre-printed business cards or hand-written cards on his or her person at the time of such law enforcement activity.

d. The department shall develop a plan to ensure that officers have an adequate number of business cards prior to engaging in any law enforcement activity and that such cards be replenished within 30 business days after such cards become unavailable. 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 such plan on the department's website to reflect such amendment and shall conspicuously note any amended language and the effective dates of such amended language.

e. An officer shall not be required to comply with this section where:

1. Such officer is engaged in an approved undercover activity or operation, and law enforcement activity is taken pursuant to such undercover activity or operation;

2. Exigent circumstances require immediate action by such officer;

3. Such officer reasonably expects that he or she or any other person is in danger of physical injury or that there is an imminent risk of damage to property, or to forestall the imminent escape of a suspect or imminent potential destruction of evidence;

4. Such officer is conducting a security search of a person or property, including a consent search or identification check where such search or identification check is predicated upon entrance to a public building or facility, location, event, or gathering, including random security checks of backpacks and containers conducted in facilities operated by the metropolitan transportation authority, provided, however, such officer shall be required to identify himself or herself and offer a business card when such information is requested by the person who is the subject of such search or identification check; or

5. Such officer is verifying the identity of a person seeking entry to an area access to which is restricted by the department due to a public health, public safety or security concern, such as a terrorist attack or natural disaster.

f. Any business cards used by an officer to identify himself or herself to a person who is the subject of law enforcement activity shall be pre-printed and include, at a minimum:

1. The name, rank, shield number, and a space to write in the command of such officer, which shall be indicated; and

2. A phone number for the 311 customer service center and an indication that such phone number may

be used to submit comments about the encounter between such officer and such person.

g. Nothing in this section or in the implementation thereof shall be construed to:

1. Restrict or limit any activity or proceeding regulated by the criminal procedure law or any other state law; or

2. Create a private right of action on the part of any persons or entity against the city of New York, the department, or any official or employee thereof.

§ 3 Severability. If any portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§ 4. This local law takes effect 9 months after it becomes law.

DA
Int. 801/2012
LS 118
12/11/2017 230p