



Legislation Text

File #: Int 1136-2018, **Version:** *

Int. No. 1136

By the Public Advocate (Mr. Williams) and Council Members Lander, Chin and Ampry-Samuel

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York City police department to issue public reports on the department's use of body-worn cameras

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-176 to read as follows:

§14-176. Body Worn Camera Reporting. a. Definition. Body-worn camera. The term "body-worn camera" means a video recording device that can be attached or affixed to a person's body, apparel or clothing.

Law enforcement activity. The term "law enforcement activity" means any of the following activities when conducted by an officer: (i) Noncustodial questioning of individuals suspected of criminal activity; (ii) 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; (iii) Frisks; (iv) Searches of persons or property, including vehicles; (v) 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; (vi) Home searches; (vii) Investigatory questioning of victims of or witnesses to crimes; (viii) Arrests; (ix) Issuance of a summons; and (x) Issuance of desk appearance tickets.

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.

Qualified incident. The term "qualified incident" means any law enforcement activity in which circumstances exist that, in accordance with department policy, an officer would be required to record such incident with a body-worn camera absent an otherwise established recording exemption.

b. By January 31, 2019, and no later than 30 days after the end of each quarter thereafter, the department shall submit to the speaker of the council, and make publicly available on the department's website, a report related to the department's use of body-worn cameras. All data shall be submitted in a machine readable format. Such report shall include but not be limited to:

1. the total number of officers equipped with body-worn cameras and the percentage of officers equipped with body-worn cameras, disaggregated by borough and police precinct;

2. the percentage of total law enforcement activities in which video was recorded by an officer's body-worn camera, disaggregated by category of law enforcement activity as defined in subdivision a of this section;

3. the percentage of total use of force incidents, required to be reported pursuant to section 14-158 of the administrative code, in which video was recorded by an officer's body-worn camera, disaggregated by use of force category; and

4. the percentage of total police-civilian encounters that resulted in a complaint being investigated by the department's internal affairs bureau in which video was recorded by an officer's body-worn camera; disaggregated by category of officer alleged misconduct.

c. By January 31, 2020, and no later than 30 days after the end of each calendar year, the department shall submit to the speaker and make publicly available on the department's website, in a machine readable format, data pertaining to each qualified incident that occurred during the prior calendar year, including the following information for each such qualified incident:

1. the date and time of the qualified incident;

2. the location of the qualified incident, including latitude and longitude if possible, but in all cases at least as specific as the nearest intersection;

3. the law enforcement activity that triggered the qualified incident;
 4. whether an officer at the scene of the qualified incident was equipped with a body-worn camera;
 5. whether images were recorded by an officer's body-worn camera and if not, the reason for failure to record;
 6. whether the body-worn camera failed to record audio or the audio recorded was unintelligible;
 7. whether the visual clarity of the recording from a body-worn camera was fully or partially compromised as a result of, but not limited to, an obstructed view or insufficient lighting;
 8. whether an officer informed the individual subject to the law enforcement activity that they were being recorded by body-worn camera;
 9. whether an officer disengaged the recording function of a body-worn camera prior to the culmination of such qualified incident or as otherwise required by department policy;
 10. whether an individual requested access to the recording pursuant to New York State's Freedom of Information Law;
 11. whether a use of force incident, required to be reported pursuant to section 14-158 of the administrative code, occurred during the qualified incident, and if so, what use of force category was involved;
 12. whether images recorded by an officer's body-worn camera were used as part of an investigation by the civilian complaint review board or the department's internal affairs bureau;
 13. the race of the individual subject to the law enforcement activity that triggered the qualified incident;
 14. the gender of the individual subject to the law enforcement activity that triggered the qualified incident; and
 15. the age of the individual subject to the law enforcement activity that triggered the qualified incident.
- §2. This local law takes effect 6 months after it becomes law.

JDK
LS #5599
9/4/18