



Legislation Text

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Int. No. 1522

By Council Members Gibson and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to requiring the civilian complaint review board to report information regarding complaints that officers failed to properly identify themselves or failed to obtain knowing and voluntary consent prior to conducting a search

Be it enacted by the Council as follows:

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

TITLE 14-A

CIVILIAN COMPLAINT REVIEW BOARD

CHAPTER 1

REPORTING

§ 14-5000. Definitions. As used in this title, the following terms have the following meanings:

Board. The term “board” means the civilian complaint review board as defined in chapter 18-A of the city charter.

Law enforcement activity. The term “law enforcement activity” has the same meaning as in section 14-174.

Officer. The term “officer” has the same meaning as in section 14-174.

Semi-annual report. The term “semi-annual report” means the report required by paragraph 6 of subdivision (c) of section 440 of the charter.

§ 14-5001. Required information on officer identification and consent searches. The semi-annual report

shall include, but need not be limited to, the following information:

a. The number of complaints alleging a violation of section 14-174, in total and:

1. Disaggregated by the number of such complaints that were decided on the merits, the number of such complaints that were substantiated, the number of such complaints that were exonerated, the number of such complaints that were unfounded, and the number of such complaints for which body camera footage recorded the interaction; and

2. Disaggregated by the violation type and further disaggregated by the number of such complaints that were decided on the merits, the number of such complaints that were substantiated, the number of such complaints that were exonerated, the number of such complaints that were unfounded, the number of complaints that were unsubstantiated, the number of complaints for which the officer could not be identified, and the number of such complaints for which body camera footage recorded the interaction.

For the purposes of this subdivision, the violation type shall include: an officer's failure to identify himself or herself to the person who is a subject of law enforcement activity; a failure to provide an explanation for the law enforcement activity; a failure to provide a business card or an alternative to a pre-printed business card pursuant to paragraphs (4) and (5) of subdivision 14-174 (b) to the subject of a law enforcement activity or in the case of a minor, to the parent, legal guardian, or responsible adult who is present with the minor subject.

b. The number of complaints alleging a violation of 14-173, in total and disaggregated by:

1. The number of such complaints that were decided on the merits, the number of such complaints that were substantiated, the number of such complaints that were exonerated, the number of such complaints the were unfounded, and the number of such complaints for which body camera footage recorded the request for consent and civilian response; and

2. The type of violation, and further disaggregated by the number of such complaints that were decided on the merits, the number of such complaints that were substantiated, the number of such complaints that were exonerated, the number of such complaints the were unfounded, the number of complaints that were

unsubstantiated, the number of complaints for which the officer could not be identified, and the number of such complaints for which body camera footage recorded the request for consent and civilian response. For the purposes of this subdivision, the violation type shall include but not be limited to: a failure of the officer to articulate that the person who is the subject of the search is being asked to voluntarily, knowingly and intelligently consent to such search; a failure of the officer to explain that a search will not be conducted if the person refuses to consent, a failure of the officer to use appropriate language services in order to obtain knowing, voluntary and intelligent consent; the use of threats or promises in order to obtain consent to search; conducting a search without obtaining consent; conducting a search after consent was refused.

§ 2. This local law takes effect immediately.

D.A.
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