



Legislation Text

File #: Int 0331-2002, **Version:** *

Int. No. 331

By Council Members Clarke, Barron, Boyland, Comrie, Foster, Jackson, Liu, Perkins, Reed, Sanders, Seabrook, Stewart, Vann, Gerson, Quinn and Brewer; also Council Members Baez and Koppell

A Local Law to amend the administrative code of the City of New York, in relation to staged “perp walks.”

Be it enacted by the Council as follows:

Section 1. **Legislative Findings and Intent.** In the recent decision of Lauro v. Charles, the Second Circuit Court of Appeals ruled that a staged “perp walk,” in which police take a suspect outside the station house, at the request of the press, for no reason other than to allow the suspect to be photographed, was a violation of the arrestee’s Fourth Amendment right against unreasonable search and seizure. Although the press has a legitimate and important First Amendment right to cover and report the news, the Police Department should not engage in practices that violate the privacy rights of arrestees and defendants. Recognizing that a proper balance must be struck between First and Fourth Amendment rights, this legislation bans the Police Department from engaging in staged “perp walks.”

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

§14-151 Staged “perp walks.”

The New York City Police Department shall be prohibited from conducting a staged “perp walk.” For purposes of this section, a staged “perp walk” is when a member of the department takes an arrestee, defendant or suspect from the police department facility, at the request of the media or the police department, for the sole purpose of allowing the arrestee, defendant or suspect to be photographed or filmed. Nothing herein shall

prevent the department in the normal course of performing its duties and responsibilities from transporting arrestees, defendants or suspects from a police facility.

§3. This local law shall take effect 60 days after its enactment.