Legislation Text

Int. No. 538

By Council Members Hudson, Hanif, Won, Avilés, Louis, Williams, Gutiérrez, Restler, Riley, Brooks-Powers, Sanchez, De La Rosa, Farías, Nurse, Narcisse, Ossé, Joseph, Richardson Jordan, Cabán, Menin, Bottcher, Krishnan, Abreu, Powers, Schulman, Feliz, Marte, Brewer and Barron (by request of the Brooklyn Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York police department to report on instances in which an individual denied an officer consent to a search

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision b of section 14-173 of the administrative code of the city of New York, as added by local law number 56 for the year 2018, is amended to read as follows:

2. Document the time, location, and date of any such attempt to obtain consent to search[,]; whether consent was sought to search a person, vehicle, home, property, or to collect a forensic sample to be used to test a person's DNA; whether the officer attempted to obtain consent to search from a person with limited English proficiency, and whether the officer utilized interpretation services and, if so, the type of interpretation services utilized, including but not limited to the use of language line services, a certified interpreter pursuant to the language initiative program, or other interpretation service authorized pursuant to the department's language access plan; and the apparent race/ethnicity, gender, and age of the person [who was the subject of such search] from whom consent was sought, and such officer's name, precinct, and shield number.

§ 2. Subdivision e of section 14-173 of the administrative code of the city of New York, as added by local law number 56 for the year 2018, is amended to read as follows:

e. Commencing within 30 days of the end of the quarter beginning on October 1, 2018, and within 30 days of the end of every quarter thereafter, the department shall post on its website a report of data from the

preceding quarter collected pursuant to paragraph 2 of subdivision b, [specifically the] including, but not limited to:

1. The total number of consent searches conducted [during the preceding quarter] disaggregated by:

[the:

1. Apparent] (a) The apparent race/ethnicity, gender, and age of the person searched; and

[2. Precinct] (b) The precinct where each search occurred, and further disaggregated by:

(i) the apparent race/ethnicity, gender, and age of the person searched[.];

(ii) whether consent was given to search a person, vehicle, home, or to collect a forensic sample to be used to test a person's DNA;

(iii) whether the person searched was a person with limited English proficiency; and

(iv) whether the officer utilized interpretation services to obtain consent, further disaggregated by the type of interpretation service utilized.

2. The total number of instances where an officer sought to obtain consent to search but did not obtain such consent disaggregated by:

(a) The apparent race/ethnicity, gender, and age of the person from whom such consent was sought; and

(b) The precinct where each such attempt to obtain consent to search occurred, and further disaggregated by:

(i) the apparent race/ethnicity, gender, and age of the person from whom such consent was sought;

(ii) whether consent was sought to search a person, vehicle, home, or to collect a forensic sample to be used to test a person's DNA;

(iii) whether the person from whom consent was sought was a person with limited English proficiency; and

(iv) whether the officer utilized interpretation services in seeking to obtain consent, further disaggregated by the type of interpretation service utilized, including but not limited to the use of language line

services, a certified interpreter pursuant to the language initiative program, or other interpretation service authorized pursuant to the department's language access plan.

§ 3. This local law takes effect 120 days after it becomes law.

Session 12:
JDK
LS 8407
6/10/2022

Session 11:
AM
LS #9638
Int 1551-2019