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Int. No. 460

By Council Members Stevens, Cabán, Riley, Salaam, Hankerson, the Public Advocate (Mr. Williams) and Council Members Louis, Marte, Krishnan, J. Sanchez, Avilés, Williams, Won, Banks, De La Rosa, Gutiérrez, Nurse, Hudson, Hanif, Joseph, Farías, Epstein, Restler, Ossé, Encarnación and Santosuosso

A Local Law to amend the administrative code of the city of New York, in relation to abolishing the criminal group database and prohibiting the establishment of a successor database

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 14-193 to read as follows:

§ 14-193 Criminal group database prohibited. a. Definitions. For purposes of this section, the following terms have the following meanings:

Criminal group database. The term "criminal group database" means the database utilized by the department to centralize and consolidate criminal group related intelligence and as further described in the department's proposed surveillance impact and use policy for such criminal group database, posted online pursuant to subdivision c of section 14-188 on January 11, 2021, requiring a surveillance technology impact and use policy for existing surveillance technology.

Inspector general for the police department. The term "inspector general for the police department" means the individual responsible for implementing the duties set forth in paragraph 1 of subdivision c of section 803 of the New York city charter.

b. The criminal group database shall be abolished pursuant to this section and no agency shall establish a successor database that has the same or substantially similar features.

c. No later than 2 years after the effective date of the local law that added this section, the commissioner

shall abolish the criminal group database and shall destroy all information contained therein.

d. No later than 10 days after the effective date of the local law that added this section, the commissioner shall notify each agency of the federal or state government with which the commissioner has entered an agreement regarding the collection or sharing of information contained in the criminal group database of the provisions of this section, and shall request the destruction by any agency of the federal or state government of information contained in the criminal group database that was provided to such agency.

e. Prior to the abolishment of the criminal group database pursuant to subdivision c of this section, no employee shall access or use such database for any purpose except to carry out the provisions of this section or to process a request for access to information contained in such database pursuant to the state freedom of information law or any other law entitling access to information contained in such database. Any employee who violates this subdivision shall be subject to a civil penalty no less than $500 for the first violation and no less than $1,000 for any subsequent violation.

f. No later than 10 days after the effective date of the local law that added this section, the commissioner shall transfer all records that comprise the criminal group database to the custody of the inspector general for the police department. No employee of the department shall access any such records for any purpose after such transfer of records is complete.

g. 1. No later than 180 days after the effective date of the local law that added this section, the inspector general for the police department shall issue notice by mail to each person whose name is or has been included in the criminal group database.

2. Such notice shall:

(a) Contain a description of the criminal group database, including an explanation of why it was created, how it was used and the potential consequences of being named in such database;

(b) Inform the intended recipient that their name appears in the criminal group database;

(c) Reference this section, and provide a plain explanation of the forthcoming abolishment of the

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criminal group database, including the date on which such information contained therein shall be destroyed pursuant to this section; and

(d) Provide information regarding how the intended recipient may submit a request, pursuant to the state freedom of information law, to access additional information regarding such person's inclusion in the criminal group database.

h. No later than 180 days after the effective date of the local law that added this section, the inspector general for the police department shall carry out a public awareness campaign for the purpose of informing the public that the criminal group database shall be abolished and that requests for records contained therein may be submitted pursuant to the state freedom of information law, prior to the destruction of such records pursuant to this section.

i. Any person aggrieved by an employee's violation of this section shall have a cause of action against such employee in any court of competent jurisdiction for any or all of the following relief:

1. Compensatory and punitive damages;

2. Injunctive and declaratory relief;

3. Attorneys' fees and costs; and

4. Such other relief as a court may deem appropriate.

j. The inspector general for the police department shall enforce the provisions of this section and, no later than January 1 of each year, shall submit a report to the mayor and the speaker of the council, and post such report on the inspector general's website, that contains a summary of the inspector general's efforts in the prior calendar year to carry out the inspector general's duties pursuant to this section, including details of the inspector general's oversight and enforcement of this section.

§ 2. This local law takes effect immediately.

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