



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N. Y. 10007

RECEIVED-MANHATTAN  
OFFICE OF THE CITY CLERK

2024 JAN 19 A 10:38

January 19, 2024

Michael McSweeney  
City Clerk of the Council  
141 Worth Street  
New York, NY 10013

Dear Mr. McSweeney:

Transmitted herewith is the bill disapproved by the Mayor. The bill is as follows:

**Int. 586-A** - A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on police-civilian investigative encounters.

Sincerely,

Connor Martinez  
Director of City Legislative Affairs

cc: Honorable Adrienne E. Adams



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Hon. Michael McSweeney  
City Clerk and Clerk of the Council  
141 Worth Street  
New York, NY 10013

Dear Mr. McSweeney,

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory Number 586-A, which amends the New York City Administrative Code in relation to requiring the police department to report on police-civilian investigative encounters.

Introductory Number 586-A would add a new section to the Administrative Code to require the New York Police Department (NYPD) to report the number of level one, level two and level three investigative encounters between police officers and civilians and information about each such encounter on a quarterly basis.

My Administration shares the City Council's interest in police transparency and accountability. Transparency and accountability build trust between police officers and the communities they serve, and lead to safer, fairer and more effective policing. It is in this spirit that the NYPD reports data regarding its administration and operations to the City Council, all of which is publicly available. At present, this data includes detailed information regarding level three encounters between police officers and civilians. Because level two encounters, similar to level three encounters, require suspicion of criminal activity, we have no objection to the requirement in Introductory Number 586-A to report data regarding level two encounters to the public.

The nature of a level one encounter, however, is very different from the nature of a level two or three encounter. While a level two or level three encounter requires suspicion by the officer of criminal activity by the member of the public involved in the encounter, a level one encounter does not require any suspicion of criminal activity. To the contrary, a level one encounter involves an officer requesting information from a member of the public based on any objective credible reason. They are used by officers in order to speak with potential victims, witnesses, and those

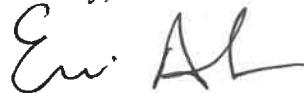
who may be in need of assistance. Officers engage in level one encounters when seeking information from local shop owners and residents regarding criminal activity in the neighborhood or when pursuing leads relating to a search for a missing child. A level one encounter would also be used to offer assistance to someone who appears to be in distress. Police officers engage in thousands of level one encounters each day, and millions each year. These encounters with potential witnesses and victims are the bedrock of community policing and are necessary to keep residents and visitors to the City safe.

To comply with the reporting requirements imposed by Introductory Number 586-A, NYPD officers would be required to document detailed information about each level one encounter. The time needed to document each such encounter would be substantial, and in the aggregate, would detract from officers' abilities to engage in law enforcement. The documentation that officers would be required to do for millions of encounters, in situations that are fluid, informal, and fast-moving, would slow down police officers, inevitably compromising public safety.

My Administration has sought to balance the need for transparency regarding City operations in general, and law enforcement activities in particular, against our obligation to create a safe and secure City for all residents, commuters and visitors. We cannot sacrifice the latter goal in furtherance of the former goal.

Accordingly, I hereby disapprove Introductory Number 586-A.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Adams". The signature is written in a cursive, flowing style.

Eric Adams  
Mayor

Cc: Hon. Adrienne Adams

Int. No. 586-A

By the Public Advocate (Mr. Williams) and Council Members Avilés, Cabán, Louis, Hanif, Joseph, Nurse, Gutiérrez, Hudson, Sanchez, De La Rosa, Fariás, Restler, Won, Brooks-Powers, Ossé, Richardson Jordan, Menin, Krishnan, Abreu, Brewer, Barron, Riley, Rivera, Feliz, Marte, Williams, Ayala, Stevens and The Speaker (Council Member Adams) (in conjunction with the Brooklyn Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on police-civilian investigative encounters

Be it enacted by the Council as follows:

1           Section 1. Chapter 1 of title 14 of the administrative code of the city of New York, is  
2 amended by adding a new section 14-196 to read as follows:

3           § 14-196 Report on investigative encounters.

4           a. Definitions. For purposes of this section, the following terms have the following  
5 meanings:

6           Investigative encounter. The term “investigative encounter” means an interaction between  
7 a member of the department and a member of the public for a law enforcement or investigative  
8 purpose. The term does not include a casual conversation or interaction between a member of the  
9 department and a member of the public unless such conversation or interaction is based on or, in  
10 the course of such conversation or interaction, an officer develops: an objective credible reason to  
11 approach; a founded suspicion that such member of the public has engaged in or will engage in  
12 criminal activity; a reasonable suspicion that such member of the public has committed, is  
13 committing, or is about to commit a crime; or a reasonable cause to believe that an offense is being  
14 or has been committed.

15           Level I encounter. The term “level I encounter” means an investigative encounter in which  
16 a member of the department requests information from a member of the public based on an

1 objective credible reason for such encounter, and need not necessarily require any suspicion of  
2 criminal activity.

3 Level II encounter. The term “level II encounter” means an investigative encounter in  
4 which a member of the department requests information from a member of the public based on a  
5 founded suspicion that such member of the public has engaged in or will engage in criminal  
6 activity, and during which a reasonable person would feel free to leave.

7 Level III encounter. The term “level III encounter” means an investigative encounter in  
8 which a member of the department requests information from a member of the public based on a  
9 reasonable suspicion that such member of the public has committed, is committing, or is about to  
10 commit a crime, and during which a reasonable person would not feel free to leave.

11 Use of force incident. The term “use of force incident” has the same meaning as set forth  
12 in subdivision a of section 14-158.

13 b. Within 30 days of the quarter ending September 30, 2024, and thereafter within 30 days  
14 of the end of each quarter, the department shall submit to the mayor, the public advocate and the  
15 speaker of the council and post on its website a report for the previous quarter regarding  
16 investigative encounters conducted by the department. Such report shall include, but need not be  
17 limited to, the following:

18 1. The total number of level I encounters;

19 2. The total number of level II encounters;

20 3. The total number of level III encounters.

21 c. The information required pursuant to subdivision b of this section shall be disaggregated  
22 by the precinct in which such encounter occurred, and further disaggregated by each of the  
23 following:

# DISAPPROVED

ON THE 19 DAY OF January 2024

[Signature] MAYOR

1 1. The apparent race/ethnicity, gender, and age of the member of the public involved in the  
2 investigative encounter;

3 2. The reason for the investigative encounter, including the conduct or offense or other  
4 circumstances that formed the basis for the investigative encounter;

5 3. Whether the investigative encounter was based on observations made by a member of  
6 the department, a response to a dispatch from a police radio, information provided by a witness,  
7 or on another basis;

8 4. Whether a criminal or civil summons was issued to the member of the public involved  
9 in the investigative encounter, or whether an arrest of such person was made;

10 5. Whether a use of force incident involving such member of the public occurred during  
11 such encounter; and

12 6. Whether a level III encounter with such member of the public began as a level I or level  
13 II encounter, and whether a level II encounter with such member of the public began as a level I  
14 encounter.

15 d. The information required pursuant to this section shall be stored permanently and shall  
16 be accessible from the department’s website. The information shall be provided in a format that  
17 permits automated processing. Each report shall include a comparison of the current reporting  
18 period to the prior four reporting periods, where such information is available.

19 § 2. This local law takes effect immediately.

**I hereby certify that the above bill was passed by the Council of the City of  
New York on Wednesday, December 20, 2023  
receiving the following votes:**

Session 12  
NAB, JW  
LS #2190  
11/28/23

**35**  
**Affirmative**.....  
**9**  
**Negative**.....  
**3**  
**Abstentions**.....

Session 11

[Signature]  
**Michael M. McSweeney, City Clerk, Clerk of the Council.**