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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, Farías, 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:

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

§ 14-196 Report on investigative encounters.

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

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

Level I encounter. The term "level I encounter" means an investigative encounter in which a member of the department requests information from a member of the public based on an objective credible reason for

such encounter, and need not necessarily require any suspicion of criminal activity.

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

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

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

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

1. The total number of level I encounters;

2. The total number of level II encounters;

3. The total number of level III encounters.

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

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

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

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

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

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

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

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

§ 2. This local law takes effect immediately.

Session 12
NAB, JW
LS #2190
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LS 9689
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