



Legislation Text

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Int. No. 538-A

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, Barron, Stevens, Rivera, The Speaker (Council Member Adams) and the Public Advocate (Mr. Williams) (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 request for consent to search[,]; whether consent was sought to search a person, including to collect a forensic sample to be used to test a person's DNA, vehicle, home, or property; whether such consent was sought 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 to search 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 July 1, [2018] 2024, and within 30 days of the end of every quarter thereafter, the department shall post on its website a report of data collected

from the preceding quarter 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.] (a) Apparent race/ethnicity, gender, and age of the person [searched] from whom consent to search was sought; and

[2.] (b) Precinct where each search occurred[, and];

2. The total number of requests by an officer for consent to search where such consent was denied during the preceding quarter, disaggregated by the:

(a) Apparent race/ethnicity, gender, and age of the person from whom consent to search was sought;

(b) Precinct where each request to search was made;

3. The information required by subparagraph (b) of paragraph 1 of this subdivision, further disaggregated by [the]:

(a) The apparent race/ethnicity, gender, and age of the person [searched] from whom consent to search was sought;

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

(c) Whether the person from whom consent to search was sought was a person with limited English proficiency; and

(d) Whether the officer utilized interpretation services to obtain consent, further disaggregated by the type of interpretation service utilized; and

4. The information required by subparagraph (b) of paragraph 2 of this subdivision, further disaggregated by:

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

(b) Whether consent was sought to search a person, vehicle, home or property or to collect a forensic

sample to be used to test a person's DNA;

(c) Whether the person from whom consent to search was sought was a person with limited English proficiency; and

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

§ 3. This local law takes effect July 1, 2024.

Session 12:

JDK, JW

LS 8407

12/7/23

Session 11:

AM

LS #9638

Int 1551-2019