



Legislation Text

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Int. No. 796

By Council Members Ossé, Stevens, Hudson, Cabán, De La Rosa, Hanif, Marte, Avilés, Nurse, Joseph, Gutiérrez, Fariás, P. Sanchez, Brooks-Powers, J. Sanchez, Thomas-Henry Restler, Won, Epstein, Hankerson, Salaam, Riley, Louis and the Public Advocate (Mr. Williams) (in conjunction with the Brooklyn Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to regulating the police department's response to first amendment events

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 14-198 to read as follows:

§ 14-198. Police department crowd control and management activities.

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

First Amendment event. The term "first amendment event" means any protest, parade, demonstration, political rally, or any other public gathering at which individuals are expressing their rights under the First Amendment to the United States Constitution and Article I, Section 8 of the New York State Constitution.

Crowd Control. The term "crowd control" means any operational procedure or tactic utilized by the department in which large or dense crowds of people are managed in order to prevent dangerous overcrowding, or the outbreak of crowd crushes, stampedes, disorderly behavior, or riots.

Strategic Response Group. The term "strategic response group" means the unit currently named the Strategic Response Group upon the effective date of this section, which includes the Crowd Management Unit, and whatever name such group or unit may bear in the future, as well as any unit or organizational component of the department that now or in the future holds similar responsibilities for crowd management or disorder

control.

b. The department shall not deploy officers assigned to the strategic response group in response to any first amendment event or for the purpose of conducting crowd control.

c. The department shall not engage in any of the following activities when responding to first amendment events or for the purpose of conducting crowd control:

1. The use of kettling, which includes any and all operational procedures or tactics, to conduct crowd control, prevent disorderly conduct, or effectuate mass arrests and detentions, in which officers physically surround, encircle, or otherwise contain members of the public, removing meaningful routes of egress from crowded locations;

2. The use of bicycles against members of the public for crowd control or as instruments to push against or strike any person;

3. The use of tear gas;

4. The use of pepper spray for crowd control; or

5. The use of any long range acoustic device or of any high powered sound magnifier at over 90 decibels.

d. Beginning July 1, 2025, and quarterly thereafter, the department shall submit to the mayor, the public advocate, and speaker of the council, and shall post on its website, a report on officer deployments in response to first amendment events. Such report shall include, but not be limited to, a listing of each first amendment event at which officers were deployed during the prior quarter, and for each such event shall include the following information:

1. The date and time such event occurred;

2. The patrol precinct or precincts in which such event occurred;

3. The number of officers deployed to such event, disaggregated by officer rank, and the precinct and command from which such officers were deployed;

4. The department's justification for the deployment of officers at such event;
5. The number of summonses issued in connection with such event, disaggregated by the highest offense charged for each such summons;
6. The number of arrests made, in connection with such event disaggregated by the highest offense charged for each such arrest;
7. The number of use of force incidents, as defined in section 14-158 of this code, that occurred at such event disaggregated by the type of force used; and
8. The number of public complaints received by the department regarding officer conduct at such event , disaggregated by the category of misconduct alleged and the outcome of any related disciplinary investigation or proceedings, provided that updated information on disciplinary outcomes shall be reported in the quarterly report immediately following the closing or resolution of any such investigation or proceeding.

e. Severability. If any section, subsection, sentence, clause, phrase, or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§ 2. This local law takes effect immediately.

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