

SUPPORT THE RIGHT TO KNOW ACT

**PREVENT DISCRIMINATORY & ABUSIVE POLICING
AND IMPROVE COMMUNICATION & ACCOUNTABILITY BETWEEN NYPD AND NEW YORKERS**

(Updated as of 11/17/14)

The excessive and abusive use of stop-and-frisk in New York City for more than a decade uncovered serious violations of New Yorkers' fundamental rights. The close scrutiny of stop-and-frisk abuses also revealed other daily police practices that lack transparency and undermine trust in the NYPD, including unconstitutional searches of New Yorkers and the common failure of officers to identify themselves to members of the public during routine activities. The **Right To Know Act** is a legislative package that aims to protect the civil and human rights of New Yorkers while promoting communication, transparency and accountability in everyday interactions between the NYPD and the public. New Yorkers want to live in a safe city where the police treat all residents with dignity and respect, and where police are not considered to be above the law. The **Right To Know Act** includes the following legislation:

Intro 182 – Requiring NYPD officers to identify themselves

New Yorkers should have the right to know the identity of police officers that interact with them, and the reason for law enforcement activity that prompts those interactions. Intro 182 would:

- Require officers to identify themselves and provide the officer's name, rank, command and a phone number for the Civilian Complaint Review Board at the end of police encounters that do not result in an arrest or summons.
- Require officers to provide the specific reason for their law enforcement activity (e.g. vehicle search, stop-and-frisk)

All too often, New Yorkers have no idea why they're being questioned, stopped or searched by a police officer. NYPD policy already requires that officers provide their name, rank, shield number and command when asked. However, in many instances, officers do not identify themselves to members of the public and many individuals report fear of asking for the identity of an officer for fear of retaliation. Research suggests that in the absence of anonymity, officers are less likely to engage in abusive or discourteous behavior. New Yorkers should have the right to know the identity of police officers that interact with them.

Similar laws exist in other jurisdictions and the U.S. Department of Justice has made adoption of similar policies a requirement in consent decrees entered into with the City of New Orleans and the Puerto Rico Police Department.

Intro 541 - Protecting New Yorkers against unconstitutional searches

New Yorkers should have the right to know that under the US constitution, searches without any legal basis (such as probable cause or a warrant) do not have to be agreed to, and they should have the assurance that this right will be respected and upheld by police. Intro 541 would:

- End the practice of the NYPD deceiving New Yorkers into consenting to unnecessary and unjustified searches
- Require officers to explain that a person has the right to refuse a search when there is no legal justification for a search
- Require officers to obtain objective proof that an individual gave informed and voluntary consent to a search, when there is no legal justification for the search

NYPD officers routinely conduct searches without legal justification other than an individual's assumed "consent". Too often, that is achieved by misleading New Yorkers into giving "consent" by simply ordering them to empty their pockets or open up their bags, without informing them that they do not have to agree. Most New Yorkers are unaware that they have the right to refuse such "consent" searches when the officer has no warrant, probable cause to believe they committed a crime, or other legal justification. The rights of New Yorkers to provide informed and voluntary consent to searches, and to decline such consent when there is no legal justification, should be protected.

Similar laws exist in other jurisdictions and the U.S. Department of Justice has made adoption of similar policies a requirement in consent decrees entered into with the City of New Orleans and the Puerto Rico Police Department. Some states have banned consent searches altogether due to their racially discriminatory impact.