



What is the Right to Know Act?

Frequently Asked Questions

October 16, 2018

Right to Know Act overview

The Right to Know Act, in effect as of October 19, 2018, is made up of two components. The first outlines New York City Police Department (NYPD) officers' obligation to identify themselves, including by providing their name, rank, command, and shield number to civilians at the beginning of certain interactions. The law also requires officers to have business cards that contain this information. These business cards direct civilians to where they can comment or complain about an encounter with an officer and where they may request any body-worn camera footage of their interaction. Under the Right to Know Act, civilians may always ask an officer for this business card but officers are only required to offer the card in certain circumstances, such as during a frisk, searches of your person, property, vehicle, or home, or at sobriety checkpoints.

The second component of the law addresses situations in which officers seek to perform a search and do not have legal justification to do so without a person's consent. In these circumstances, the Right to Know Act requires that officers explain that searches will not be conducted if a person refuses to provide consent to the search. In addition, the law requires officers to document these requests. As is required in all encounters, including when seeking consent for a search, officers are instructed to use language interpretation services pursuant to the NYPD's language access plan prior to the search. This can include the use of bilingual officers and telephonic interpretation.

How will my encounters with the NYPD change?

Self-Identification and Business Cards: During many encounters, including Level 2 and Level 3 stops (see below), frisks, searches, some roadblock and checkpoint stops, home searches, and investigatory questioning of victims and witnesses, officers should identify themselves; explain the purpose of the interaction; and at the end offer you a business card.

Consent Searches: If an officer is seeking consent to search your person, property, vehicle, or home, officers must ask whether they can perform a search and inform you that they may only conduct a search if the person consents. Officers who are equipped with a body-worn camera must record the search on their camera and otherwise document the request for consent.

You may request documentation of your encounter, including video footage if the officer was wearing a body-worn camera at nyc.gov/police-encounters.

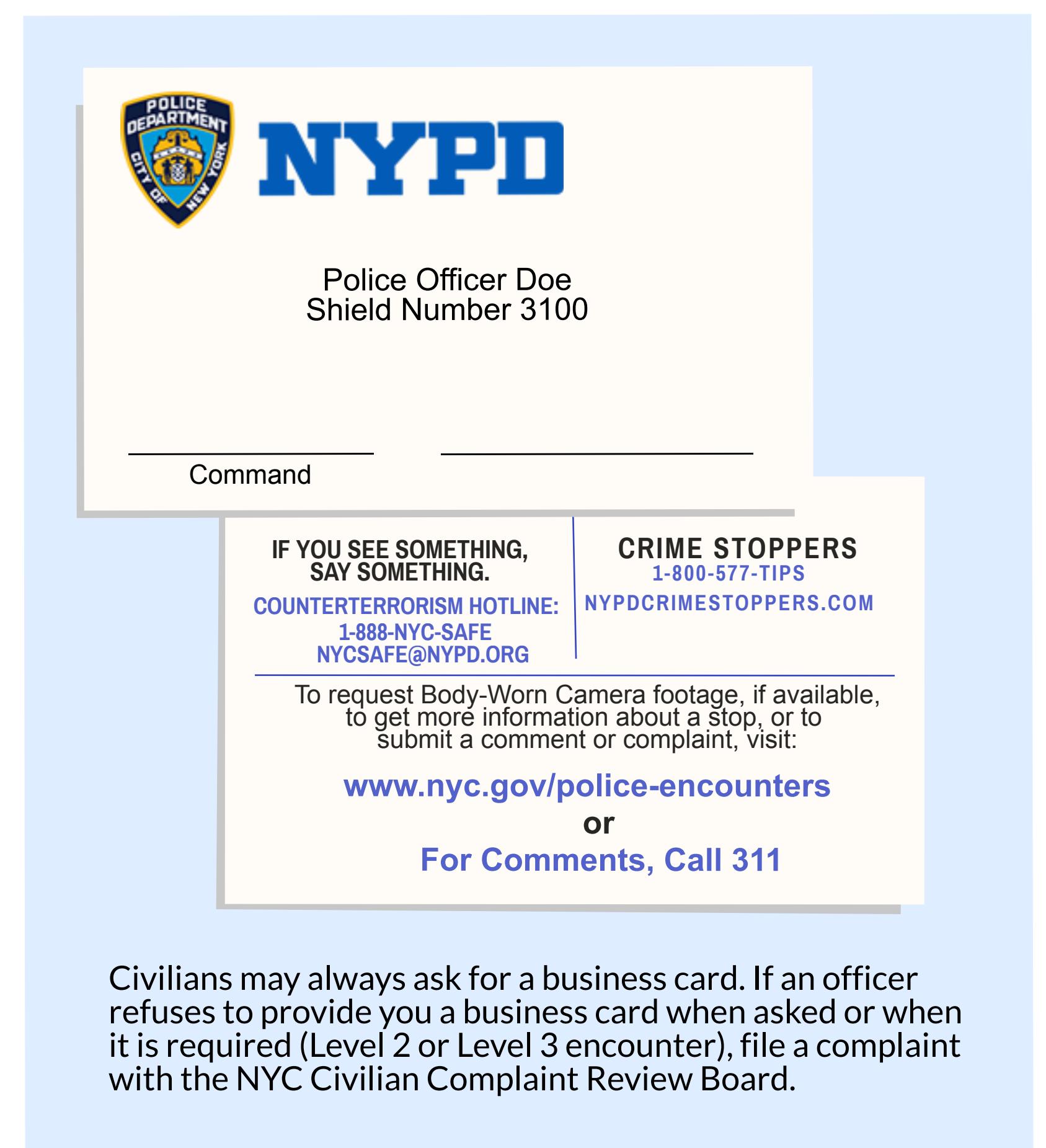
What are my rights?

Level 1 - Request for Information: If an officer has an objective credible basis to approach you, the officer may ask for information (e.g., "Where are you going?" "Where are you coming from?" "Where do you live?") or request your identification. The officer may not restrict your freedom of movement, detain, search or frisk you. You are free to leave. If you are not sure if you are being detained, you may ask, "Am I free to leave?"

- ✓ The officer does not have to tell you why you are being asked information.
- ✓ The officer does not have to offer you a business card. However, you have a right to request a business card.

Level 2 - Common Law Right of Inquiry: If an officer has a founded suspicion of criminal activity happening, the officer may ask accusatory questions (e.g., "Do you have anything on you?" "Are there any weapons in here?" "Did you just buy drugs?") and may seek consent to search. The officer is not permitted to restrict your freedom of movement. You are free to walk away. If you are not sure if you are being detained, you may ask, "Am I free to leave?"

- ✓ New: Officers should identify themselves and give an explanation for the encounter.
- ✓ New: Officers must inform you that they may only conduct a search if you consent to the search of your person, property, vehicle, or home.
- ✓ New: Officers should offer you a business card at the end of the encounter with their name and shield number on it.



Level 3 - Reasonable Suspicion to Stop: If an officer has reasonable suspicion that you have committed, are committing, or are about to commit a crime the officer can restrict your freedom of movement, detain, and pursue you. You are not free to leave. If the officer believes you are armed, the officer may frisk you, and potentially search you.

- ✓ New: Officers should identify themselves and give an explanation for the encounter.
- ✓ New: Even if your freedom of movement is restricted, there are situations in which officers may only search you, your property, vehicle, or home if you consent to be searched. In those situations, officers must inform you that they may only search you if you consent. Officers do not need your permission to frisk you if they have reasonable suspicion that you are armed and dangerous.
- ✓ New: Officers should offer you a business card at the end of the encounter with their name and shield number on it.

I am not sure whether an officer violated the Right to Know Act. What should I do?

Contact the NYC Civilian Complaint Review Board (CCRB) or file a complaint at nyc.gov/ccrbcomplaint. Our investigators will review your incident and evaluate any allegations regarding the Right to Know Act along with other allegations of misconduct within our jurisdiction. The CCRB investigates, mediates, and prosecutes civilians' complaints of misconduct alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, and offensive language.

How do I file a complaint if an officer violated the Right to Know Act?

If you feel that your encounter with an NYPD officer did not follow these guidelines, file a complaint with the NYC Civilian Complaint Review Board. You can file a complaint online at nyc.gov/ccrbcomplaint, by phone at **1-800-341-2272**, or at our office at 100 Church St., 10th Fl., New York, NY 10007. There are more ways to file a complaint at nyc.gov/ccrbcomplaint.