

How Many Stops Act Fact Sheet

What is the How Many Stops Act? The How Many Stops Act consists of two common sense, good government bills, [Intro. 586](#) (sponsored by Public Advocate Jumaane Williams and Councilmember Alexa Aviles) and [Intro. 538](#) (sponsored by Councilmember Crystal Hudson), which will bring critical and urgent transparency to the NYPD's daily activities in New York City communities. This data collected via these two bills is crucial for completing the picture of what policing really looks like in our City.

The City Council must immediately pass the How Many Stops Act to require a comprehensive accounting of all NYPD stops and consent searches in our communities and protect and fulfill the hard won Right to Know Act.

Intro. 586: Reporting on All NYPD Stops and Investigative Encounters

At the height of the NYPD's stop-and-frisk abuses, the NYPD stopped hundreds of thousands of New Yorkers each year – overwhelmingly Black and Latinx people who had not committed any crime. Although the numbers of reported stops have come down since then, the NYPD continues to stop thousands of New Yorkers, and racial disparities have worsened, with Black and Latinx New Yorkers making up 91% of reported stops as of 2020. As important as the officially reported stop data has been to understanding and challenging the ways that the NYPD targets communities of color, there has always been an obvious problem: ***the data is incomplete.***

Right now, the NYPD is only required to report on so-called “level 3” or “reasonable suspicion” stops. These are stops where an officer has legal authority to detain someone and prevent them from leaving. But there are two other “lower” levels of police encounters that go completely unreported. Under New York law, police can approach people to request information – like their identification and where they're going – as long as they have an “objective credible reason” for doing so (level 1), and they can ask people more pointed and accusatory questions – and can even ask them to consent to a search – based on a “founded suspicion” that criminal activity is afoot (level 2). While these are all different legal standards, the reality on the ground for many New Yorkers is that the actual experience of being approached and questioned by an officer is frightening, disruptive and indistinguishable from the experience of a level 3 stop. The risk of racial profiling and police harassment is no less real in these “lower” level encounters. On the contrary, the fact that these encounters currently go unreported makes police abuse in these interactions even easier for the NYPD to hide. **It is essential that the NYPD is mandated to report information on *every* encounter, so that New Yorkers have a full comprehensive accounting of all NYPD stops in our communities.**

Intro. 586 will fill the existing gaps in this data by requiring the NYPD to report on all levels of police stops and encounters, including where they happen, demographic information on the person stopped, the reason for the encounter, and whether the encounter leads to any use of force or enforcement action.

Intro 538: Reporting on all police consent searches

In December 2017, the New York City Council passed the Right to Know Act in order to bring more transparency and accountability to some of the most common encounters between NYPD officers and New Yorkers. A key provision of the Right to Know Act requires officers to ask for a person's knowing and voluntary consent to a search – and to let them know that they have the right to refuse – if the officer has no other legal justification for that search. The law requires that officers convey this information in a language

that the person actually understands, and it applies to *all* consent searches, whether it's a search of the person themselves or of their property, home, or vehicle.

The law also requires that the NYPD report on the number of consent searches that actually happen, including demographic information on the people searched. When it became law, the Mayor and the NYPD agreed to report on even more information, including data on the total number of *requests* for consent to search, including those requests that were refused. This additional data is essential for understanding the full extent of consent searches in New York City, but without an explicit statutory requirement to provide it, the availability of this data hinges on the NYPD's willingness to voluntarily report it.

Beyond codifying the NYPD's promise of greater transparency, Intro. 538 will also provide the public with even more insight into how these searches impact New Yorkers. The legislation will ensure that officers are documenting their use of interpretation services when seeking consent to search from people with limited English proficiency, a critical component of the original Right to Know Act meant to ensure that any consent given is truly meaningful. It would also, for the first time, require that the NYPD report on any consent search requests for sensitive genetic information, like saliva swabs to collect DNA samples. We know that the NYPD has engaged in DNA dragnets targeting Black and Latinx communities. Intro. 538 will expose whether or not the NYPD is following the law established by the Right to Know Act by informing people of their right to refuse requests for DNA samples.

Intro. 538 will provide New Yorkers will a full picture of the NYPD's use of consent searches in our communities and shed light on whether or not the NYPD is adhering to Right to Know Act requirements by:

- Guaranteeing that the NYPD cannot go back on its promise to report on declined searches by explicitly codifying a requirement for the NYPD to report data on all requests for consent to search, including all requests for consent that are refused and all consent searches that actually take place.
- Requiring the NYPD to report on officers' use of consent searches to collect DNA information from New Yorkers.
- Requiring the NYPD to report on its officers' use of interpretation services when seeking consent to search from people with limited English proficiency.

The City Council must immediately pass the How Many Stops Act to require a comprehensive accounting of all NYPD stops and consent searches in our communities and protect and fulfill the hard won Right to Know Act.