

# FACT SHEET: THE RIGHT TO KNOW ACT

 The **Right to Know Act** aims to deter NYPD abuse, help prevent unnecessary police encounters and requires that the NYPD be more transparent when interacting with the public. The Right to Know Act consists of two laws (in effect as of **October 19, 2018**):

## Consent to Search law

When NYPD officers have no legal justification to search you, your vehicle or your home, they should not search you unless they get your “voluntary, knowing and intelligent” consent. This means that in these situations, officers should not search you unless:

- The officers asks for your consent.
- The officer informs you that a search won't be conducted without your consent & checks to make sure you understand.
- You give your consent.

If your use of English is limited, the officer should use appropriate interpretation services.

If they record your consent or non-consent with a body camera, they should provide you with information on how to obtain a copy of the recording. You can request a copy of the officer recording the “consent” search by going here: <http://bit.ly/BWCfoil>.

If an officer searches you – even without consent – or they ask to search you and you say no, they should provide you with their business card unless they give you a summons or arrest you.



Even if you are not asked for consent, you can always calmly say: “I do not consent to this search” to make clear that if there is no legal justification, you're not implicitly giving your consent. This can help your legal defense, if needed.

## NYPD ID law

that was passed has **major loopholes** but requires that in certain situations officers should:

- Tell you their name, rank, command and the reason they are interrupting your day.
- At the end of those interactions, if they have not given you a summons or arrested you, they should give you a business card that has their name, rank, and badge number, and their command.

During the following interactions, officers must identify themselves, the reason for the interaction, and give you a business card without you having to ask for it:

- If they suspect you are involved in criminal activity, including if you are stopped.
- If they frisk or search you (including your home, vehicle or possessions).
- Most roadblocks and check point stops.
- If you are being questioned as a survivor, or as a witness to a crime.

In other interactions officers don't have to offer a card to you, but they are required to provide you with one if you ask – unless there are exigent circumstances.



You can always ask “Am I free to leave?” If you are not being detained or “stopped”, the officer should tell you that you're free to go.