

**LOCAL LAW AMENDING CHAPTER 7
OF THE CITY OF POUGHKEEPSIE CODE OF ORDINANCES
ENTITLED “CITY OFFICERS AND EMPLOYEES” IN COORDINATION WITH THE
RIGHT TO KNOW ACT.**

(L20-02)

**INTRODUCED BY CHAIR SALEM, COUNCILMEMBERS PETSAS, MENIST,
LORRAINE JOHNSON, BRANNEN, FLOWERS, CHERRY:**

BE IT ENACTED, by the Common Council of the City of Poughkeepsie as follows:

Section 1. DECLARATION OF LEGISLATIVE INTENT AND FINDINGS

It is the intent of this Local Law to amend Chapter 7 of the City of Poughkeepsie Code of Ordinances entitled “Officers and Employees” and to add Article VIII entitled “Police Department.” The Council finds that the people of the City of Poughkeepsie are in great debt to the hard work and dedication of police officers in their daily duties. The Council further finds that mistrust of law enforcement officers based on real or perceived discrimination hinders law enforcement efforts and is a threat to public safety. In adopting this law, it is the intent of the Council to increase transparency in police practices and to continue to build trust between police officers and members of the public by providing the public with information on the names of officers with whom they interact, a notice of the reasons behind their encounters with the police, and a written record of their interactions with the police in situations that do not result in an arrest, summons, or ticket. The proposed amendments reflect desired changes to policies related to police identification.

Section 2. AUTHORITY

This local law is adopted pursuant to provisions of the Municipal Home Rule Law and § 2.04 of the Administrative Code of the City of Poughkeepsie.

Section 3. Chapter 7 of the Code of Ordinances of the City of Poughkeepsie entitled “Officers and Employees” shall be amended to add Article VIII entitled “Police Department” to read as follows:

**Article VIII, Section 1-2 Authority and purpose.
[L.L. No. 02-2020, § 1]**

- (a) This article is adopted under the authority of the Municipal Home Rule Law and § 2.04 of the Administrative Code of the City of Poughkeepsie.
- (b) This article is intended to provide a framework for the City of Poughkeepsie to implement policies and procedures specifically related to City of Poughkeepsie police officers. Specifically, the intent of § 1 is to establish police identification policies to increase transparency in police practices and to build trust between police officers and members of the public by providing the public with information on the names of officers with whom they interact, a notice of the reasons behind their encounters with the police, and a written record of their interactions with the police in situations that do not result in an arrest, summons, or ticket

Article VIII, Section 1-3 **Applicability.**
[L.L. No. 02-2020, § 1]

All boards, departments, offices, other bodies or officers of the City of Poughkeepsie are responsible for the implementation of Chapter 7, Article VIII within the bounds of their jurisdiction and must comply with this chapter to the extent applicable.

Article VIII, Section 1-4 **Definitions.**
[L.L. No. 02-2020, § 1]

As used in this Article, the following terms shall have the meanings indicated:

DEPARTMENT

The term “department” shall mean the police department of the City of Poughkeepsie.

LAW ENFORCEMENT ACTIVITY

The term “law enforcement activity” shall mean any of the following activities when conducted by officers:

- (1) noncustodial questioning of individuals;
- (2) stops where an officer has individualized, reasonable suspicion that the person stopped has committed, is committing, or is about to commit a crime and where a reasonable person would not feel free to end the encounter at will;
- (3) frisks;
- (4) searches of persons, property, or possessions, including but not limited to searches of homes and vehicles;
- (5) traffic stops;
- (6) roadblock or checkpoint stops;
- (7) investigatory questioning of potential victims of and witnesses to crimes.

NONCUSTODIAL QUESTIONING

The term “noncustodial questioning” shall mean the questioning of an individual during an investigation where such individual has not been detained and is free to end the encounter at will.

OFFICER

The term “officer” means a police officer or peace officer employed by the department.

Article VIII, Section 1-5 **Duties of Officers to Identify Themselves.**
[L.L. No. 02-2020, § 1]

- (a) Upon initiation of law enforcement activity, an officer shall:
 - (1) Identify thyself to the person who is the subject of such law enforcement activity by providing the officer’s full name, rank and command; and
 - (2) Provide to such person an explanation of the reason for such law enforcement activity.
- (b) At the conclusion of a law enforcement activity that does not result in an arrest, summons, or ticket, the officer shall offer to such person the officer’s business card.

- (c) An officer shall not be required to comply with this section where such officer is engaged in an approved undercover activity or operation, and where law enforcement activity is taken pursuant to such undercover activity or operation.
- (d) Any business cards used by an officer to identify thymself to a person who is the subject of law enforcement activity shall be pre-printed and shall, at a minimum, include the following:
 - (1) The name, rank, shield number, and department of the officer; and
 - (2) Information on how the subject of the law enforcement activity may submit feedback about the encounter, including the telephone numbers and website address of the City of Poughkeepsie Police Department.

Section 4. **SEVERABILITY**

If any provision of this bill or any other provision of this local law, or any amendments thereto, shall be held invalid or ineffective in whole or in part or inapplicable to any person or situation, such holding shall not affect, impair or invalidate any portion of or the remainder of this local law, and all other provisions thereof shall nevertheless be separately and fully effective and the application of any such provision to other persons or situations shall not be affected.

Section 5. **EFFECTIVE DATE**

This local law shall take effect ninety (90) days after its enactment into law.

SECONDED BY COUNCILMEMBER: