



Wednesday, November 19, 2025

**STATEMENT OF MICHAEL GERBER
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON PUBLIC SAFETY**

**250 BROADWAY, 8th FLOOR, HEARING ROOM 2
NOVEMBER 19, 2025**

Good morning Chair Salaam and members of the Council. My name is Michael Gerber and I am the Deputy Commissioner of Legal Matters for the NYPD. On behalf of Police Commissioner Jessica Tisch, I thank you for the opportunity to testify regarding the four bills being heard today.

Intro. 1237 would require the Department to disclose certain historical data to the public regarding criminal complaints and arrests, and to periodically update that dataset going forward. While we already disclose extensive data regarding criminal complaints and arrests, we appreciate the benefit of connecting complaint information and arrest information. We would only ask that the update to the dataset be annual, rather than quarterly. The Department otherwise has no objection to this legislation.

Intro. 1402 would mandate that DOI issue an annual report regarding the Department's compliance with FOIL requests. The Department has no objection to the proposed bill. In the event that it becomes law, the Department will fully cooperate with DOI in connection with the annual report.

Intro. 1451 would direct the Department to give the CCRB direct access to the Department's body-worn camera system. The fundamental problem is that in order to comply with this bill the Department would have to violate state sealing laws. We cannot do that, and I respectfully submit that the City Council should not put members of the NYPD in a position in which they are being directed by city law to violate state law.

When a criminal case is sealed pursuant to one of several state statutes, the CCRB is not permitted to access those sealed records without a waiver from the defendant. Sometimes the CCRB obtains a waiver, and we provide the CCRB with the sealed materials in a way that is no different than any other case. In the absence of a waiver, the NYPD has to redact any sealed information before providing it to the CCRB. For example, if the CCRB needs body-worn camera video, and a portion of that video depicts an arrest that was subsequently sealed, the NYPD must redact the defendant's face, voice, and any other identifying information before providing it to the CCRB. Providing the CCRB with direct access to the body-worn camera system means giving CCRB sealed records without a waiver and without redactions. That would violate state law. Unless the state law changes, we cannot legally give CCRB direct access to our body-worn camera system.

I have been speaking about the legal problem with the bill, but I think it is important to make an additional point. The NYPD and the CCRB have been working collaboratively and successfully, for years, to ensure that the CCRB gets the material it needs. Unredacted video is typically produced to the CCRB in a little over a week. If video needs to be redacted in compliance with the sealing

statutes, the CCRB will have that video on average within one month. The CCRB is getting these materials in a timely manner. That said, we would welcome the opportunity to work with the Council to address any concerns that it has about the production of materials to the CCRB in a manner consistent with state law.

Intro. 1460 would require the Department to adopt a radio encryption policy. Radio encryption is critical for officer safety—it stops criminals from monitoring our radio frequencies, which could enable them to evade capture, or even worse, ambush an officer. It prevents individuals from interfering with our radio communications in a manner that puts our officers, and the public, in danger. It also ensures that confidential, private information regarding victims and witnesses is not disclosed to the public. For these reasons, the Department has encrypted most of its radio channels. At the same time, there is an important interest in transparency and in reporters' ability to respond, in real time, to breaking news stories. That is why the Department has not encrypted, and will commit to not encrypting, a key radio channel utilized by the Department known as Citywide 1. Reports of all critical incidents are automatically broadcast over Citywide 1 without encryption, even when they are also broadcast over other, encrypted channels. This includes, among other things, any report of a shooting, a robbery in progress, a call for assistance by a police officer, a water rescue, an active shooter, an explosion, a police mobilization, and any large-scale or unusual incident. We believe that maintaining Citywide 1 unencrypted addresses concerns from journalists and creates a wide range of transparency, while ensuring that sensitive operational matters or confidential information is broadcast over encrypted channels.

Intro. 1460, as presently drafted, takes a different approach. It would require the Department to adopt a policy under which *all* radio communications, across all channels, would be accessible in real time to professional journalists and emergency service organizations, and to the general public on, at most, a ten-minute delay, with sensitive information redacted as necessary from each radio transmission. That is not possible. In 2024, the Department generated over 4.3 million radio runs, or more than 11,500 radio runs per day. Making very conservative estimates, and assuming that each radio run has only ten transmissions, each lasting three seconds, the Department would have to review 36,000 hours of audio per year for sensitive information, or 99 hours per day. We hope to work with the Council to craft a radio encryption policy memorializing the approach being taken by the Department, which ensures real-time transparency and press coverage in a manner that is workable and does not compromise officer safety or individual confidentiality.

Thank you for the opportunity to speak with you today, and I look forward to answering any questions you may have.



**NEW YORK CITY COUNCIL
HEARING BY THE COMMITTEE ON PUBLIC SAFETY**

**WRITTEN TESTIMONY OF JOCELYN E. STRAUBER
COMMISSIONER, NEW YORK CITY DEPARTMENT OF INVESTIGATION**

**CONCERNING INTRODUCTION 1402,
IN RELATION TO REPORTING ON POLICE DEPARTMENT
COMPLIANCE WITH FREEDOM OF INFORMATION LAW REQUESTS**

WEDNESDAY, NOVEMBER 19, 2025

Thank you to Chair Salaam and members of the Committee on Public Safety for the opportunity to submit written testimony on behalf of the New York City Department of Investigation (DOI) about Introduction 1402, in relation to reporting on New York City Police Department (NYPD) compliance with Freedom of Information Law (FOIL) requests.

DOI's Office of the Inspector General for the NYPD

DOI's Office of the Inspector General for the New York Police Department (OIG-NYPD) was created in 2014 in accordance with Local Law 70, which directed the DOI Commissioner to appoint an Inspector General to "investigate, review, study, audit and make recommendations relating to the operations, policies, programs and practices of NYPD." This mandate is the core of OIG-NYPD's work and since my tenure in early 2022, OIG-NYPD has and will continue to focus primarily on examinations of the NYPD's operations, policies, procedures, and practices. To the extent that there are potential criminal matters involving individual NYPD personnel, those are handled by other DOI squads.

Report writing is a central function of OIG-NYPD. It is a time-consuming process, but a critical one in creating a public record of the office's findings and the recommendations it has issued. Each report involves a rigorous and thorough process, first obtaining key facts, including policies, procedures and where appropriate relevant data, interviewing witnesses, summarizing the background, and making key findings and conclusions that support our recommendations. Since its inception, OIG-NYPD has issued 37 reports and 276 recommendations, with 13 of those reports issued since I was appointed as Commissioner in February 2022. Some of the critical topics covered in these reports include:

- NYPD's social media use policy, with OIG-NYPD finding deficiencies in NYPD's policies, noncompliance with the Citywide social media policy, and a lack of oversight of NYPD senior executives' social media posts.
- NYPD's Community Response Team (CRT), which expanded significantly during the Adams' Administration, with OIG-NYPD finding an absence of written policies and procedures to guide CRT's actions and providing crucial information to the public about an NYPD unit that had not been previously available.
- NYPD's Criminal Group Database, which examined several issues, including NYPD's processes to add, remove, and maintain individuals in the database and public concerns about inclusion in the database, and an important follow-up report to assess NYPD's compliance with our recommendations.
- The relationship between NYPD overtime and negative policing outcomes, with OIG-NYPD finding that high overtime hours have a statistically significant relationship with various negative policing outcomes.

This last report is among the several mandated reports that legislation requires OIG-NYPD to produce, some annually. In addition to that triannual report, each year, OIG-NYPD is required to assess NYPD's compliance with the Public Oversight of Surveillance Technology Act, the "POST Act." OIG-NYPD is also required to produce a comprehensive annual review that discusses all of OIG-NYPD's reports since the inception of the unit in 2014, as well as the current status of each recommendation. Earlier in 2025, the Council passed legislation expanding the reporting requirements of that annual review.

The current budgeted headcount for OIG-NYPD is 13 staff with an active headcount of 10. One additional candidate has been identified and is expected to start before the end of the year, leaving two vacancies that we are actively recruiting to fill. The budgeted headcount includes one Inspector General, two Deputy Inspectors General, two Assistant Inspectors General, two Special Counsels, one Senior Policy Analyst, and five Investigative Policy Analysts. The vacancies are for one Special Counsel and one Investigative Policy Analyst.

Introduction 1402

While DOI believes both that NYPD should be complying with all FOIL laws and regulations and that DOI could appropriately have a role in overseeing that compliance, DOI opposes Introduction 1402 in its current form.

The investigation and report contemplated by Introduction 1402 would be a massive undertaking for DOI that our existing resources within the OIG-NYPD and the agency at large are insufficient to support.

Specifically, Introduction 1402 would require OIG-NYPD to produce an annual report regarding NYPD FOIL requests. The report would be required to include a table with an entry for every single FOIL request received by the NYPD in the prior year, identifying the date the request was filed, the topic of the request, the date the NYPD first responded, the date on which responsive materials would be due without any extensions, the number of extensions requested by the NYPD, the date on which a decision was issued, the date of any administrative appeal, and the date of the resolution of any administrative appeal. The legislation also would require a “qualitative analysis,” the details of which is not further specified, recommendations about how the NYPD could comply with FOIL more expeditiously, and a data dictionary. The report would have to be redacted to remove any personally identifiable information.

Based on a report issued by Reinvent Albany in April 2025, it is DOI’s understanding that the NYPD received the highest volume of FOIL requests in calendar year 2024, as compared to every other City agency, with 37,537 requests received. That record has been held by the NYPD since at least 2018. DOI estimates that it would need an additional five staff members, at a cost of \$365,000 per fiscal year at today’s salaries, in order to focus on this issue and conduct such an investigation and produce the report mandated by Introduction 1402 based on the current volume of FOIL requests received by the NYPD. To the extent that the qualitative analysis contemplated by the Council includes assessing the NYPD’s handling of FOIL requests from a legal perspective, then additional resources would be required in order to hire one or more attorneys to review the FOIL requests and assist in writing the report. DOI notes that to the extent that a legal review would be required as part of the investigation and report, DOI’s ability to publicly report on the matter could be limited by the City’s attorney-client privilege.

Moreover, the legislation would represent the third annual investigation and report, and the fourth overall investigation and report, that the Council has mandated that OIG-NYPD produce. Since 2015, the number of reports issued each year by OIG-NYPD has ranged from one in 2020 to a high of five in each 2015 and 2017 when the office’s active staffing was at its peak with more than 35 staff. Every report produced by DOI is thoroughly investigated, extensively researched, seriously considered, and rigorously edited to ensure that it is based in fact, accurate and provides critical information to the public without releasing sensitive or confidential information. This is true of both investigations and reports mandated by law, as well as those that we undertake using our broad discretion authorized by the Charter. This obligation, particularly given the other mandated reports, would further limit our available resources and ability to conduct discretionary investigations and issue timely reports on critical policing issues of public interest.

Conclusion

DOI is proud of the work OIG-NYPD has conducted over the past 11 years and recognizes the crucial role that the office plays in police oversight. In the past, where appropriate, DOI has addressed NYPD’s handling of FOIL requests, for example in OIG-NYPD’s April 2023 report titled “An Investigation into NYPD’s Criminal Group Database.”¹ We will continue to do so when it is relevant to an investigation and remain available to receive reports from the Council or the public about concerns with a particular FOIL issue or practice for potential investigation. We will also continue to strive to conduct investigations and issue reports on the topics of greatest importance to New York City so we can weigh in proactively on those issues in a timely

¹ See, DOI Report, “An Investigation into NYPD’s Criminal Group Database,” April 2023, at pg. 3 and 10, finding that NYPD routinely denied FOIL requests and administrative appeals related to criminal group database-related records and recommending that NYPD create a written policy formalizing its intention, after an individualized assessment, to generally grant FOIL requests by individuals with respect to whether they are in the criminal group database, available at: <https://www.nyc.gov/assets/doi/reports/pdf/2023/16CGDRpt.Release04.18.2023.pdf>.

fashion. Maintaining the ability for OIG-NYPD to devote its staff resources to the most relevant and pressing issues is critical for DOI to meaningfully impact the public discourse about policing in New York City. DOI is happy to answer any questions that the Committee or any Council Members may have about OIG-NYPD and its work. Please reach out to DOI's Director of Intergovernmental Affairs and Special Counsel Rebecca Chasan at rchasan@doi.nyc.gov for further information.



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**Testimony of the Civilian Complaint Review Board before the New York City
Council Public Safety Committee**

November 19, 2025

Good morning,

My name is Jonathan Darche, and I use he/him pronouns. I am the Executive Director of the New York City Civilian Complaint Review Board, testifying here today as our Agency is currently without a Chair or Interim Chair.

I am grateful to have the opportunity to testify here and to address this council. Specifically, I have been asked to speak about Int 1451 – Direct Access to Body-worn Camera Footage.

I want to begin by emphasizing that this issue is extremely important to the Agency and to civilian oversight of police, more broadly. Body-Worn Camera footage is a significant component of our investigative process. In both 2023 and 2024, the CCRB received over 6,000 hours of Body-Worn Camera footage each year, and in 2025, we're on pace to match that mark. That footage has come in via thousands of individual requests – 2,076 so far in 2025.

It's a lot of work. But it matters: Body-Worn Camera footage allows us to close cases on the merits at a higher rate. In 2025 to date, we've been able to render a determination in 80.75% of complaints where there is Body-Worn Camera footage available to view. When we do not have this footage, that percentage drops to 53.71%.

The CCRB has long advocated for the Agency to have direct access to Body-Worn Camera footage, including during our most recent testimony to this Committee in September.

The most important benefit of direct access is that it would strengthen the democratic legitimacy of our investigative process.

The CCRB is a civilian-led police oversight Agency – the largest in the country. When New Yorkers come to us with a complaint regarding potential NYPD misconduct, they know that we are civilians, just like them, and that we are not beholden to the NYPD.

This matters.

That civilian-led independence was baked into our identity by Mayor David Dinkins and this Council when it voted to restructure our Agency in 1993. Since then, we have been guided by the principles of independence and impartiality.

But when our investigators request Body-Worn Camera footage from the NYPD, it is procedurally necessary for the NYPD to enter the investigative process. That independence is tested.

The NYPD must review the raw footage and make a decision on how best to fulfill the CCRB investigator's request. In some instances, the NYPD may be unable to find footage matching a particular date, time, or location.

Even when these decisions are correct or made in good faith, it undermines the CCRB's independence to rely on the NYPD to make those decisions. Having direct access to Body-Worn Camera footage eliminates this disconnect. It means that, from beginning to end, the CCRB is managing its own investigative procedures.

It means that all the decisions made in an investigation are being made by civilians, not the NYPD.

This matters.

This is a positive step, and the CCRB has been clear about the profound impact direct access to Body-Worn Camera footage would have on our work. We appreciate this Council's willingness to act on this issue.

While the CCRB is excited about the prospect of obtaining direct access to Body-Worn Camera footage, I want to note that to fully realize the benefits of the bill, we will require resources and an exemption from New York State's sealing statutes.

But with this bill, the Council is showing a commitment to the ideals of civilian oversight, and it is doing so at a moment when civilian oversight itself is in desperate need of this type of public support.

This matters.

I thank you for that commitment, and I look forward to answering your questions.



New York State Broadcasters Association, Inc.

November 13, 2025

The Honorable Yusef Salaam
Chairperson
Committee on Public Safety
New York City Council
New York City Hall
250 Broadway
New York, NY 10007

**RE: Support for Int. 1460 -2025
Amend the Administrative Code in Relation to Access to Encrypted Police Radio**

Dear Chairperson Salaam:

On behalf of the local radio and television stations in New York City, the New York State Broadcasters Association, Inc. (NYSBA) supports passage of Int. 1460-2025. We want to thank the Committee on Public Safety for moving forward with this important bill. Attached please find our testimony and other materials which we have presented to the City Council previously. These materials provide an in-depth discussion of this important issue.

NYSBA and other organizations presented NYPD with a reasonable proposal to allow access to police communications by professional journalists in February 2023. We testified before this Committee in November of that year. Unfortunately, for the past two years NYPD has decided not to engage in this issue. At the same time, it continued to deploy encrypted communications technology in New York City that denied journalists access to police communications.

Journalists have had access to police communications for nearly 90 years. To date, NYPD has failed to provide any examples where police officers were placed in danger by giving *professional journalists* access to police communications.

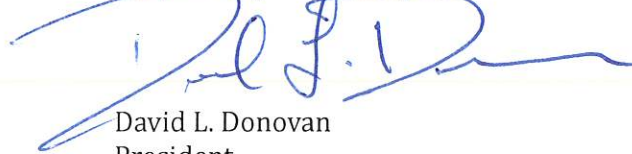
Preventing journalists from accessing police communications endangers both law enforcement and the public. In areas of the city, such as Brooklyn and Staten Island, the only real time information regarding police activity comes via mobile phones operated by people at the scene posting on their social media platforms. NYPD may post on its social media platforms, but many people do not track these services. Moreover, NYPD does not necessarily post information in real time. In either case, citizens are not informed about dangerous situations in real time. Importantly, relying on bystanders to post videos of police activity may present a distorted view of the situation, triggering a public reaction that may place law enforcement in jeopardy. Real-time access by professional broadcast journalists to police communications solves these problems. It also allows the public to oversee police activity.

Int. 1460-2025, requires NYPD to adopt a written policy that allows real-time access to encrypted radio channels for professional journalists, and emergency service organizations. It defines a professional journalist as a person who qualifies under the New York State Shield law as outlined in NY Civil Rights Law §79h and has received media press credentials issued by the

Mayor's Office of Media and Entertainment. At the same time, the policy protects sensitive and confidential information. We support this reasonable approach.

NYSBA respectfully requests that the Committee on Public Safety and the New York City Council pass this legislation. We note that legislation regarding access to police communications passed the New York Assembly (A.3516) and New York Senate (S.416) in 2025. That legislation is currently awaiting Governor Hochul's signature. We request that the Council work with the Governor to ensure there are no potential conflicts and that the policies underpinning Int.1460-2025 extend to jurisdictions outside New York City.

Respectfully Submitted,



David L. Donovan

President

New York State Broadcasters Association,
Inc.

Cc:

The Honorable Yusef Salaam (Chair)

The Honorable Christopher Marte

The Honorable Diana Ayala

The Honorable Carmen De La Rosa

The Honorable Althea Stevens

The Honorable Tiffany Cabán

The Honorable Robert F. Holden

The Honorable Chi Ossé

The Honorable Rita Joseph

**Testimony of
David Donovan
President & Executive Director
New York State Broadcasters Association, Inc
before the
New York City Council**

Regarding NYPD Encryption Policies



November 20, 2023

My name is David Donovan, and I serve as the President and Executive Director of the New York State Broadcasters Association, Inc. (NYSBA). NYSBA's members include all of the television stations licensed to New York City and nearly all of the radio stations. On behalf of these stations, I would like to thank Chairperson Jennifer Gutierrez, Chairperson Sandra Ung, and Chairperson Kamillah Hanks for conducting this important joint hearing.

The public's right to know is fundamental to a functioning democracy in New York City. This is especially true with respect to its policing activity. Transparency is essential. The citizens of New York have a right to know the location of an event involving the NYPD in real time. Basic public safety requires that citizens know which areas of the city to avoid if there is ongoing criminal activity or a civil disturbance.

For decades, journalists have had access to basic police radio "dispatch" communications. Access to such basic information has been essential to providing New York's citizens with life-saving information about events in the city involving the NYPD. The deployment of encrypted police radios, which prevent journalists from accessing basic information, impairs our ability to inform the community.

At the same time, we recognize the need to safeguard NYPD and public safety officials performing their duties. Achieving both goals, protecting officers and informing the public, has required a delicate balance. Unfortunately, in its zeal to deploy a new encrypted digital communications system, NYPD is in the process of disrupting this delicate balance, jeopardizing the safety of New York Citizens and, ironically, its own officers.

Police communications in 10 northern precincts in Brooklyn are now encrypted, thereby denying citizens and journalists in these areas access to independent, real-time information. We understand encryption will be expanding throughout the five boroughs in 2024. By the end of next year, citizens throughout the city may have no source of independently verifiable information about live on- the-street events involving NYPD. Such a result is contrary to the public interest.

Absent reporting by journalists, New Yorkers may be forced to rely on inaccurate social media accounts of NYPD activity. Bystanders with mobile phone cameras are everywhere. However, the images posted can be wildly inaccurate. The posts may present an incomplete picture of the event and even distort good work by NYPD officials. Bystanders cannot be held accountable for intentionally or unintentionally posting inaccurate information on social media platforms. Inaccurate posts can endanger citizens' safety. Moreover, they can enflame tensions with the NYPD, making it more dangerous for officers and possibly leading to civil unrest.

Of course, the NYPD may post its own version of events on its social media platforms. Dueling social media accounts lead to confusion which places NYPD in a defensive position. It may be very difficult for the NYPD to counter the misinformation provided by inaccurate posts from bystanders. There is also a trust issue, as most citizens lack confidence in social media posts.

Many studies have shown that local radio and TV are the most trusted source of information in communities. Broadcast journalists have every incentive to get the facts correct. Failure to do so results in demotion or dismissal. The audience reach of local radio and television stations vastly exceeds the reach of social media platforms. It is in the City's and NYPD's best interest to have a qualified, independent journalist on the scene to cover these events.

We have tried to work with the NYPD. We communicated our concerns during a meeting with the NYPD in January of this year. NYPD asked us to put our concerns in writing. We provided NYPD with a detailed memo on February 20, 2023. After numerous requests for a follow up meeting, we were able to secure a brief zoom call on June 9, 2023. On July 17, 2023, NYPD began to roll out new encrypted radios in Brooklyn, which prevented access by journalists. To date, we have had no official response to our initial request, nor any meetings about how to resolve this issue.

Based on general press accounts, we understand NYPD has several concerns. We address these concerns as follows:

Journalists Do Not Interfere with Police Communications: Guarding against technical interference is the primary justification for deploying the new encrypted digital system. The new system will help prevent criminals from jamming police communications. However, this concern is irrelevant to the issue of journalists' access. As a technical matter, interference occurs when an entity transmits a signal on a police frequency. Journalists do not use transmitters on these frequencies. Instead, they use receivers to scan police frequencies. A receiver does not transmit, making it impossible to cause interference. Moreover, real-time information is currently sent online through services such as *Broadcastify*. Online services do not interfere with police communications. It is also worth noting that jamming or interfering with police frequencies violates both federal and state law.

Providing Basic Dispatch Information to Journalists Poses No Threat to NYPD Officers: NYPD argues that encryption keeps criminals from obtaining access to information that places officer's safety in jeopardy. We agree that criminals and those causing civil strife should not have access to this type of information. However, broadcast journalists have had access to NYPD information since police radios have been in use. NYPD provides no evidence that journalists have been a problem or pose a future problem to police officers. Under our proposal, journalists who violate this trust should be held accountable and lose access to communications.

We are not asking for access to all the NYPD's communications. Police communications may contain additional information, including on-site tactical information, personal, and background information. This information is transmitted *via* a separate channel or on a cell phone. We are not asking to access this type of information. Rather, we are seeking to obtain basic dispatch information about the location of events that will be involving NYPD.

Real Time Access is Essential: NYPD has hinted that, if access is provided, it may be delayed by as much as 30 minutes. Such a delay renders access useless. Information from a

trusted source regarding criminal activity or dangerous locations needs to reach as many people as soon possible. Delaying the dissemination of such information places the public at risk. Citizens will be forced to obtain unreliable information from bystanders posting on social media platforms.

Delaying dispatch information to a trusted source provides no benefit to the NYPD. The NYPD will always be first on the scene to secure an area. Given New York City traffic, journalists are likely to arrive 15 to 30 minutes late. Realistically, a 30-minute delay in providing dispatch information may amount to more than an hour before information can be broadcast to the public by local stations. In many instances the event will be over.

Analyzing other Jurisdictions: Looking at other jurisdictions may not be helpful. New York City is the media capital of the world. It is unique and a leader. From a technical standpoint, radio communications architecture will vary among cities. For example, the solutions in New Orleans, which is essentially a bowl, may have little bearing on technical solutions needed in New York City. Issues regarding journalist access are New York City centric, which necessarily involve the unique and diverse information needs of its citizens. Most importantly, NYPD should not continue to “black out” precincts while it is analyzing other jurisdictions. Such a policy will present the city with a “*fait accompli*.” Once an encrypted system is in place, it becomes more difficult – and expensive – to make any changes to access.

Employing Standards used on the New York State Body Armor Rules Addresses Eligibility Concerns: One issue that has been raised regarding journalists’ access is to define who should or should not receive access. One approach is to look at those who have been issued a press pass by the Mayor’s Office of Media and Entertainment. A concern expressed by some is that the criteria used for issuing “press passes” is too broad and risks allowing the “wrong people” access to police communications.

This issue was addressed directly with the implementation of the recent New York State gun law, which prohibited the sale of body armor to the general public.¹ The issue was protecting police and the public while also allowing professional journalists to safely do their job by wearing body armor. In implementing the law, the NY Secretary of State’s office raised the concern of protecting professional journalists, while excluding those who try to circumvent the law by falsely posing as journalists. The regulations did not allow anyone calling themselves a journalist to be eligible to obtain body armor. Rather, the regulations created an exemption - based on the NY Shield Law – that allowed professional journalists, from broadcast, cable and newspapers to obtain body armor.² Under the law, local police departments are required to implement the new body armor rules.

¹New York State Executive Law § 144-a, New York State General Business Law § 396-eee; New York State Penal Law §270.20; New York State Penal Law §270.21; New York State Penal Law § 270.22. See New York Secretary of State website at <https://dos.ny.gov/body-armor>

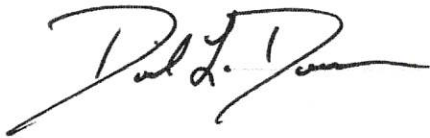
² New York Department of State: Determination, *In the matter of requests that “journalist,” “broadcast journalist,” and “news crews” be designated as eligible professions for the purchase, sale, and use of body armor.* Date of

As noted in our letter submitted last February to NYPD, the standards established in the body armor rules can serve as a starting point for further discussions. Both issues raise the need to balance press access while protecting law enforcement and the public. Because NYPD has to implement the body armor rules, it would make sense to use this approach to communications access.

In summary, we have been trying to engage in a serious discussion with the NYPD on this important matter. We recognize that there have been significant leadership changes in NYPD since we first raised this issue. Under new leadership, we hope we can have a meaningful discussion with the department. However, we find ourselves in an unfortunate position where encrypted radios, which prevent access to basic police communications, are being deployed throughout the city. We need to have a public debate and a solution before journalists lose access to the NYPD's activities in other areas of New York City.

Broadcasters, the NYPD and the New York City government cannot function effectively without the public's trust. This trust should not be eroded by the lack of transparency regarding coverage of potentially life-threatening news and events on the City's streets. We look forward to working with the Council and NYPD on this critical issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David L. Donovan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David L. Donovan
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New York State Broadcasters Association, Inc.

**Amended Testimony
David Donovan
President and Executive Director
New York State Broadcasters Association, Inc
Regarding NYPD Encryption**

On behalf of radio and television stations serving New York City, I want to thank the New York City Council for conducting an important hearing regarding plans to encrypt communications by the New York City Police Department (NYPD). The following supplements testimony submitted previously by the New York State Broadcasters Association, Inc.

During the hearing, reference was made to a memo submitted by media organizations to the NYPD regarding our concerns with its plan to encrypt all communications. As requested by the City Council, I have attached a copy of that memorandum, dated February 20, 2023.

As the memo demonstrates, we have been seeking to work cooperatively with NYPD to address these issues for quite some time. Our objective was to try to resolve issues regarding media access before the deployment of new encrypted radios. Despite numerous attempts at outreach, including a brief virtual call on June 9, 2023, restating our concerns, there has been no meaningful response by NYPD.

NYPD continues to state that it is examining the issue, looking at other jurisdictions and that no decision regarding access by journalists has been made. Based on NYPD's testimony, it appears these issues will not be addressed until encrypted radios are deployed throughout the entire city. Moreover, it would appear the policy decision has already been made. To be sure, NYPD made the decision to deny reporters access and limit citizens' ability to see live on the scene reports from independent journalists in 10 Brooklyn precincts. Given NYPD's testimony, there is every reason to believe NYPD will not permit media access in a timely manner.

During the hearing NYPD referenced cities that have deployed encrypted radios and denied access to the media in a timely manner. NYPD's testimony did not include the example of Las Vegas. Las Vegas deployed encrypted radios but allowed media access. This system has worked well for both the police and the media. As was noted during the hearing, New York City is the media capital of the world. Denying access to the media can affect the information flow not only to the citizens of New York but the nation and the world.

Policy decisions regarding media access must be made before the deployment of new technology. The City Council should not permit NYPD to continue delaying its decision regarding media access until after the encrypted system is fully deployed. To do so means the City Council will be presented with a *fait accompli*, and citizens across New York City will be relegated to obtaining information about police activities from untrustworthy social media sources.

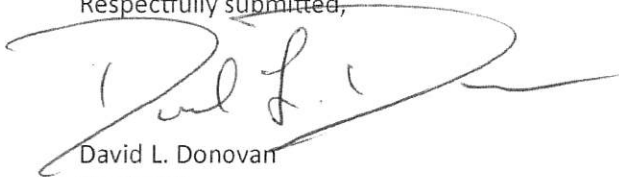
If NYPD truly wants to examine this issue, then it should simultaneously provide a system of media access in those areas where it is deploying new encrypted radios. This would allow both NYPD

and the media to explore which system will work best to inform citizens of events in real time, while also protecting law enforcement. We are more than willing to provide communications engineers to work cooperatively with NYPD to help resolve any technical issues.

As noted during the hearing, we salute NYPD for its tremendous work in keeping the citizens of New York City safe. Every day, law enforcement officers put their lives on the line. Their safety should be a priority. However, journalists are not the problem. NYPD provided no evidence demonstrating that allowing communications access to journalists endangers the lives of its officers. Individuals using illegal transmitters to interfere with police communications are breaking both state and federal law. Criminals scanning police communications to aid in their illegal activity should not have access to police communications. But that is not us. The City Council and NYPD should not conflate the need to prevent these activities with access to basic dispatch information by qualified professional journalists. To this end, the policies regarding body armor adopted by the New York Secretary of State can serve as a model for allowing access to professional journalists.

The testimony presented at the hearing demonstrates that the New York City Council should act now to address the issue of media access to NYPD encrypted communications. Unfortunately, it appears NYPD wants to "study" the issue until it is too late for the City Council to act. We hope this will not be the case. We look forward to working with the City Council and NYPD to address these important matters.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David L. Donovan', is written over a horizontal line.

David L. Donovan
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Date: November 23, 2023



New York Media Consortium



February 20, 2023

Julian Phillips
Deputy Commissioner
New York Police Department
One Police Plaza
New York, NY

Dear Commissioner Phillips:

On behalf of the undersigned organizations, we want to thank you for meeting with us to discuss NYPD's plans to encrypt all police communications. We found the meeting with you and your team most productive and look forward to continuing our discussion. During the meeting you asked us to "brief" our major concerns and possible solutions regarding NYPD's encryption plans. The following memorandum addresses this request.

1. Background – The Need for Cooperation

For years qualified journalists have been able to access NYPD communication. This has allowed qualified journalists to fulfill their fundamental, Constitutional mission to inform the citizens of New York City. Providing such information is essential for a functioning democracy. It also facilitates public safety, by immediately informing New Yorkers of dangerous situations that are occurring throughout the five Boroughs.

We recognize that policing, especially in a city as large as New York City, is inherently dangerous. We salute members of NYPD, who put their lives on the line to keep our city safe. In this regard, we understand NYPD's desire to develop a secure communications system that reduces the risk of harm to members of the service .

While these objectives have sometimes conflicted, we both confront a common issue in today's video world. Regardless of the location or time of day, people with cameras in wireless devices are recording NYPD activities and distributing those videos over social media platforms. Thousands of citizens may

instantly see these recordings and believe them to be accurate. Unfortunately, in many instances these videos may not provide an accurate depiction of matters of public concern. Misinformation from such recordings may make a volatile situation worse, forcing more resources to be expended to ensure public safety. Qualified journalists confront the same issue. Their fundamental obligation to the citizens of New York is to report the news accurately. If qualified journalists are not present at situations involving NYPD activity, and a mischaracterization of those events gains traction on social media, both NYPD and journalists are placed on the defensive after missing the news cycle. Journalists must then expend enormous efforts to retell the story accurately to a confused and perhaps agitated public.

NYPD and qualified journalists both require the public's trust to be effective. By working together, we can avoid the potential harms associated with the distribution of misinformation through the Internet and on social media platforms.

To achieve this objective, we must cooperate so that qualified journalists are able to accurately cover NYPD's activities. This requires access to police communications in real time. Encryption of all NYPD communications undermines this objective. Fortunately, other law enforcement departments that have addressed this issue have been able to strike an appropriate balance between protecting police communications and allowing qualified journalists timely access. We believe these examples can serve as a template for NYPD as it moves forward with its encryption plans.

2. Develop a Mutually Agreeable Protocol and Technology Allowing Qualified Journalists Access to Real Time NYPD Communications

Encryption advocates note that security is necessary to protect the safety of officers in the performance of their duties. They claim that absent some form of encryption, criminals will have access to sensitive information that could place the lives of officers at risk. In addition, they note there may be privacy concerns with allowing journalists access to certain types of information. These concerns can be addressed by developing an encryption system that ensures officer safety, protects privacy and allows qualified journalists access to certain real time information necessary for them to fulfill their mission.

A number of law enforcement agencies have enacted such systems. For example, the California Highway Patrol (CHP) decided not to encrypt its radio communications. Unencrypted CHP transmission only includes basic information. For privacy reasons, personal information, such as criminal history, is carefully guarded and provided via computers. In San Francisco, SFPD will use certain public channels to send officers to an incident, such as asking units to respond to a specific location for a report of a robbery. Other information is protected. At the conclusion of the incident, dispatchers will state on an unencrypted channel what the outcome was, for example, officers took a report or made an arrest.

Recently, the Palo Alto Police department, which had encrypted all its communications, revised its policy to allow access while protecting specific information.

This change provides the public with open access to police radio communications and enhances officer options in securing personal identifying information. The new procedures increase field personnel flexibility by providing three different options they can use to safeguard personal identifying information depending on the situation with which they are presented. Those options are a radio check that transmits only a person's driver license number, a radio check that splits

individual components of personal identifying information into separate transmissions, or a cell phone call to our 24-hour dispatch center.¹

Law enforcement agencies in Las Vegas, Nevada; Pueblo, Colorado and Decatur Illinois have reached agreements allowing credentialed media to access police communications. We believe these jurisdictions can serve as a template for New York City.

Some jurisdictions, such as Chicago, employ a 30-minute delay in providing access to information. Such a delay effectively denies qualified journalists the ability to cover live on the scene events. We believe such a policy is fatally flawed. If a dangerous situation occurs, citizens must be informed by trusted media outlets in real time. As noted above, a delay allows those with wireless devices to record the activity live and transmit possible misinformation of the event throughout the city. Delayed access to information runs counter to the objectives of the NYPD, qualified journalists and most importantly harms the citizens of New York.

We recognize there is additional “tactical” information provided over police communications during hostage situations, active shootings, riots, drug enforcement, gang activity, Emergency Service Unit (ESU) deployment and other events. In these contexts, the safety of law enforcement officers becomes critically important, and access to communications by criminal elements poses a significant problem.

Fundamentally, qualified journalists seek to maintain access to real-time police dispatch radio communications. This information is essential for the coverage of events throughout the city. Access to “tactical” information is worthy of additional discussion, bearing in mind the twin objectives of informing the public and protecting the safety of officers.

Importantly, our proposal would not allow criminal elements to access any such information and place officers’ safety at risk. Our approach limits access to qualified journalists that have been recognized under New York Law.

3. Defining Qualified Journalists for the Purposes of Access to Police Communications

During our meeting, a question arose regarding who should be allowed to access NYPD communications. While recognizing a broader right of the public to be aware of police activities, we are proposing a narrower access policy. Under our proposal, only qualified journalists would be allowed access to the relevant police information described above. It is important to find an appropriate definition of “qualified journalist.” Fortunately, New York law already has workable definitions.

Other states, such as California, have addressed this issue. In defining the persons eligible to qualify for media access, CA Penal Code §409.7 defines a qualified journalist as “A duly authorized representative of any news service, online news service, newspaper, or radio or television stations or network.” New York City and New York State have also addressed this issue.

One approach would be to use the criteria that are currently used in granting press credentials in New York City. While NYPD issued these credentials in the past, press credentials are now issued through the Mayor’s Office of Media and Entertainment (MOME) pursuant to Title 43 of the Rules of the City of New

¹ Press Release, Palo Alto Police Department, August 4, 2022 https://local.nixle.com/alert/9580626/?sub_id=0

York Chapter 16.² The criteria employed for issuing a standard press card for an individual or a reserve press card for a newsgathering organization would be appropriate for defining those journalists who would be eligible to access unencrypted police communications.

Another option would be to enact a standard consistent with New York State laws governing the sale of body armor. Under the New York gun law enacted last year, citizens are prohibited from the purchase, possession or sale of body armor.³ The law, however, recognized exemptions for certain professions whose jobs place them at risk. In January, the New York Department of State granted journalists and newscasters the ability to obtain body armor in New York.

The information set forth above supports a determination by the Department that the activities of the professions of “qualified journalist” and “newscaster” sometimes require members of such professions to put themselves in dangerous situations that may expose them to serious physical injury, and that such serious physical injury may be prevented or mitigated by the wearing of body armor. Based on the foregoing and the requirements of Executive Law §144-a and 19 NYCRR Part 905, the Department has designated the professions of “qualified journalist” and “newscaster,” each as defined in section 79-h of the New York State Civil Rights Law, as eligible professions and adds such professions to the Department’s list of eligible professions.⁴

This definition is relevant to the present situation. For public safety reasons, the New York Department of State wanted to limit the ability of the general public to purchase body armor. As a result, it was very restrictive in defining those professions, including journalists and newscasters, that would be eligible to purchase body armor.

Also, NYPD will have experience applying the new body armor standard. Under the New York gun law decisions regarding who can purchase body armor, including the scope of the journalist exemption, are to be enforced by local police departments. As a result, the definition contained in the body armor exemption for journalists will not be an alien concept. To the contrary, NYPD will have to apply this standard every day. Simply stated, if a journalist is qualified to purchase body armor, they should also be qualified to access unencrypted police communications.

Finally, this plan provides access that is limited to only to qualified journalists. It denies access to those who want to break the law or threaten the police. Under the current system of “unencrypted” NYPD communications, there are virtually no instances where a qualified journalist provided criminal elements with information obtained from police communications. Limiting access to qualified journalists significantly reduces the risks of sensitive information falling into the wrong hands and endangering the safety of members of the service.

² See: https://www1.nyc.gov/assets/mome/pdf/Final_Press_Credential_Rule_2021.pdf

³ See: <https://dos.ny.gov/body-armor>

⁴ New York Department of State, Determination In the matter of requests that “journalist,” “broadcast journalist,” and “news crews” be designated as eligible professions for the purchase, sale, and use of body armor. January 13, 2023, <https://dos.ny.gov/system/files/documents/2023/01/determination-journalist-et-alia.pdf>

4. Technical issues: There Will Be no Interference to NYPD Communications.

Encryption advocates argue that it is necessary to prevent individuals from hijacking or otherwise causing interference to police communications. While we do not know the technical specifications of NYPD's proposed system, we can guarantee there will be no interference from our proposal.

To the extent NYPD is developing a new system that is transmitting encrypted information on public safety radio frequencies "over-the-air," it will be placing numerous transmitters and repeaters at various locations throughout the city. As a technical matter, the only way there can be interference is by illegally operating and unauthorized transmitter on the same or an adjacent frequency.

But we are not suggesting that journalists have access to transmitting equipment or transceivers. We are asking to access NYPD communication by using only receivers that can access NYPD transmissions. Like the radio in your car, the receivers used to access NYPD communications are unable to transmit, making it impossible to cause interference with police communications.

There have been instances where police communications systems have received interference from illegal transmitters operating on public safety frequencies. Those instances do not involve qualified journalists who have been listening to unencrypted communications on scanning receivers for years. Those instances involve the illegal use of a transmitter (not a receiver) operating on police frequencies. Such illegal transmissions violate both Federal and New York State laws.

Access to information by qualified journalists may depend in part on the technical architecture of the NYPD's proposed system. For example, New York City covers a large geographic area with precincts throughout the five boroughs. It is likely that a new NYPD communications system will employ a series of transmitters that allows NYPD to cover the entire city, but independently transmit different information in each area. Depending on the geographic coverage area of each transmitter, this could require news organizations to purchase multiple receivers and place them in different locations throughout the city. Purchasing multiple radio receivers that decode encrypted communications could be cost prohibitive.

A low cost approach would be to take real-time NYPD communications and place them on a secure internet service such as *Broadcastify*. <https://www.broadcastify.com/> Numerous police and fire departments across the country have already placed their communications on this system. Such a service would allow journalists access to NYPD communications throughout the city using the online service without having to purchase multiple receivers and place them in different locations. With an online service, NYPD could control who is able to monitor such communications by providing individually identifiable access codes.

We understand NYPD is in the process of testing its new system. At this point it is difficult to gauge the technical issues without additional information. Depending on the system's technical architecture, some of our concerns may not arise. We would like to engage in further discussions with NYPD, because the technical aspects of the system can negatively affect access by journalists.

5. Enforcement

We recognize that NYPD has concerns regarding the security of its system. There are two issues. First, how to ensure that only qualified journalists can access the information. Second, what happens if a qualified journalist misuses or allows others to access NYPD encrypted communications.

As to the first concern, we would be happy to discuss implementing data security measures. This would include access to hardware (radio receivers) or digital communications. This could include required key cards to access radio receivers in newsrooms. It could also include requiring authentication to access digital communications. Similarly, we would establish training, best practices and/or a code of conduct to help prevent improper access.

The second concern is based on trust. For years qualified journalists have worked with NYPD in a qualified and responsible manner. When given confidential information from law enforcement, we honor that commitment. The same is true for protecting confidential sources. Journalists who fail to live up to these commitments do not remain in the profession for very long. There is every reason to believe that qualified journalists will not misuse their ability to access NYPD communications. A breach of that trust will make it difficult if not impossible for a journalist to work with NYPD. Indeed, violating this trust could result in disciplinary action by their news organization.

Nonetheless, we recognize NYPD is concerned that communications received by journalists may be misused or used by non-journalists. To this end it is worth discussing administrative mechanisms that may be used by NYPD to ensure compliance. For example, depending on the technical aspects of the system being developed, it may be possible to change transmitting codes and encrypt all radio receivers used by an offending party. If NYPD uses an internet-based system, then it could deny future access by changing access codes. We are willing to discuss a range of options to address NYPD's security concerns.

6. Summary

We appreciate the opportunity to present our views regarding NYPD's proposed plans to encrypt its communications system. We hope this memorandum explains the challenges and opportunities in resolving this issue and can serve as a basis for future discussions. There is a concern that decisions may have already been made regarding the system that is in the process of being tested. We are not sure if the technical aspects of system will limit the potential options for journalists to access these communications. Accordingly, we look forward to continuing our discussion with you in a timely manner. Thank you for your consideration and we look forward to working with you and your team.

Respectfully submitted,

Bruce Cotler, President, New York Press Photographers Association
David Donovan, President, NYS Broadcasters Association
Diane Kennedy, President, NY News Publishers Association
Thomas Maddrey, Chief Legal Officer, American Society of Media Photographers
Todd Maisel, Government Relations Chairman, New York Press Photographers Association
Lloyd Mitchell, Govt. Relations Committee, New York Press Photographers Association
Mickey H. Osterreicher, General Counsel, National Press Photographers Association
Dan Shelley, President and Chief Executive Officer, Radio Television Digital News Association
Peter Szekely, President, Deadline Club, Society for Professional Journalists
Jane Tillman Irving, past-President, New York Press Club

**BEFORE THE
COUNCIL OF THE CITY OF NEW YORK
THE COMMITTEE ON PUBLIC SAFETY**

TESTIMONY IN SUPPORT OF INT. 1460-2025
A LOCAL LAW TO AMEND THE ADMINISTRATIVE CODE OF
THE CITY OF NEW YORK
IN RELATION TO ACCESS TO ENCRYPTED POLICE RADIO.

**TESTIMONY OF THE
NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION**

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November 19, 2025

Introduction

Founded in 1946, the National Press Photographers Association (NPPA) is a 501(c)(6) non-profit professional organization dedicated to the advancement of visual journalism, its creation, editing and distribution in all news media. NPPA encourages visual journalists to reflect the highest standards of quality in their professional performance, in their business practices and in their personal code of ethics. NPPA vigorously promotes freedom of the press in all its forms. Its members include still and television photographers, editors, students, and representatives of businesses that serve the photojournalism industry.

As both staff photographers and freelance visual journalists, members of the National Press Photographers Association (NPPA) gather and disseminate news in real time for print, broadcast, and digital media. NPPA has long advocated for press rights, police transparency, and workable press-police protocols nationwide.

The NPPA commends Council Member Brewer, the Public Advocate (Mr. Williams) and Council Members Marte, Hanks, and Salaam, for sponsoring Int.1460-2025, “A local law to amend the administrative code of the city of New York, in relation to access to encrypted police radio communications,” “to ensure improved transparency by the New York City Police Department (NYPD).” In the justification for the bill Council Member Restler submitted that, “[p]olice radio transmissions are a vital tool for responding to emergency incidents. Since this information is transmitted via publicly accessible radio waves, civilians have historically been able to monitor these communications using devices outfitted to receive radio signals on frequencies allocated for emergency use—colloquially known as “police scanners.” He also

correctly noted that, “[m]embers of the press can use information gathered from police dispatches to assist in covering emergency incidents and delivering breaking news. Members of the press have noted that this access is vital to the public interest, as it enables media to check police authority, ensure police accountability, and provide transparency on emergency incidents, or crimes. Volunteer ambulance companies also rely on monitoring 911 dispatch to guide ambulance deployment to local emergencies.”

That submitted bill justification goes on to state:

Beginning in 2023, the NYPD began transitioning all department radio communications to encrypted channels—removing all access to communications that the public enjoyed. The NYPD stating that radio encryption is essential for maintaining the integrity of police investigations, responding to in-progress crimes and managing large-scale events.

This bill would require the New York City Police Department to adopt a written policy regarding access to encrypted radio channels. Such policy will require real-time access to encrypted radio channels for professional journalists, and emergency service organizations, and time-delayed access to communications for the general public.

Because the Committee on Public Safety has jurisdiction over, among other things, the New York City’s Police Department we believe it fitting and proper that this committee oversee and regulate any and all plans to encrypt radio frequencies used by the NYPD as well as those which have already been encrypted.

NPPA submits this Testimony with the goal of ensuring that the First Amendment right of the public to receive information about what their government is doing is upheld for all those who care about transparency and accountability, through continuing and crucial real-time access by the press to radio transmissions involving matters of public concern.

For decades, journalists in New York City have relied on real-time access to police radio transmissions to report breaking news quickly and accurately, inform the public of

emergencies, and hold government accountable. The NYPD's continuing implementation of encrypted radio communications threatens that longstanding transparency. Int. 1460-2025 provides a sound, balanced, and urgently needed framework to preserve real-time access for credentialed journalists and emergency service organizations while maintaining officer safety and operational security. NPPA strongly supports Int. 1460-2025.

Historical Context and Need for Legislation

The NYPD first implemented radio communication in 1936, using a short-wave transmitter to communicate with patrol cars during President Franklin D. Roosevelt's motorcade across the Triborough Bridge.¹ Since then, journalists have responsibly monitored dispatch transmissions to report breaking news, guide the public during emergencies, and provide independent accountability.

This practice has never jeopardized officer safety. To the contrary, it has ensured that the public receives timely, verified information, especially critical during fast-moving events where minutes matter.

The dangers of opaque communication systems are not hypothetical. As recently noted in *The Buffalo News*, when police departments encrypt dispatch communications without providing press access, "communities lose their early-warning system," and the public is forced to rely on delayed official statements or—worse—viral misinformation.²

¹ See *New York City Police Department*, "History of NYPD Communications Bureau" (noting first use of short-wave radio communications in 1936).

² Editorial Board, *Governor Hochul Should Sign the Police Transparency Bill*, *Buffalo News* (Oct. 15, 2025) (arguing that denying journalists access to dispatch communications deprives communities of an essential early-warning system).

NYPD's current trajectory

Since 2023, NYPD has encrypted dispatch channels in at least ten precincts, without any formal policy to ensure continued access for credentialed journalists, volunteer ambulance corps, or community EMS responders. NPPA, working with the New York Media Consortium, repeatedly engaged the Department, including detailed written proposals and follow-up meetings.³ Yet NYPD has provided: no plan, no timeline, no criteria, and no mechanism through which credentialed journalists may receive real-time access, despite its public assertion that it is “exploring methods used elsewhere.”⁴

This legislative vacuum necessitates Council action, because without legislative guardrails, piecemeal encryption will continue to erode transparency, compromise timely reporting, and diminish public trust.

The Public's First Amendment Right to Receive Information

The First Amendment protects not only the right to publish, but the right of the public to receive information about what its government is doing.⁵ When journalists are denied real-time access to dispatch channels, the public loses the ability to understand, evaluate, and verify police activity during emergencies. That loss impairs democratic oversight and invites erosion of trust.

Real-time monitoring is not about tactical operations; journalists do not seek – and Int. 1460-2025 does not provide – access to sensitive tactical channels. Such access is not

³ See: NY Media Consortium Memo (Feb. 20, 2023).

⁴ *Id.*

⁵ See: *First Nat'l Bank of Boston v. Bellotti*, 435 U.S. 765, 783 (1978) (“The First Amendment... prohibits government from limiting the stock of information from which members of the public may draw.”); *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 576 (1980) (plurality opinion).

voyeurism; it is a constitutional safeguard. It allows journalists to serve as the public's eyes and ears during emergencies when government actions must be transparent and has been publicly accessible for generations as essential to reporting in the public interest.

Modern Encryption and Real-Time Press Access Can Coexist

Encryption and transparency are not mutually exclusive. Jurisdictions such as Palo Alto, California, Las Vegas, Nevada, and Mesa, Arizona already employ encrypted systems that provide tightly controlled, receive-only, revocable access to credentialed journalists.⁶ These systems: do not allow transmitting; do not compromise tactical channels; are revocable for misuse; and have yielded no security breaches. New York City is not being asked to take a leap into the unknown – it is being asked to adopt a best practice widely recognized elsewhere.

Int. 1460-2025 mirrors proven statewide models

The New York State Legislature has already recognized the critical role of press access by passing S.416/A.3516, the “Keep Police Radio Public Act,” which requires that encrypted communications, excluding sensitive tactical transmissions, remain accessible in real time to credentialed journalists and emergency service organizations.⁷

Int. 1460-2025 complements this statewide initiative and ensures that New York City will not fall behind in establishing clear, constitutional, and uniform access protocols.

⁶ See: Palo Alto Police Dep't, *Media Access to Encrypted Radio Channels* (2022) (detailing credentialed, receive-only access system); Las Vegas Metropolitan Police Dep't, *Media Access Program* (2020).

⁷ S.416, 2023–2024 Leg. Sess. (N.Y. 2024); A.3516, 2023–2024 Leg. Sess. (N.Y. 2024).

Emergency Service Organizations Also Need Access

Volunteer ambulance corps and community EMS rely on dispatch monitoring to deploy resources rapidly. Encryption without access forces them to depend on secondary notifications, increasing response times and undermining public safety.⁸

Transparency and Accountability Are Core Policing Principles

NYPD has stated it aims to “build trust with the public.” But secrecy erodes trust far faster than statements can repair it.

The U.S. Department of Justice (DOJ) has repeatedly emphasized that transparency is essential to maintaining community trust. Its Community Relations Services Toolkit notes that after critical incidents, law enforcement agencies should “release as much information as possible, as soon as possible,” to avoid the perception of secrecy.⁹

DOJ’s *Policing 101* framework likewise identifies transparency, community partnership, and organizational accountability as core principles of effective policing.¹⁰ Encryption without access runs directly counter to those principles. Rather, real-time press access to dispatch channels reinforces: accuracy in reporting; fairness in public understanding; informed democratic oversight; and continuing confidence in law enforcement actions.

What Int. 1460-2025 Correctly Provides

Int. 1460-2025 reasonably requires NYPD to adopt a written policy that ensures:

1. Real-time access to encrypted dispatch channels for credentialed journalists, as defined in N.Y. Civ. Rights Law § 79-h;
2. Real-time access for emergency service organizations;

⁸ See testimony of New York volunteer ambulance corps before N.Y. Senate Committee on Codes (Apr. 2023) (describing reliance on unencrypted dispatch signals for emergency deployment).

⁹ U.S. Dep’t of Justice, Community Relations Servs., *Importance of Police–Community Relationships and Resources for Further Reading* 2 (2015).

¹⁰ U.S. Dep’t of Justice, Office of Community Oriented Policing Services, *Policing 101* (2014).

3. Time-delayed access for the general public;
4. Protection of sensitive tactical transmissions; and
5. Clear, standardized criteria and revocation authority.

This framework is measured, modern, and aligned with best practices across the country.

Conclusion

Encryption should not extinguish a century-old tradition of transparency that has served New Yorkers well. Int. 1460-2025 achieves the appropriate balance between officer safety, operational security, emergency response, and the public's right to know.

NPPA urges the Council to adopt Int. 1460-2025 and stands ready to assist in designing workable implementation protocols.

Thank you for your attention to this critical issue.

Respectfully submitted,

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November 19,2025

Int 1460-2025

A Local Law to amend the administrative code of the city of New York, in relation to access to encrypted police radio

Good Morning Council Members, please let me introduce myself, my name is Bruce Cotler. I am the President of the New York Press Photographers Association. We are here today in support of Intro 1460-2025.

The City Council should understand that signing this bill is not an act against policing, but in support of creating greater trust between police and the public.

There is a reason that members of the press are nicknamed "the Fourth Estate." We are not the enemy of law enforcement, but a necessary check on potential abuses and corruption. A civil, democratic society doesn't destroy those checks and balances, but instead heeds those messengers to make society fairer and safer. The City Council must move forward and sign the "Intro #1460- 2025 Access to Encrypted Radios." It must be made law for police departments to give legitimate press access to radio transmissions and communications as they have had for decades.

It comes down to trust in law enforcement and that trust has worn thin for many people. It is reflected in the courts where cops are accused of bias, in the streets where officers are treated with suspicion and derision, and will only be maintained, if not worsened, if transparency and accountability are not allowed through bills like these. Departments have gone a long way to establishing trust by using body-worn cameras, but encrypting radios without giving the press access takes away those vital checks and balances that are necessary to maintaining credibility and trust in the rule of law. Without that trust, it only becomes harder to do the necessary job of protecting and serving the people of New York. We are not enemies, but partners, fellow servants trying to keep New York City safe. This bill will be a major tool towards that goal. Thank you.

Sincerely,

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TESTIMONY OF:
Jacqueline Gosdigian, Supervising Policy Counsel
BROOKLYN DEFENDER SERVICES
Presented before
New York City Council
Committee on Public Safety - Legislative Hearing
November 19, 2025

My name is Jacqueline Gosdigian and I am Supervising Policy Counsel at Brooklyn Defender Services. Brooklyn Defender Services (“BDS”) is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. We are grateful to the Committees on Public Safety and Chair Salaam for the opportunity to testify today about Int. 1402 and a preconsidered introduction related to the New York City Civilian Complaint Review Board (CCRB) access to body worn camera video.

For nearly 30 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. After 29 years of serving Brooklyn, we expanded our criminal defense services in Queens. We are proud to bring the same dedication and excellence to Queens.

Our staff consists of attorneys, social workers, investigators, paralegals and administrative staff who are experts in their individual fields. BDS also provides a wide range of additional services for our clients, including civil legal advocacy, assistance with educational needs of our clients or their children, housing and benefits advocacy, as well as immigration advice and representation.

Background

Police transparency is an essential measure for holding the NYPD, and other law enforcement agencies, accountable for the discriminatory and abusive policing practices they employ. As defenders, we see officers with long histories of civil rights abuses continue to police the same streets and harm community members. These harms are compounded by retaliatory actions taken by officers against people who lodge complaints against them, discouraging others from coming forward. The current system of police misconduct oversight has demonstrated its ineffectiveness at reining in abuse and biased policing. We are grateful to the City Council for your ongoing



efforts to achieve meaningful oversight of the NYPD, including two pieces of legislation, Int. 1415 and Int. 1402, which were discussed today.

Providing direct access to police records and data is an important step towards police accountability. New York, like the rest of the country, has experienced a massive shift in the way that we store and access information, including police records. Digital storage costs have declined significantly, and digital processing speeds have increased exponentially. Capitalizing on these technical achievements, the NYPD spent millions of dollars on document and case management systems, as well as data collection and storage products. Partnering with companies like Microsoft and IBM, the Department built multiple systems to store, organize, analyze and share collected data, including police reports, body-worn camera videos, and other digitally collected evidence. Despite using multiple systems internally, modern computer science and data architecture make the sharing of information amongst those systems and database instances simple and able to be automated. The NYPD uses those data innovations daily to coordinate, collate, and analyze its numerous data sources. As the NYPD noted almost a decade ago, “[t]he amount of information available through [its] Crime Data Warehouse is astonishingly large and incomparable to other law enforcement and public safety agencies.”

For external sharing, each of the NYPD’s data systems are designed to make the collection and sharing of information—particularly body worn camera footage and the kind of information required by New York’s evidence sharing (i.e. discovery) statutes—quick, straightforward, and simple. However, even though it has never been easier to disclose information electronically in a timely manner, turnover of police records continues to be inexcusably delayed. These delays can be directly attributed to a fundamental lack of transparency about NYPD’s systems and NYPD’s failure to turn over their records to CCRB, District Attorneys, and other agencies causing delays in investigations and backlogs in the court system.

The NYPD has repeatedly claimed that access to camera footage is important for public safety. With the expansion of police-controlled cameras in NYCHA housing, tied to Big Apple Connect Wi-Fi program—a free internet and cable program, the city is now extending constant surveillance directly into people’s homes. Prior to Big Apple Connect, the NYPD maintained 37 livestream camera sites in NYCHA buildings; after the program’s launch, the Department reported 68 new CCTV cameras, and testified that it hopes to expand to 1,905 cameras by the end November 2025. With access to this many cameras under a unified system, the NYPD will be able to reconstruct the daily movements of hundreds of thousands of NYCHA residents. That kind of spatial-temporal mapping across doorways, hallways, common spaces, and adjacent walkways enables nearly continuous tracking of individuals’ routines and associations. Given the NYPD’s



level of automatic and direct surveillance of city residents, CCRB must, at a minimum, have direct access to camera footage of police-citizen encounters in order to achieve accountability.

Int. 1415

BDS strongly supports Int. 1415 which would amend the administrative code in relation to requiring the NYPD to provide the civilian complaint review board with direct access to officer body-worn camera footage. Body worn cameras, if utilized properly, can shed light on the thousands of law enforcement interactions many New Yorkers, particularly Black and Latine people, experience each day. Police misconduct continues to go unmonitored and unchecked. The secrecy of police disciplinary systems perpetuates this misconduct and precludes public scrutiny of law enforcement. Research has shown that officers wearing body cameras were involved in fewer use-of-force incidents and body worn cameras can also increase the likelihood that an officer acting on racial biases—or committing misconduct—will be discovered, investigated, and disciplined.

Body cameras are only a useful tool to assist in transparency and accountability if they are used properly *and* if judges, prosecutors, and law enforcement officers investigate and carry out disciplinary measures for incidents of misconduct. Direct access to body worn camera video will greatly assist the CCRB in investigating and prosecuting allegations of police misconduct. However, it is important to note here, that because the police commissioner retains veto power over any internal findings and recommendations for discipline by the CCRB, there is no meaningful mechanism in place for holding the NYPD accountable.

Int. 1402

BDS supports Int. 1402, which would amend the administrative code in relation to reporting on police department compliance with freedom of information law requests. The Freedom of Information Law requires city and state agencies to provide access to public records in a timely manner. In practice, we see that the NYPD routinely violates both the letter and spirit of the law, delaying requests for months or years through repeated extensions and producing records only when they face litigation. This pattern of noncompliance is especially troubling given the Department's failure to meet its affirmative transparency duties under laws like the POST Act. The result is a system in which delay itself becomes a tool of the NYPD to ensure that information is stale or irrelevant by the time it is finally disclosed, if it is disclosed at all. At a moment when the NYPD's surveillance footprint continues to expand, the public has an urgent right to understand how policing systems function and what information the department has amassed about them. The ability to FOIL for information about surveillance technologies the NYPD fails to disclose under the POST Act is essential to understanding how these systems



operate and how they impact communities. Separately, individuals must have the ability to request and review their own data maintained by the department so they can understand what information the NYPD has collected about them and how it is being used.

These delays cause direct harm to the people we represent. For example, BDS occasionally files FOIL requests for body-worn camera footage from our clients' own arrests, often to help them locate property or seek compensation for items lost or mishandled by police. Even these most straightforward requests are stalled for years, despite requiring a very small volume of easily accessible records. This leaves our clients unable to prove what happened and forced to replace essential property out of pocket.

FOIL is a core mechanism by which New Yorkers ensure that an ever-growing government remains legible to the very people who fund and are governed by it. This principle is especially vital in contexts where city agencies wield immense power over the lives of ordinary people like the NYPD does, yet information about their practices is among the hardest to obtain. Int. 1402 strengthens the transparency necessary for meaningful public oversight.

Conclusion

Overall, the current level of stop and frisk abuses combined with a web of the NYPD's special response teams, task forces, and use of surveillance technology represents a covert return to the broken-windows policing of the late 1990s and early 2000s. Through them, the NYPD has created a new locus for police-citizen encounters, one that not only lacks oversight and increases the number of unnecessary stops New Yorkers are subjected to, but also one that poses an increased risk of violence and loss of life for New Yorkers. Now, more than ever, the city must hold the NYPD accountable and insist on transparency. Providing CCRB direct access to body worn cameras and police records, along with increasing the public's access through FOIL requests, are steps that will assist the city in addressing the lack of oversight and accountability of NYPD practices and policies related to unlawful police-citizen encounters, use of force, and custodial detention and arrest.

Thank you for holding this important hearing and for your consideration of our comments. If you have any questions about our testimony, please feel free to contact me at jgosdigian@bds.org.



MEMORANDUM OF SUPPORT

Intro. 1451-2025

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York city police department to provide the civilian complaint review board with direct access to officer body-worn camera footage and to establish related procedures

November 19, 2025

Summary of Provisions

Intro. 1451-2025 (Adams) would require the New York City Police Department to provide the Civilian Complaint Review Board (CCRB) with direct, real-time connection to its body-worn camera footage servers, which would include, at minimum, the ability to remotely access, search, and store the footage. The Police Department would be forbidden from limiting the CCRB's access unless otherwise required by law. Additionally, the bill would require the NYPD segregate its sealed body-worn camera footage in accordance with relevant laws. It would add a new section to Title 14 of the administrative code.

Statement of Support

Citizens Union supports Intro. 1451-2025 because it would expedite and improve the quality of investigations into police misconduct and wrongdoing, thus strengthening appropriate oversight and accountability of the NYPD. The bill would reduce the limitations investigative agencies face in accessing police officers' body-worn camera footage through codifying the timing, type, and uses of such access. By providing prompt and full access to body-worn camera footage, Intro. 1451-2025 would ensure the CCRB arrives at a clear and fair interpretation of events in a timely manner and prevent the Police Department from unjustifiably denying access to effective investigative resources.

Details of Position

Pursuant to the New York City Charter, the Civilian Complaint Review Board (CCRB) has the power to "compel the attendance of witnesses and require the production of such records and other materials as are necessary for the investigation of matters within its jurisdiction."¹ In the past, however, the New York City Police Department (NYPD), in practice, withheld significant, relevant information from the CCRB or produced it after substantial delays and often with redactions.² Two years ago, Citizens Union

¹ Charter Chapter 18-A, § 440(c)(3)

² See for example, the Department of Investigation's report into NYPD Response to the 2020 George Floyd Protests, demonstrating NYPD resistance to the production of information not only to the CCRB but also to the

testified in favor of this proposed law, and today we'll do the same, largely with the same testimony and updated data. While CCRB's access to body-worn camera footage seems to have improved, Citizens Union believes it's best to codify the Board's access to materials into law so tactics intended to undermine the Charter and the investigations into misconduct do not return under different leadership.

The NYPD provided limited access to body-worn camera footage

The NYPD's past failure to provide prompt access to relevant materials for investigations was especially apparent in the use of body-worn camera (BWC) footage. Since the introduction of body-worn cameras in 2014, the NYPD resisted and delayed efforts by the CCRB to obtain the needed footage. In 2019, the two agencies agreed to a cumbersome procedure in a memorandum of understanding (MOU) for providing access to CCRB investigators, which still gave the NYPD control of the footage and significantly hindered the CCRB. They signed a new MOU in 2023 that required the NYPD to share BWC footage and other evidence with the CCRB within 90 days after a request.

This bill would ensure that the CCRB is not dependent on the Department's response by providing the CCRB with direct access to the NYPD's servers, at a level similar to that used by the Department's own Internal Affairs Bureau. This would streamline investigations and ensure there are no roadblocks in access.

In the past, delays in providing BWC footage were also caused by the NYPD comingling sealed and unsealed records on their servers. Under state law, arrest records must be sealed in several cases and accessible only to authorized individuals.³ Because sealed and unsealed records were not separated, NYPD Legal Bureau attorneys need to review and screen each search request from outside agencies prior to their production. Other delays in providing prompt access to relevant materials were based on a myriad of claims of privilege and privacy concerns, some based on statutes designed to protect innocent civilians, not police officers accused of misconduct. It is easy to get lost in the competing legal arguments involved, but in any case, it should be the Corporation Counsel, not the NYPD, who makes the legal judgment as to whether there are any current legal impediments to the NYPD sharing all relevant materials with the CCRB.

Intro. 1451-2025 would address both of these issues. It requires the NYPD to maintain body-worn camera footage in compliance with legal requirements for segregation of sealed materials, and explicitly states that limits to the CCRB's direct access to materials will only be made if "required by law."

We note that a similar problem faced other agencies that require independent access to BWC footage to fulfill their mandates for oversight over the NYPD. The Office of the Inspector General for the NYPD (OIG-NYPD) at the Department of Investigations, which is charged by Charter §808 to "collect and

Inspector General for the Police Department and the Mayor's Commission to Combat Police Corruption (<https://www.nyc.gov/assets/doi/reports/pdf/2020/DOIReport.NYPD%20Reponse.%20GeorgeFloyd%20Protests.12.18.2020.pdf>), See also, Eric Umansky and Mollie Simon, The NYPD Is Withholding Evidence From Investigations Into Police Abuse, Pro Publica (Aug. 17, 2020), <https://www.propublica.org/article/the-nypd-is-withholding-evidence-from-investigations-into-police-abuse>

³ Including when the prosecution drops charges, the case is dismissed or the offender is a juvenile, and sometimes in the case of a conviction. See more at <https://www.nycourts.gov/courthelp/criminal/sealedRecords.shtml>

evaluate information regarding allegations or findings of improper police conduct and develop recommendations relating to the discipline, training, and monitoring of police officers,”⁴ has an express interest in also being provided access to BWC footage. Other §808 agencies, including the Law Department, the Comptroller, the Commission to Combat Police Corruption, and the Commission on Human Rights, may also need some level of access to body-worn camera footage.

Limited access to footage impedes investigations into police misconduct

These limitations present substantial obstacles to investigations of complaints of police misconduct. Since its introduction in 2014, the NYPD’s BWC program has become the largest in the country, with 24,000 of its members equipped with the technology.⁵ The result of years of unconstitutional “stop and frisk” policing – through which the NYPD disproportionately targeted and infringed on the civil rights of Black and Hispanic communities – BWC footage has played a critical role in producing video evidence crucial to the exoneration and protection of citizens as well as members of the NYPD.

The footage allows the CCRB to resolve conflicting testimonies and receive a clearer interpretation of the circumstances of an encounter. They have been especially effective in getting fully investigated complaints closed “on the merits,” allowing the CCRB to determine whether an officer’s actions are misconduct. CCRB data continues to show that the rates of both “substantiated” and “unfounded” findings significantly increased in investigations with BWC footage.⁶

In the past, the CCRB has cited its inability to complete investigations of complaints with getting BWC footage, including “delayed responses, false positives (NYPD turned over footage that was either incorrect or irrelevant in response to a video request), false negatives (the NYPD reported that queries for the requested video footage did not return any results, but the footage was later discovered), and inconsistent responses by the NYPD.”⁷

Such delays run counter to the city’s stated goals for the CCRB, as set by the Mayor’s Management Report, including improving the timeliness of investigations.⁸ They may also contribute to greater “non-concurrence” in disciplinary actions between the CCRB recommendations and the Police Commissioner’s decision.

As mentioned, there has been notable progress made in providing footage. The average business days it took for the NYPD to respond to CCRB footage requests dropped from 48 in 2019 to 7 days the first half

⁴ Charter Section 808(b)

⁵ CCRB Semi Annual Report 2022 https://www.nyc.gov/assets/ccrb/downloads/pdf/policy_pdf/annual_bi-annual/2022_semi_annual.pdf

⁶ For example, in the first quarter of 2025, 57% of complaints without video evidence closed under “unable to determine”, i.e. because the CCRB did not have enough evidence to determine the outcome, compared to 19% of investigations with BWC evidence. (CCRB Semi Annual Report 2025)

⁷ CCRB Semi Annual Report 2022 https://www.nyc.gov/assets/ccrb/downloads/pdf/policy_pdf/annual_bi-annual/2022_semi_annual.pdf

⁸ Mayor’s Management Report, CCRB, Goal 1a

of 2025. Most recent data shows that the CCRB was able to collect BWC footage in 92% of all fully investigated complaints.⁹

However, the basic point is that the city currently runs two parallel systems for disciplining police officers. One is run by the NYPD through its Internal Affairs Bureau and has access to all relevant information in the possession of the Police Department. The other is run by the CCRB and has access only to the materials that the NYPD decides to turn over. This situation is intolerable.

The best way to ensure the safe and democratic application of policing is to strengthen and streamline systems of oversight and accountability. The CCRB should have prompt and full access to footage from body-worn cameras and all other NYPD documents and materials relevant to its investigations.

⁹ CCRB 2025 semi-annual report



TESTIMONY OF THE NEIGHBORHOOD DEFENDER SERVICE

before the

Committee on Public Safety

IN RELATION TO

Int. 1402-2025 and Int. 1451-2025

by

Elizabeth Bender

Senior Policy Counsel, Criminal Defense Practice

November 19, 2025

Dear Chair Salaam,

I am Elizabeth Bender, Senior Policy Counsel with the Criminal Defense Practice at the Neighborhood Defender Service of Harlem (NDS). NDS is a community-based public defender office that provides high-quality legal services to residents of Northern Manhattan. Each year, our attorneys represent nearly 8,000 clients in New York County's criminal, housing, and family court systems, and in federal immigration courts. Our social workers and advocates support clients by providing referrals to services, connections to benefits, and support throughout their legal cases.

I write in support of Int. 1402-2025 and Int. 1451-2025. Both bills will help promote transparency around NYPD operations and will aid in investigating misconduct. As public defenders and civil advocates, we have heard countless clients' experiences of abuse, harassment, false arrest and violence at the hands of the NYPD. Their ability to hold officers accountable for misconduct depends on gathering information from the NYPD and on the CCRB's thorough investigation of their claims. These bills are a meaningful step forward in both areas.

We support Int. 1402-2025's creation of a reporting system for NYPD's compliance with FOIL requests. While these requests are already regulated by the Freedom of Information Law ("FOIL"), it is our experience that the NYPD routinely takes months to respond to even basic FOIL requests—if they respond at all. An annual report wherein the Department must document its delays will be a useful tool in holding the NYPD accountable for its lack of responsiveness. This report will aid advocates, journalists, and the Council in detecting unacceptable patterns of delaying or refusing to respond to FOIL requests.

We urge the Council to reject any request by the NYPD to allot any additional funds to comply with Int. 1402's reporting requirements. The NYPD already has a massive, multibillion-dollar annual budget and an entire unit dedicated to FOIL compliance. The information required by the bill is not beyond that which Council should reasonably expect the FOIL unit to track already.

We further support Int. 1451-2025. It is a crucial step towards achieving meaningful accountability for officer misconduct, a reality that many of our clients know all too well. After the introduction of body-worn cameras, many of the complaints that civilians refer to the CCRB are captured on video. It is inefficient, unproductive, and unjust for the CCRB to have anything other than free access to body-worn camera footage of the very facts it is investigating. This bill will facilitate faster investigations, bringing swifter justice to harmed civilians *and* to officers who may later be found not liable for misconduct. The only parties that benefit from impeding the CCRB's access to body-worn camera footage are officers hoping to hide their own misconduct. The Council should deprive them of that opportunity by passing Int. 1451.

We thank the Council and the Committee on Public Safety for their efforts to foster transparency and justice.

Elizabeth Bender
Senior Policy Counsel
Criminal Defense Practice
Neighborhood Defender Service of Harlem



Testimony of
Sergio De La Pava
Legal Director
New York County Defender Services

Before the
Committee on Public Safety
Intros 1237-2025 (Feliz), 1402-2025 (Salaam), 1451-2025 (Adams)

November 19, 2025

My name is Sergio De La Pava and I am the Legal Director at New York County Defender Services (NYCDS). NYCDS is an indigent defense office that every year represents tens of thousands of New Yorkers in Manhattan's Criminal, Family, and Supreme Courts. Thank you to Chair Salaam for holding today's hearing and to all of the Council Members who have sponsored the bills on today's agenda that seek to bring more accountability and transparency to our city's law enforcement operations.

I. Background:

Public defense organizations have a direct interest in strengthening the transparency, accountability, and oversight of policing in New York City. Every day, our lawyers represent individuals whose lives are shaped by police mistreatment and selective enforcement. We commonly uncover these abusive police tactics through legal discovery and from our clients' accounts of their arrests and interrogations. Yet, despite overwhelming evidence of rampant police misconduct, the NYPD remains one of the least transparent agencies in New York City. This has created a system where public defenders rely on incomplete or delayed information

about our client's arrest, the related investigation, and any history of misconduct by the officers involved. And more generally, we also lack the information that would reveal patterns of corruption and abuse, and shed light on why our clients were targeted in the first place.

The NYPD's lack of transparency extends to their FOIL practices. The NYPD routinely causes unwarranted delays or flatly refuses to release information to defense organizations. Additionally, the police often thwart the release of body-worn camera footage to the CCRB, negatively impacting many of our clients who have complaints against the police. Taken together, these three bills would strongly bolster police transparency and accountability and begin to address these inequities.

II. Proposed Legislation:

A. *Intro 1237-2025 (Feliz) - Requiring the police department to report on all criminal complaints and arrests.*

NYCDS supports this legislation. This bill would require the New York City Police Department ("NYPD") to report data on all criminal complaints and arrests dating back to 2007, with quarterly updates. Such data would include a listing of all criminal complaints reported to the NYPD, and information regarding each such complaint, including an indication of whether an arrest for the underlying complaint occurred.

Every year, thousands of New Yorkers, disproportionately from Black and Latinx communities, are pulled into the criminal legal system. By requiring the NYPD to report detailed data on complaints and arrests, this bill would bring transparency around how complaints are resolved and help spot patterns of over-policing, discriminatory enforcement, and inconsistencies that directly impact our communities. Regular reporting also gives public defenders the ability to contextualize officer conduct and evaluate patterns of overcharging or pretextual stops. The proposed legislation builds public trust by promoting transparency.

B. *Intro 1402-2025 (Salaam) - Requiring the Department of Investigations to Report on the NYPD's Compliance With FOIL*

NYCDS supports this legislation. This bill would require the New York City Department of Investigations (DOI) to produce an annual report on the New York City Police Department's compliance with the Freedom of Information Law (FOIL).

The NYPD has historically been one of the least compliant major agencies with respect to FOIL, routinely delaying, denying, or ignoring lawful requests. For example, a recent audit revealed that the NYPD took an average of 133 business days to grant or deny FOIL requests for

body-worn camera footage, and in approximately 85% of cases, the department did not meet the standard 25-business-day response timeline.¹ These delays hinder public defense organization's ability to uncover patterns of unconstitutional or problematic behavior by the NYPD. Requiring the NYPD to be more transparent about their FOIL procedures allows for greater accountability to the public, especially for our clients who come from communities that are over-policed and more often brutalized by the police.

This legislation will shine a greater light on the NYPD's practice of using excessive delays, blanket denials, and other obstructive tactics to prevent access to public records. For public defenders, it can also provide critical information about officers' credibility, discriminatory actions, and departmental practices that impede transparency.

We strongly support the idea of an independent agency monitoring such practices, as it demonstrates that police transparency is not optional, but instead a legal obligation.

C. *Int. 1451-2025 (Adams) - Requiring NYPD to Provide the CCRB With Direct Access to Body Worn Camera Footage.*

NYCDS supports this legislation. The bill would require the New York City Police Department to provide the Civilian Complaint Review Board (CCRB) with direct real time access to body-worn camera (BWC) footage servers. This would permit CCRB employees to search, view, and use these files for the purpose of investigating and prosecuting allegations of police misconduct.

The current lack of direct access gives the NYPD significant control over when and what evidentiary footage the CCRB can review. Public defenders have a direct stake in ensuring that police oversight mechanisms are robust, independent, and allow for access to evidence without obstruction. We routinely represent clients harmed by police practices, so timely and complete access to body-worn camera footage is essential to uncover patterns of unconstitutional practices. CCRB's strengthened investigative authority ultimately supports defense work by ensuring that police misconduct is meaningfully scrutinized, documented, and addressed.

As mentioned above, the current FOIL system controlled by the NYPD allows the department to delay, strict, and even strategically curate what footage an oversight agency receives. These delays not only compromise the CCRB's ability to investigate misconduct but also erode public trust in both the complaint process and justice system. For many of our clients, who come

¹ Ben Feuerherd, "NYPD has failed to release police body camera footage on time, audit finds," *Gothamist*, Oct. 31, 2025, available at <https://gothamist.com/news/nypd-has-failed-to-release-police-body-camera-footage-on-time-audit-finds>

disproportionately from heavily-surveilled and overpoliced communities, these practices perpetuate real harm.

Lastly, this legislation promotes accountability at a time when body-worn cameras have not fully delivered on their promise of transparency. The technology was hailed to the public as a powerful mechanism for promoting transparency and deterring police misconduct. This legislation will help ensure that this promise is kept.

III. Conclusion

NYCDS supports **Intro 1237-2025 (Feliz)**, **Intro 1402-2025 (Salaam)** and **Int. 1451-2025 (Adams)**. They are an important step in promoting fairness, transparency, and accountability in New York's law enforcement.

If you have any questions about my testimony, please email policy@nycds.org.

**Testimony of Michael Sisitzky
On Behalf of the New York Civil Liberties Union
Before the New York City Council Committee on Public Safety
In Support of Intros. 1451, 1460, and 1402**

November 19, 2025



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The New York Civil Liberties Union (NYCLU) advances civil rights and civil liberties so that all New Yorkers can live with dignity, liberty, justice, and equality. Founded in 1951 as the state affiliate of the national ACLU, we marshal an expert mix of litigation, policy advocacy, field organizing, and strategic communications. Informed by the insights of our communities and coalitions and powered by 90,000 member-donors, we work across complex issues to create more justice and liberty for more people. The NYCLU offers testimony in support of Intros. 1451, 1460, and 1402, all of which will further the goal of increased NYPD transparency and oversight. With the Council's current term rapidly coming to a close, we urge the Council to move quickly to pass these measures into law.

Intro. 1451

The NYPD has long been accused of frustrating efforts by the Civilian Complaint Review Board ("CCRB") to investigate and pursue disciplinary action against officers accused of misconduct. In recent years, a central point of contention has involved access to officer body-worn camera footage, which is controlled and maintained by the NYPD.

The CCRB has long noted both the value of video evidence in its investigations and the challenges it has faced in obtaining body-worn camera footage from the NYPD. In July 2019, a CCRB memo noted that the agency had 788 unfilled requests for body camera footage, some of which had been pending for months.¹ In June 2020, the backlog of outstanding requests had ballooned to 1137, with at least 40 percent of those requests having been pending for more than 90 days.² As the agency rightly noted:

[Body camera] footage is readily and easily used against members of the public, being immediately electronically linked to an arrest report for the easier prosecution of civilian crimes, but the situation for New York City oversight of police has steadily grown worse during the duration of a [body camera] program intended primarily to aid oversight.³

¹ Civilian Complaint Review Board, Memorandum Re: BWC and Document Request Issues with the NYPD, July 5, 2019, at 1, https://brooklyneagle.com/wp-content/uploads/2019/07/20190710_boardmtg_BWC_memo-2-1.pdf.

² Civilian Complaint Review Board, Memorandum Re: BWC Landscape, June 26, 2020, <https://www.documentcloud.org/documents/6980787-CCRB-Memo-on-Body-Cam-Footage.html>.

³ *Id.*



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While this extreme backlog has since been reduced, the structural barrier presented by the NYPD's complete control over the footage remains in place. If, for example, the CCRB were to experience a surge in complaints in the future like the one that arose from the summer 2020 protests, it is not difficult to imagine a scenario where the agency would once again be overwhelmed and would struggle to obtain footage in a timely manner.

Unlike the NYPD's protocols with prosecutors, who receive complete, unedited footage from body cameras through "a proprietary management system used by the NYPD that automatically transmits footage once an officer plugs their camera into a docking station and registers an arrest," the agency tasked with civilian oversight of the police is left without a direct means of obtaining footage that is critical to resolving misconduct complaints.⁴

As an investigative and oversight agency tasked with holding officers to account for misconduct, the CCRB should generally be afforded direct access to footage needed for its investigations, as is the case in places like Chicago and Washington, DC.⁵ Intro. 1451 would establish such a framework for direct access here, granting CCRB access to body camera footage on a level equivalent to the NYPD's own Internal Affairs Bureau and requiring that the NYPD not limit CCRB access to that footage unless such restrictions are required by law.

The disconnect between the speed with which the NYPD provides footage to prosecutors for use as evidence against civilians and the sluggishness with which the Department has responded to requests for footage that could shed light on official misconduct undercuts the promise of body cameras as a tool for accountability and suggests that the NYPD views the technology primarily as just another gadget to collect evidence for use in criminal prosecution. The City Council can act to restore part of the initial promise of body cameras in promoting transparency and accountability by removing any local barriers to access that footage for the CCRB.

Intro. 1460

Public access to emergency communications is a public safety and a police oversight issue. For almost a century, the press and the public at large have been able to access emergency communications, such as broadcasts on natural disasters, police activity, and other newsworthy information. Although

⁴ Ethan Geringer-Sameth, *Vast Difference in NYPD Provision of Body Camera Footage to District Attorneys Versus Police Watchdog*, Gotham Gazette, Nov. 12, 2019, <https://www.gothamgazette.com/city/8880-nypd-body-camera-footage-districtattorneys-ccrb>.

⁵ See Office of the Inspector General for the NYPD, *Sharing Police Body Worn Camera Footage in New York City* (2021), at 19-20, available at <https://www.nyc.gov/assets/doi/press-releases/2021/November/21BWCRelease.Rpt.11.05.2021.pdf>.



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radio technology has changed over the decades, radio scanners continue to provide independent access for journalists and the public alike to receive and respond to breaking news in their neighborhoods. It has also been a crucial tool for police transparency by informing reporters in real-time of the killing of Eric Garner during his arrest in Staten Island, the police shooting of Amadou Diallo, and the police shooting of Sean Bell.⁶ Public access to radio communications has also been key for public and press scrutiny of police responses at protests against police brutality.⁷

The NYPD, however, has a long history of embracing secrecy and of evading disclosure requirements to avoid public scrutiny. In July 2023, the agency began encrypting radio transmissions that members of the public had been able to access for decades under the guise of public safety.⁸ The Department's locking out of the public from access to radio communications falls within a broader pattern of secrecy, a pattern that has seen the NYPD routinely denying or delaying requests for public records and attempting to shield itself from oversight.

The NYPD's purported concerns about public safety with respect to their radio communications must be viewed within the context of an agency that has repeatedly and hyperbolically invoked fears about public safety as a means of shutting down debate and erecting a wall of secrecy around its operations. And these concerns must also be weighed against the strong public and journalistic interest in having the ability to monitor and engage in real-time oversight as an independent check against an agency that has historically resisted calls for basic transparency and accountability.

Intro. 1460 is a necessary legislative response to this retreat toward police secrecy. For professional journalists, it will restore the status quo that existed for decades before the NYPD moved toward encryption, re-equipping reporters with the real-time information they need to respond to and independently report on police activities. Intro. 1460 takes a different approach for members of the public more broadly, offering access to radio communications on a ten-minute delay. We appreciate that the Council is attempting to strike a balance here, but we note that the public, as a whole, has a real interest in access to these communications in real-time. The universe

⁶ Todd Maisel, *Over and out? City Council Hearing Eyes NYPD Radio Encryption Plan that could Shut Press and Public Out of Breaking Crime News*, AMNY, Nov. 14, 2023, <https://www.amny.com/news/city-council-nypd-radio-encryption-hearing-planned/>.

⁷ Joseph Cox, *Thousands of People Are Monitoring Police Scanners During the George Floyd Protests*, Vice, Jun. 1, 2020, <https://www.vice.com/en/article/pkybn8/police-radio-scanner-apps-george-floyd-protests>.

⁸ Maisel, *supra* note 6; New York City Council, Statement from New York City Council on the NYPR's Implementation of Radio Encryption, Jul. 28, 2023, <https://council.nyc.gov/press/2023/07/28/2448/>; Dan Rivoli, *NYPD Expands Radio Encryption as Journalists Push Back*, Spectrum News NY1, Nov. 20, 2023, <https://ny1.com/nyc/all-boroughs/politics/2023/11/21/nypd-expands-radio-encryption-as-journalists-push-back> (describing the rolling adoption of radio encryption).

of people who document and report on police activities is not limited to journalists, and even the definition of “professional journalist” adopted in the bill may pose a barrier to some reporters themselves who are seeking to gather information on newsworthy events. And critically, the NYPD has not met its burden of demonstrating that the decades-long practice of broadcasting these transmissions to the public in real-time prior to its move to encryption impeded or threatened officers’ work in any meaningful or real way. We would encourage the Council to consider fully restoring the pre-encryption status quo of providing full real-time access or, at minimum, ensuring that any time delay is kept at a bare minimum.

Intro. 1402

New York’s Freedom of Information Law (“FOIL”) facilitates critical government oversight and accountability, but data about how the law itself is utilized remains lacking, as is data that would facilitate a broader examination of how agencies are complying – or not – with their FOIL obligations. The NYPD is particularly notorious for its frequent FOIL delays and denials, leading to long and costly appeals and litigation.

Intro. 1402 would provide valuable insights into the NYPD’s handling of FOIL requests. The data it will generate will allow the public and policymakers alike to begin to evaluate the NYPD’s timeline for responding to FOIL requests across various topics and to identify patterns when it comes to compliance, response times, and consistency. While the data it calls for is fairly high-level, this tracking system could prove a useful tool in ongoing oversight and evaluation of the NYPD’s commitment to honoring its obligations under state law.

Conclusion

We thank the Council for the opportunity to provide testimony on these important issues.



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**STATEMENT OF
DAVID SIFFERT, LEGAL DIRECTOR
SURVEILLANCE TECHNOLOGY OVERSIGHT PROJECT (“S.T.O.P.”)**

**BEFORE THE COMMITTEE ON PUBLIC SAFETY
NEW YORK CITY COUNCIL**

NYPD TRANSPARENCY

**PRESENTED
November 19, 2025**

Good morning Chair Salaam and members of the Public Safety Committee. The Surveillance Technology Oversight Project (“S.T.O.P.”) is a New York-based civil rights and anti-surveillance group that advocates and litigates against discriminatory surveillance. Thank you for organizing this important hearing.

I. The New York City Police Department Does Not Comply with the Freedom of Information Law, and Other Agencies are Not Much Better

S.T.O.P. regularly submits requests to the New York City Police Department (NYPD) under the Freedom of Information Law (FOIL) – on average more than one per month. NYPD responds the same way almost every time. First, it acknowledges the request and set a date to fill the request roughly 4 or 5 months later. However, NYPD never, in our experience, produces record even on this extended self-imposed deadline. In the best case scenario, NYPD will issue an extension for another 2 to 3 months. When that deadline comes, NYPD will extend again. Just as likely, NYPD will simply stop extending its time to respond but still not respond, simply blowing the deadline and ignoring the request. When S.T.O.P. files an intra-agency appeal, claiming that NYPD has constructively denied the request without explanation, NYPD clams the appeal is premature, because NYPD has not actually issued a denial. Only when S.T.O.P. files a lawsuit, and great time and expense, does NYPD began negotiations on producing records. By the time NYPD completes production, it is relatively common for 4 or 5 years to have passed since the initial request was filed, leaving the information obtained already badly out-of-date. NYPD has an annual budget over \$10 billion; however, it intentionally understaffs its FOIL team so that it can justify these excessive delays. This farce plays out repeatedly – S.T.O.P. has sued NYPD 3 times over a total of 15 different FOIL requests in 2025 alone.

S.T.O.P. supports Intro 1402-2025 to create transparency over NYPD’s FOIL non-compliance.

However, it is worth noting that NYPD is not the worst City agency in FOIL compliance. The Office of the Mayor, for example, takes *on average longer than a year* to respond to a FOIL request. As a result, it is incredibly important that the Council pass Intro 1235, which creates broad requirements for city agencies (including NYPD) to track their FOIL logs on an online platform, with the public able to review and download the data in a machine-readable format. We hope this bill will be on the agenda for the Stated meeting next week, on November 25th.

Regardless of the passage of Intro 1235, however, Intro 1402 remains significant, because it goes beyond transparency. It requires Commissioner of Investigation to make concrete recommendations regarding how NYPD can improve its response times. As we saw with the Department of Investigation (DOI)’s initial POST Act audit, which led to this year’s legislative updates to the POST Act, DOI’s reports can result in important, concrete changes to policy.

II. BWC Footage is Used Against NYPD's victims, and NYPD Selectively Releases Camera Footage to Avoid Accountability

S.T.O.P. testified in favor of Civilian Complaint Review Board (CCRB) access to body-worn cameras (BWCs) in 2023. The Council has passed legislation giving DOI access to specific BWC footage that it requests; however, there is still a major transparency gap.

As an initial matter, a 2016 survey by George Mason University's Center for Evidence-Based Crime Policy found that 8.3% of offices in jurisdictions with body-worn cameras had used the footage to prosecute police officers, while 92.6% had used it to prosecute private citizens.¹ There are multiple reasons for this. First, BWC footage, taken from the perspective of law enforcement, is inherently biased in favor of the officer.²

Worse, BWC footage is used selectively to convey NYPD narratives. Officers regularly fail to activate their cameras if they are concerned their conduct may break the law.³ And, when damning footage exists, it is regularly not produced. In more than 100 cases, the NYPD falsely claimed there was no video when footage did exist.⁴ According to one leaked internal memo, the NYPD regularly refuses to fulfill approximately New York Civilian Complaint Review Board's (CCRB's) requests for BWC footage: as of June 2020, 1137 requests had not received a response, 40% of which had been pending for over 90 days, and in May of 2020 alone CCRB responded to only 33 of 212 requests.⁵ In one particularly egregious example, NYPD initially released heavily edited BWC footage of the shooting of a mentally ill man holding a knife and a toy gun. After litigation, NYPD released the full video that showed the police actively escalating the situation prior to the shooting, then failing to render medical aid while looking for weapons in the house after the shooting.⁶

¹ Alexandra Ulmer and Julia Harte, *Explainer: How police body-worn cameras are used in the United States*, Reuters (April 30, 2021), <https://www.reuters.com/world/us/how-police-body-worn-cameras-are-used-united-states-2021-04-30/>.

² Timothy Williams et. al., *Police Body Cameras: What Do You See?*, New York Times (April 1, 2016), https://www.nytimes.com/interactive/2016/04/01/us/police-bodycam-video.html?_r=0; Nicole Wetsman, *Police body cam videos can underplay officer brutality*, The Verge (June 17, 2020), <https://www.theverge.com/21293502/police-violence-protests-camera-bias-body-cam>.

³ Doha Madani, *Louisville police chief fired after officer bodycams found to be off during fatal shooting*, NBC News (June 1, 2020), <https://www.nbcnews.com/news/us-news/louisville-police-chief-fired-after-officer-bodycams-found-be-duringn1221351>.

⁴ Memorandum from Olas Carayannis, Dir. of Quality Assurance and Improvement, Civilian Complaint Review Bd., to Members of the Civilian Complaint Review Bd. 2 (July 5, 2019), https://brooklyneagle.com/wp-content/uploads/2019/07/20190710_boardmtg_BWC_memo-2-1.pdf.

⁵ Memorandum from Olas Carayannis, Deputy Chief of Special Operations, and Dane Buchanan, Deputy Chief of Investigations, Civilian Complaint Review Bd., to Senior Staff of the Civilian Complaint Review Bd. (June 26, 2020), <https://www.documentcloud.org/documents/6980787-CCRB-Memo-on-Body-Cam-Footage.html>.

⁶ Cindy Rodriguez, *Rethinking 911: Are Police The Right Response When Mental Illness Is Involved? Advocates Say No*, Gothamist (October 28, 2019), <https://gothamist.com/news/rethinking-911-are-police-right-response-when-mental-illness-involved-advocates-say-no>.

S.T.O.P. accordingly supports Intro 1451. However, it is important to note that NYPD does not rely solely on its BWCs to paint a misleading picture of its conduct. NYPD's Domain Awareness System (DAS) integrates tens of thousands of its stationary cameras, in addition to aerial-based cameras, drone-based cameras, BWCs, and tens of thousands of private cameras. S.T.O.P. recently sued NYPD, arguing that this camera network amounts to a series of unconstitutional searches of all New Yorkers. However, while the lawsuit is pending, there is no reason to limit Intro 1451 to BWCs. CCRB should have access to all of the cameras in NYPD's DAS.

III. NYPD's Encryption of Its Radio Dramatically Reduced Transparency

For years, NYPD's unencrypted radio communications provided important transparency to NYPD's operations without undermining public safety. Suddenly, NYPD has decided to change its policies in order to hide from public scrutiny.

Intro 1460-2025 would take a step towards remedying NYPD's corrupt conduct by requiring NYPD to give journalists access to most radio communications. This bill mirrors A.3516/S.416, which passed the State Legislature this year and are waiting for the Governor to call for them to be delivered. If the Council passes Intro 1460, S.T.O.P. hopes that this would send a strong message to the Governor to sign the parallel state bill.

Thank you for the opportunity to testify today.



Statement for the New York City Council Committee on Public Safety
Hearing on November 19, 2025

The Deadline Club is the New York City chapter of the Society of Professional Journalists, the country's oldest journalism organization with a membership of about 4,000 and a mission that includes promoting the free flow of information to an informed citizenry.

The Society's Code of Ethics has been the news industry's most widely accepted moral guidepost for more than 50 years. Among its planks are:

- *Recognize a special obligation to serve as watchdogs over public affairs and government. Seek to ensure that the public's business is conducted in the open, and that public records are open to all.*

This cornerstone tenet of the Society is directly at odds with the steps taken by the New York Police Department over the past two and a half years to deny the public and the press access to its radio transmissions by encrypting them.

For that reason, the Deadline Club wholeheartedly supports legislation (Int. 1460) introduced last week by Council Members Brewer, Salaam and others that would restore to the credentialed press real-time access to NYPD's encrypted radio transmissions.

This measure would enhance a statewide police radio press-access bill now awaiting Governor Hochul's signature by restoring access to all city residents, albeit on a 10-minute delay, and it would provide excellent backstop protection for the New York press in case the political winds in Albany ever shift.

The Deadline Club and other press organizations are urging Governor Hochul to sign the "Keep Police Radios Public Act" (S.416 by Senator Mike Gianaris and A.3516 by Assembly Member Karines Reyes), which would guarantee that all New Yorkers, not just those in the five boroughs, retain the public-safety benefits of real-time press coverage of crimes, accidents and disasters in their neighborhoods, as well as police transparency.

Like the legislation now before you, the “Keep Police Radios Public Act” uses the long-standing state Civil Rights Law Section 79-h, commonly known as the Shield Law, to define the professional journalists who would have real-time access to police radios. The state adopted the same definition almost three years ago when it exempted journalists and newscasters from the newly enacted ban on the sale of body armor.

Two years ago, almost to the day, we told this committee in joint session with the Committees on Technology and Government Operations, that the NYPD’s encryption project, then still in its early stages of incremental implementation, would shroud the activities of one of the city’s key agencies in secrecy. News vital to New Yorkers – civil unrest, hostage situations, active shooter incidents, manmade and natural disasters – would be suppressed at the very moment they need it most, we testified. If news of these events finds its way into the public domain at all, we said it would be well after the fact and at the discretion of NYPD public information officers.

And that is exactly what has happened.

News photographers who used to race to the scenes of crimes, accidents and disasters as they were happening, now say they are learning about shootings, stabbings and other crimes hours after they occurred, if they learn about them at all.

One such case involved a shooting across the street from a Staten Island high school in September 2024 in which a teenager was wounded. Parents and local residents might never have known about it if a reader hadn’t tipped off the *The Advance/SILive.com*. Encrypted police radios in that part of the city prevented reporters at the newspaper from learning about the shooting in real time.

The consequences of being kept in the dark can be serious. In the late summer of 2016, when police radios were still accessible, the New York press heard reports on their scanners of an explosion in Chelsea and rushed to the scene, quickly alerting the public to news of the danger over the airwaves, on the internet and on mobile phones.

As a result, untold numbers of New Yorkers and tourists knew to avoid the area on that bustling Saturday night, where the flying shrapnel of a homemade bomb had injured 31 people, and where another explosive device was found a few blocks away and safely removed.

Another consequence of police radio blackouts, or even delayed transmissions, is an increased risk of the spread of misinformation. Journalists are trained to gather and report the news quickly while weeding out rumors and unsubstantiated statements. But just because news crews, photographers and reporters aren’t at a major crime scene that the NYPD has kept under wraps doesn’t mean it won’t be witnessed by other passersby. In an era when anyone with a cell phone and a social media account can assume the role of a journalist, this would leave news coverage to whoever happens to be on the scene and risk the spread of misinformation that can quickly go viral, especially when strong emotions are involved.

Police radio scanners have been a mainstay of newspapers, broadcasters and visual journalists, and the source of countless news tips, since the 1930s.

In recent years, as encryption technology became more widely available, police departments across the country confronted the issue with mixed results. Some have declined to go ahead with it, others have kept the press plugged in while others have closed off their communications or put them on a 30-minute delay.

In Nassau County, journalists have had to confront serious challenges in reporting on urgent public safety matters, because law enforcement radios have been encrypted for several years. But Palo Alto, California, and Las Vegas are two jurisdictions that decided that transparency outweighed the misperceived benefits of operating without press coverage. In 2023, Palo Alto, California, rescinded its encryption policy, while Las Vegas opted to provide journalists with access when it encrypted its radio communications.

As the largest U.S. police force, the NYPD wields influence beyond the five boroughs. It is therefore disturbing that the NYPD has already blacked out most of its communications. Restoring NYPD radio transmissions will not only restore a measure of public safety and police transparency for city residents but will send a message to the entire country.

The Deadline Club is pleased to support Int. 1460 as a welcome complement to the pending “Keep Police Radios Public Act,” the country’s first statewide police-radio access law, which Governor Hochul must sign to ensure that all New Yorkers are kept aware of the dangers of the world around them.

Respectfully submitted,

David A. Andelman
President

The Deadline Club/New York City Chapter, Society of Professional Journalists



**The New York City Council
Committee on Public Safety
Chair: Council Member Yusef Salaam**

November 19th, 2025

Presented by:

Lindsey Smith, Staff Attorney,

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Testimony of the Legal Aid Society, Cop Accountability Project

The Legal Aid Society's Cop Accountability Project is composed of local police accountability experts with a strong connection to those most impacted by police misconduct. We thank the Council for inviting us to provide testimony at this hearing.

Legal Aid Supports Int. 1451-2025

Legal Aid strongly supports Int. 1451-2025 (Adams), which provides the Civilian Complaint Review Board (CCRB) with direct access to unsealed NYPD body-worn camera (BWC) footage. We commend Speaker Adams and her co-sponsors for their dedicated commitment to this important issue, demonstrated by re-introducing this bill, previously introduced as Int. 938-2023 (Adams). We also appreciate this Council's broader support for the CCRB's work through its passage of State Legislation Resolution (SLR) 0012-2025, which supports state legislation that would provide the CCRB with

Justice in Every Borough.

access to sealed and confidential records necessary to its mission.¹ Int. 1451 will mark a significant step towards improving police accountability in our City, and we urge this Council to reject any assertions by the NYPD that this bill is unnecessary or too difficult to implement.

The availability of BWC footage dramatically increases the CCRB's ability to determine the merits of misconduct allegations, to the benefit of both complainants and officers accused of misconduct.² Providing police oversight agencies with direct access to police department records is a national best practice³ and many police oversight agencies throughout the country are given direct access to department databases, including BWC footage.⁴ This legislation would bring the CCRB in line with modern standards. We encourage this Council to further strengthen the CCRB by providing it with direct access to other NYPD databases as may be necessary through subsequent legislation.

Providing the CCRB with direct access to NYPD BWC footage would increase the CCRB's legitimacy and signal a strong commitment to external oversight of the NYPD. The current process by which the CCRB accesses BWC footage is entirely reliant on the NYPD. And historically, this reliance has been used to impede CCRB investigations by delaying the production of video. In 2019, the agencies sought to alleviate these issues by entering a memorandum of understanding (MOU).⁵ While promising, the weaknesses of an MOU quickly became apparent, particularly for high-profile CCRB investigations. Take, for example, the CCRB's investigation into the shooting death of Kawaski

¹ SLR 0012-2025 supported S.4966 (Bailey) and A.292 (Cruz). While S.4966 was passed by the state senate, A.292 did not make it through the state assembly. Although the Legal Aid Society was supportive of these bills in principle, we did have concerns that the bills, as written, did not provide sufficient privacy protections for individuals accused of offenses that were terminated in their favor and sealed pursuant to CPL §§ 160.50 and 160.55. We look forward to working with the state legislature this coming session to address these concerns and are hopeful that this Council passes a similar SLR in support of those amended bills at a later date.

² See Civilian Complaint Review Board, *2025 Semi-Annual Report* (July 22, 2025), https://www.nyc.gov/assets/ccrb/downloads/pdf/policy_pdf/annual_bi-annual/2025CCRBsemi-AnnualReport.pdf at 50-53. In the first quarter of 2025, fully investigated complaints where BWC footage was available were substantiated at a rate of 50% compared to 29% where there was no footage available. Similarly, officers were exonerated ("Within NYPD Guidelines") at over twice the rate at 13% for investigations with BWC footage compared to 6% for investigations without any footage.

³ See generally Michael Vitoroulis, Cameron McElhiney, and Liana Perez, *Civilian Oversight of Law Enforcement: Discipline Report on the State of the Field and Effective Oversight Practices*, (Washington, DC: Office of Community Oriented Policing Services 2021).

⁴ See, e.g., Michael Vitoroulis, *NACOLE Case Studies on Civilian Oversight: Office of Police Complaints* at 12 (2021), <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-w0961-pub.pdf> ("The OPC has direct access to MPD body-worn camera footage; incident reports; and stop, search, and arrest reports."); Chicago Municipal Code 2-78-120(o) ("The Office and Chief Administrator [of the Civilian Office of Police Accountability] shall [...] have full access to all information in the possession or control of the Police Department."); Seattle Municipal Code 3.29.015(a) ("The [Office of Police Accountability] shall [have] complete and immediate access to all [Seattle Police Department]-controlled data."); Portland City Code 3.21.070(B) ("[The Office of Independent Police Review] have access to [Portland Police Bureau] data and records [...] necessary for IPR to perform its duties. IPR will also have direct access to original database sources as permitted by state and federal law.").

⁵ Memorandum of Understanding Between the New York City Police Department and the Civilian Complaint Review Board (Nov. 21, 2019), https://www.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/bwc_mou.pdf.

Trawick – NYPD withheld BWC footage from the CCRB for over a year.⁶ And during the CCRB’s investigation into the death of Allan Feliz, the NYPD withheld relevant footage for nearly two years.⁷ This unreasonable delay led to the expiration of the 18-month administrative statute of limitations, requiring the CCRB’s Administrative Prosecution Unit (APU) to prosecute the case at a much higher evidentiary standard than is typically required for disciplinary cases. Since then, the NYPD and CCRB have entered a subsequent MOU related to Force Investigation Division cases which states that NYPD will provide BWC footage and other evidence within 90 days of request by the CCRB.⁸ But there is little to suggest that yet another MOU will address the fundamental problem that the CCRB is at NYPD’s mercy to receive critical evidence. This makes Int. 1451 essential to functioning oversight of the NYPD.

We urge this Council to scrutinize any NYPD claims that process improvements render this bill unnecessary. There is no substitute for law that guarantees sustained, direct access to critical evidence well into the future. Moreover, providing the CCRB with direct access to NYPD BWC reduces the likelihood of what the CCRB has termed “false negatives,” or “instances where a BWC request was returned as having no responsive footage, but existing BWC footage is later identified.”⁹ Allowing investigators who are most familiar with the incident under investigation to search and retrieve relevant footage directly will eliminate a time-wasting process that creates unnecessary burden for both agencies.

We Refute NYPD’s Assertion That the Department Cannot Segregate Sealed Body-Worn Camera Footage

During the November 19, 2025 hearing on this bill, the NYPD testified that Int. 1451 would require the NYPD to violate the state’s sealing statutes by making sealed BWC footage accessible to the CCRB. This is patently false. Language in the bill specifically requires *compliance* with “relevant laws pertaining to segregation of sealed materials,”¹⁰ which means NYPD can provide CCRB direct access to unsealed footage and footage that does not relate to an arrest, while maintaining a review and production process for sealed and other records. To the extent that sealed BWC footage exists in the BWC platform, CCRB and NYPD already have established processes to ensure compliance with the sealing statutes. When possible, the CCRB proactively obtains unsealing waivers to be able to access sealed NYPD records. When the CCRB does not have an unsealing waiver and portions of

⁶ Mike Hayes and Eric Umansky, *Video Showed an Officer Trying to Stop His Partner From Killing a Man. Now We Know Police Investigators Never Even Asked About the Footage*, PROPUBLICA (May 11, 2023), <https://www.propublica.org/article/nypd-kawaski-trawick-killing-investigation-questions>.

⁷ Honorable Rosemarie Maldonado, NYPD Deputy Commissioner of Trials, *In the Matter of Charges and Specifications against Lieutenant Jonathan Rivera*, Tax Registry No. 949550 (Aug. 15, 2025), https://nypdonline.org/files/949550_08152025_2025029.pdf.

⁸ Evidence Sharing Agreement Between the New York City Police Department and the Civilian Complaint Review Board (Dec. 5, 2023), https://www.nyc.gov/assets/ccrb/downloads/pdf/about_pdf/board/2023/MOU/NYPD-FID-CCRB-MOU.pdf.

⁹ Civilian Complaint Review Board, *Strengthening Accountability: The Impact of the NYPD’s Body-Worn Camera Program on CCRB Investigations* (2020), https://www.nyc.gov/assets/ccrb/downloads/pdf/policy_pdf/issue_based/20200227_BWCReport.pdf at 53-54.

¹⁰ Int. 1451-2025 § 1(c).

BWC footage are sealed, NYPD redacts sealed portions of the footage before providing it to the CCRB. These processes to protect sealed materials can and would continue if this bill were to become law.

NYPD incorrectly characterizes the logistical challenges necessarily implicating sealed records. First, NYPD seems to readily admit that it is violating sealing statutes by comingling sealed and unsealed BWC footage rather than adjusting its technological process to segregate records as it is required to do by law. This comingling issue was flagged by the Office of the Inspector General for the NYPD (OIG-NYPD) in a 2021 report.¹¹ In fact, OIG-NYPD recommended NYPD segregate sealed and unsealed footage in its BWC platform in that report in line with best practices and to avoid legal liability.

The NYPD has the technology and capability to segregate sealed and unsealed footage as needed under Int. 1451. Indeed, the NYPD's responses to Chair Salaam's questions about the BWC platform during the hearing indicate this possibility within NYPD's existing systems. First, the NYPD testified that all arrest-related BWC footage housed in its cloud platform is associated with arrest numbers, and that the Department frequently assigns footage a variety of "tags." The Department testified that videos can be tagged in bulk,¹² and that user permissions can prevent specific users from accessing videos without authorization.¹³ Second, the Department can generate a list of sealed and unsealed arrest numbers. To keep this list current, the NYPD receives a daily update from the New York State Office of Court Administration (OCA) of criminal proceedings that have sealed. This list is used to seal records throughout NYPD databases.¹⁴

Based on this testimony, it is clear that the NYPD can utilize the daily OCA list to bulk-tag "sealed" and "unsealed" BWC footage in its cloud platform and restrict CCRB from accessing footage tagged as "sealed." The NYPD could then employ the "user permissions" to give direct access to CCRB to unsealed footage. This would allow the CCRB to have direct access to footage necessary for their investigations while preventing unauthorized access to sealed materials. There is no discernable technological barrier; the primary barrier is the Department's unwillingness. Certainly, the current NYPD Commissioner, who has a renowned track record of technological literacy, can work with the vendor, Axon, to bring NYPD into compliance with not only the requirements of this legislation, but with the current requirements under state law.¹⁵

The Department repeatedly asserted that this process would be difficult because some BWC footage is only partially sealed. But the fact that portions of a video may be sealed is not at issue here

¹¹ See generally Office of the Inspector General for the NYPD, *Sharing Police Body Worn Camera Footage in New York City* (Nov. 2021), <https://www.nyc.gov/assets/doi/press-releases/2021/November/21BWCRelease.Rpt.11.05.2021.pdf>.

¹² See also Axon Product Guides, Bulk Actions https://my.axon.com/s/article/Use-bulk-actions?language=en_US.

¹³ Axon Evidence User and Administrator Reference Guide (June 2022), <https://public.evidence.com/help/pdfs/latest/EVIDENCE.com+Administrator+Reference+Guide.pdf>, at 67-72.

¹⁴ Affirmation of Deputy Inspector Anthony Mascia in Supp. of Defs.' Resp. to Pfs.' Discovery Conf. Request, *R.C. v. J.J., & A.G. v. City of New York*, No. 153739/2018 (Sup. Ct. N.Y. Cnty. June 23, 2025), NYSCEF Doc. No. 320.

¹⁵ See, e.g., *R.C. v. City of New York*, 100 N.Y.S.3d 824, 830 (Sup. Ct. N.Y. Cnty. 2019) (noting that NYPD may not use sealed records for internal purposes like discipline or investigation); see also *Fam. Ct. Act* § 381.3(1) (requiring juvenile records and adult records to be kept separately).

because the NYPD can simply provide CCRB direct access only to footage that is not tagged “sealed.” As stated above, a process to redact sealed portions of BWC footage before providing it to the CCRB already exists.

Legal Aid Appreciates the Intent of Int. 1237-2025 on Complaint and Arrest Reporting, But Cannot Support Without Amendments to Address Privacy Concerns

We appreciate the intent of Int. 1237-2025 (Feliz) requiring more complete NYPD reporting on complaints and arrests but offer suggestions for improving the legislation. Most of this data is already published in some format or in a limited way—for example, clearance reports for index crimes are reported quarterly. The problem is that NYPD does not publish complaint, arrest, and outcome data in a downloadable database format, so there is no way to efficiently analyze the datasets to understand patterns, practices and their outcomes.

We are concerned that the level of detail required by Int. 1237 may effectively deanonymize the data, creating privacy issues for people accused of crimes and crime victims. Subsection 8, for example, requires reporting a location “at least as specific as the nearest intersection” and GPS coordinates. This requirement suggests that officers will simply use the address of time, place and occurrence of the complaint, which may well be identifying as criminal allegations often arise at a person’s home or workplace. Reporting the complaint location by precinct would be sufficient to meaningfully analyze the data without risking deanonymizing it. We also suggest reporting ages as required in subsections 6 and 7 by age bands, like CCRB data does, rather than specific ages, which could be deanonymizing in combination with other information.

The accuracy of race and gender data included in these reports at subsections 6 and 7 also raise concerns because they are based on officer perception of a person’s presentation. We suggest those fields be labeled “perceived race” and “perceived gender,” with qualifying language in the data dictionary making clear these are based on officer perception.

Finally, this bill will likely implicate the same concerns we have with existing laws requiring the NYPD to post data online. The NYPD regularly posts data and reports outside of the Open Data portal and in non-searchable formats, which makes it very difficult to use. We hope the Council will work to enforce the existing Open Data laws and ensure the NYPD meets its existing legal obligations.

Legal Aid Supports Int. 1402-2025 on FOIL Reform and Further Recommends the Council Support and Pass Int. 1235-2025

We support Int. 1402-2025 (Salaam), requiring the Department of Investigations (DOI) to annually report on NYPD FOIL compliance as well as making recommendations for improvement. To strengthen the bill, because so many NYPD FOIL requests result in the filing of an Article 78 proceeding, we urge the Council to amend Int. 1402’s reporting provision to include whether an Article 78 proceeding was filed in relation to that request, the result of that proceeding, and any attorney fees and costs that resulted from the litigation.

NYPD routinely fails to produce records in a reasonable time. As a recent Comptroller's report unveiled, almost 20% of body-worn camera FOIL requests to the NYPD go unanswered for a year or more.¹⁶ Many requests received no response at all until the requestor filed an Article 78 special proceeding to compel a response, and 97% of those Article 78s are successful in getting records released. This failure to respond in a timely matter, or at all, wastes the public's and organizational resources and makes meaningful, timely public oversight using this data impossible.

In response to the Legal Aid Society's regular FOIL requests to the NYPD to support our work on behalf of our clients, we often receive blanket denials or delayed productions, sometimes for years. As a result our lawyers have been forced to initiate Article 78 proceedings to compel production in over a dozen cases. Legal Aid brought an Article 78 proceeding to compel the NYPD to release purchase contracts and procurement materials related to the SPEX budget, a secret "special expenses" fund used to purchase surveillance equipment from 2007 to 2020. The SPEX documents include roughly 165,000 pages of materials. Though the trial court ordered the NYPD to release the documents, and an appeals court affirmed that order in February 2025, as of November 19, 2025, we have received just one production of 470 pages. These delays are not limited to voluminous records: in another case, we filed a FOIL request for what turned out to be a two-page NYPD policy on handcuffing people accused of crimes at arraignment. It took NYPD from December 2023 to May 2024, and an administrative appeal filed by our office, to provide the policy. In the meantime, thousands of Legal Aid clients were handcuffed at their arraignment in accordance with this secret policy, which is still not published online.

The NYPD's failure to comply with FOIL also deeply impacts our clients who are wrongfully convicted and seeking to challenge multidecade sentences they are currently serving. The wrongly convicted face great hurdles in gathering vital information about their cases from the NYPD, information which is necessary for them to seek assistance from the relevant DA's Conviction Review Units or to go directly to court to seek a vacatur of their convictions. Their primary and often only means of accessing records is through the FOIL process, which they often do *pro se*. Many have been incarcerated for decades and are without the means to finance an investigation. The NYPD's failure to comply with FOIL goes beyond just untimeliness; the NYPD frequently denies FOIL requests falsely stating that they did a diligent search and could not find the information, terminating any statutory obligations and leading to costly Article 78 proceedings. Along with pro bono counsel, we have prevailed in multiple Article 78 proceedings relating to wrongful convictions to secure hundreds of pages of records after the NYPD denied administrative appeals, claiming it had found no responsive records after a diligent search. In recent cases, counsel received tens of thousands of dollars from the city in attorneys' fees as a result of the litigation.

We also encourage councilmembers to cosponsor and pass Int. 1235, which requires the development and maintenance of a centralized system for processing FOIL requests city-wide, the development of performance standards for agency responses, and the publication of records released pursuant to FOIL requests along with other information about each request such as the number of

¹⁶ New York City Comptroller, *Review of the New York City Police Department's Body-Worn Camera Program* (Oct. 31, 2025), <https://comptroller.nyc.gov/reports/review-of-the-new-york-city-police-departments-body-worn-camera-program/>.

extensions, the basis for any denial, and the amount of fees collected from the requester. Much of the data required by Int. 1402 would be covered by Int. 1235, such as providing data on FOIL response times and appeals. One other major positive change is that Int. 1235 would require agencies to post the content of FOIL responses publicly. Int. 1235 currently has 35 council sponsors.

Since 1876, The Legal Aid Society has provided free legal services to low-income New Yorkers. Over the years, our organization has expanded to become the nation's largest and oldest legal services provider for low-income individuals and families. We specialize in three distinct practice areas – Criminal Defense, Civil, and Juvenile Rights – where we passionately advocate for our clients in their individual case, for their communities in our policy work, and for institutional change in our law reform litigation. Each year our staff handles over 300,000 cases throughout New York City, bringing a depth and breadth of perspective that is unmatched in the legal profession. The Society's advocacy also benefits some two million low-income families and individuals in New York City, and the landmark rulings in many of these cases have a national impact. The Legal Aid Society provides comprehensive representation to many of the most marginalized communities in New York. We are a valuable piece of the New York City tapestry, and our work is deeply interwoven within the fabric of many low-income New Yorkers' lives.

Our Criminal Defense Practice is the city-wide public defender, practicing in each of the five boroughs and annually representing over 200,000 low-income New Yorkers accused of unlawful or criminal conduct on trial, appellate, post-conviction matters, and representing prisoners' rights in city jails and state prisons seeking to reform systems of incarceration. The Law Reform and Special Litigation Unit of the Criminal Defense Practice engages in affirmative litigation and policy advocacy on systemic legal issues affecting the rights of Legal Aid's criminal defense clients, including issues of police violence, harassment and abuse. The Cop Accountability Project within the Special Litigation Unit at The Legal Aid Society works specifically to combat the police misconduct too many of our individual clients experience. Additionally, we host and maintain the most comprehensive set of NYPD misconduct records in a database called the Law Enforcement Look Up (LELU). In these capacities, and through our role as counsel in several civil rights cases, the Cop Accountability Project of The Legal Aid Society is in a unique position to offer the forgoing testimony.

Good afternoon,

My name is Dr. Tawanna Gilford. I am a NYS licensed psychologist and an individual impacted by an unfulfilled FOIL request.

First, I would like to thank speaker Adams, members of the council, and the legislative staff for the hard work that you all do to keep this city moving forward. I also thank you for giving me the opportunity to testify.

I join you this morning to express my unequivocal support for the amendment of the administrative code to enforce compliance with FOIL requests, also known as Intro 1402-2025.

As a family member of an individual who was wrongly convicted at the hands of two officers with questionable histories, I know the detrimental effects of not having access to exculpatory evidence that could have changed the trajectory of my relative's criminal conviction. Had our Foil requests been complied with, then the jury and judge would have had access to information that would have cast doubt on the officer's credibility. In our specific case, officer's records were requested, but shielded due

to privacy of disciplinary records. It was not until the passage of the law to repeal 50-A that gave the public access to CCRB complaints that had been lodged against the officers. To date, we have not received, but would like to obtain disciplinary records of the arresting officers, to learn why the officer in our case was: 1) transferred to three different units within a short span of time, 2) may have possibly been demoted from a special unit back to becoming a patrol officer, and 3) may have possibly been on desk duty during the last year, prior to his early retirement.

In closing, I would like to state that while this amendment may not help my family get the closure that we have been longing for since 2013, having enforcement of the law may certainly vindicate others who may be at risk of experiencing a wrongful conviction at the hands of bad actors in law enforcement.

Thank you for your attention. I yield back my time.

**BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON PUBLIC SAFETY**

Comments on Intro 1460-2025:

**A Local Law to amend the administrative code of the city of New York, in relation to
access to encrypted police radio.**

Hearing Date: November 19, 2025

Comments By:

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Introduction

1. On November 19, 2025, the New York City Council Committee on Public Safety held a hearing (“the Hearing”) to explore issues surrounding NYPD Radio Encryption, as addressed by Intro 1460-2025. These comments will supplement my oral testimony on this important issue.

Summary

2. The NYPD has failed to justify its radio encryption. The proposed legislation will remedy this issue. I recommend several changes.

Background of Commenter

3. I am both a media lawyer and a journalist. I started working in journalism in 1977 and was admitted to the Bar in 1980. During this period, I have held and continue to hold numerous press credentials including: the City of New York Press Card, the NYPD Working Press Card, the NYPD Press Identification Card, the NYPD Press Vehicle Card, various daily use press cards from the White House and Secret Service and the press credential issued by the United Nations.

4. A brief summary of my journalism career follows. For more than 15 years I worked for United Press International as a contract photographer (“stringer”) in the Manhattan bureau for whom I covered numerous spot news events such as fires, bombings, crime, demonstrations, riots and plane crashes. My photographs appeared in major newspapers including the New York Times, The New York Post and the New York Daily News and magazines such as Time along with major newspapers around the world. I also reported on news events. In my television career, I worked as the on-air Aviation Analyst for Fox News Channel

covering major plane crashes. I did similar work as a guest expert for ABC News, NBC News and MSNBC. Today, I continue my journalism work on a freelance basis.

5. I am a member of the New York Press Photographers Association, the professional organization representing photographers in the New York City press corps and a former Trustee. I also served as Chair of Government Relations for which I represented the organization before a variety of government agencies including the NYPD.

6. Since 2010 when the NYPD proposed drastic changes in their press credential system in response to *Martinez-Alequin v. City of New York*, 08-Civ 9701 (SDNY), I have testified or commented on every New York City government hearing on press credentials.

7. As a media lawyer, I have been appointed by multiple presidents of the New York State Bar Association as a member of the Committee on Media Law where I chair the Subcommittee on New York City News Gathering. I also serve on the New York City Bar Association Communications and Media Law Committee.

I. The NYPD Has Failed to Demonstrate that its Unsubstantiated Need for Radio Encryption Outweighs the Interests of the Press to Listen to these Radio Transmissions.

8. Every New Yorker and indeed, most Americans, know about the death of Eric Garner who died while being arrested by police in 2014.¹ What made the case come to light as

¹ See, for example, *Beyond the Chokehold: The Path to Eric Garner's Death*, Al Baker, J. David Goodman and Benjamin Mueller, New York Times, June 13, 2015, at <https://www.nytimes.com/2015/06/14/nyregion/eric-garner-police-chokehold-staten-island.html> retrieved 11/23/2025.

well as public outrage was a video of the event² published by the New York Daily News within a few hours.

9. But how did the press get the video? How did journalists learn of its existence? And most importantly, what does this mean for police radio encryption?

10. Fortunately, we have documented answers to the first two questions.³ Ken Murray, a Daily News journalist, wrote how he was driving to work through Staten Island listening to his police scanner when he heard a call involving a mobilization of police officers. He relayed the information to his editors, was told to go to the scene and then learned what happened. Most importantly, he was able to find Ramsey Orta, the man who shot the crucial video.

11. As requested by Chairman Salaam, I attach to these comments as Exhibit A, a copy of my written comments made two years ago at the Committee's joint hearing with the Committees on Government Relations and Technology entitled *T2023-4261: Oversight—Media Transparency: NYPD Radio Encryption, Press Credentials Process, and Government Social Media Archiving*.⁴ Nothing has changed to lessen the validity of the arguments contained therein.

² *Staten Island man dies after NYPD cop puts him in chokehold — SEE THE VIDEO*, Chelsia Rose Marcius, Ken Murray, Kerry Burke and Rocco Parascandola, New York Daily News, July 18, 2014, [Staten Island man dies after NYPD cop puts him in chokehold — SEE THE VIDEO – New York Daily News](https://www.nydailynews.com/2014/07/18/staten-island-man-dies-after-nypd-cop-puts-him-in-chokehold-see-the-video/), retrieved 11/23/2025.

³ *How the Daily News acquired the Eric Garner video*, Ken Murray, New York Daily News, July 11, 2015, <https://www.nydailynews.com/2015/07/11/how-the-daily-news-acquired-the-eric-garner-video/> retrieved 11/23/2025.

⁴ This document is docketed at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6399128&GUID=EBC30B9E-8235-4ACA-9C79-741CABDB3835&Options=&Search=> under Attachment 3: [Hearing Testimony - Robert Roth](#).

12. I emphasize again as I stated at the November 19, 2025 hearing:

Police radio encryption is a solution in search of a problem.

Moreover, the NYPD has failed to cite, let alone document, a single instance of a crime that has ever been attributed to accredited members of the press listening to scanners.

13. Returning to the hearing this week, NYPD Deputy Commissioner for Legal Matters, Michael Gerber, Esq. declared: “. . . there is an important interest in transparency and reporters' ability to respond in real time to breaking news stories.”⁵

14. He has that correct. Unfortunately, what is wrong is the NYPD’s response. Continuing immediately, Gerber stated: “That is why the department has not encrypted and will commit to not encrypting a key radio channel utilized by the department known as Citywide One.”⁶

15. This is neither what the press needs nor wants as has no basis in journalism.

16. Continuing further in the hearing ⁷(in response to C.M. Holden) Deputy Commissioner Gerber said, “Special Operations is doing what it is doing and that is encrypted as it should be.”. . . “All that sort of thing, the kind of thing that reporters are going to want to cover, unencrypted.”

17. This demands several important questions, among which are:

A) Why is the Special Operations Division radio channel (a/k/a/ “SOD 1”) encrypted?

B) On what basis did the NYPD conclude this practice is “as it should be?”

⁵ Transcript (hereafter “Video Transcript”) generated by Microsoft Word from the audio portion of 11/19/2025 hearing available at <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=1348203&GUID=C9887C0E-7A16-4E48-ADDF-7C5FB27A07C8&Options=info|&Search=> excerpt at visible time codes 10:41-13:51.

⁶ Ibid.

⁷ Ibid at approximately 01:32:37- 01:35.

C) How does the NYPD know what journalists want to cover?

D) On what basis does the head of the department's Legal Bureau, a unit that generally does not interact with the press, have any foundation to state what journalists *need* in order to do their jobs?

18. According to published reports⁸ there are approximately 100 radio codes used by the NYPD.

19. It should be emphasized that at no time did Gerber or anyone from the NYPD disclose:

A) which radio codes are transmitted on Citywide 1.

B) how soon after the initial transmission are they transmitted.

17. Consider the following: Hypothetically, a radio call is made in the geographical area of the Midtown North Precinct of a signal 10-34, indicating an Assault in Progress. This radio transmission cannot be heard by journalists since it is encrypted. Let us assume according to the Gerber testimony that a signal 10-34 is one that gets transmitted on Citywide 1. In that case, how soon after the initial transmission, does the call go out on Citywide 1? What about any follow-up radio calls from the precinct officers who respond?

18. Here is another hypothetical based on Council Member Brewer's raising the question of press coverage of "local issues."⁹ A radio call is made in the geographical area of the 94th Precinct of a signal 10-53 which indicates a motor vehicle accident. Prior to two years ago, journalists would have heard this since the radio was unencrypted. But today, one assumes based on Deputy Commissioner Gerber's testimony that this type of call does not merit transmission or

⁸ See, for example, *NYPD Radio Codes and Meanings*, <https://www.scribd.com/document/245404138/NYC-Radio-Codes#download> retrieved 11/23/2025

⁹ Video Transcript dialogue beginning at time code 1:36:29.

re-transmission on Citywide 1 (although again, no information has been provided of which calls are sent on Citywide 1).

19. A journalist who covers north Brooklyn might recognize the address of the accident and therefore know if the story merited further attention. For example, was it on McGuinness Boulevard, a location of some dispute on traffic patterns? Did it involve bicycle riders? Were delivery workers involved? These are local issues meriting local news coverage, but the NYPD will not allow access to a prime source of information, their radio.

20. But enough hypotheticals. I am informed and believe that Daily News journalist Ken Murray, previously discussed, *was not listening to Citywide 1* but instead a different NYPD radio channel. It is a very reasonable inference that if the NYPD had its encryption plan in effect then, the press, and by extension, the public, would not have known of this critical event.

II. Intro 1460 Represents an Excellent Step Towards Restoring Press Access to Police Radio Transmissions and Would Benefit from a Few Additions.

21. **First**, Intro 1460, if passed, requires further amendment to the Administrative Code. The Administrative Code of the City of New York provides:

§ 10-103 Use of devices to decode coded police transmission via radio or television prohibited.

a. It shall be unlawful in the city of New York for any person to unscramble or decode or possess or use any instrument or article capable of unscrambling or decoding, scrambled or coded police broadcasts by radio or television, unless such person is duly authorized to do so by permit issued by the police commissioner of the city of New York.

b. A person who violates this section is guilty of a misdemeanor.¹⁰

¹⁰ Administrative Code of the City of New York, Title 10, Chapter 1, retrieved from Lexis.

23. If the Council passes Intro 1460, I suggest that language be added to subsection a. of Section 10-103 following the words “New York” to the effect, “or by another provision of law.” There should be no need for the press to obtain permission from the police commissioner for a right granted by the Council.

24. **Second**, *Limit the cost of any equipment required.* As shown before the Committee on Public Safety, a Uniden Bearcat SR30C scanner costs about \$130¹¹. While there are more elaborate devices available, for years, a product like this was all reporters and photojournalists needed. But then the NYPD’s encryption effectively turned it into a paperweight.

25. In testimony November 20, 2023, before the Committees on Public Safety, Government Operations and Technology,¹² NYPD Chief Ruben Beltran testified¹³ that the department would spend “approximately \$200 million to purchase and replace existing portable devices,” in other words, walkie talkies. The cost of individual units and the cost of programming and accessories was not specified but is widely believed to be in the thousands of dollars. Some estimates have exceeded \$10,000 each.

26. It is easy to see that the police, if given enough discretion, will simply make it **too expensive** for the press to listen. Surely the NYPD can submit specifications for the manufacture of **receive-only walkie talkies** that can be sold or leased to the press at low cost. If not, the use of other radio scanners should be explored.

¹¹ <https://uniden.com/products/bearcat-sr30c>

¹² Transcript filed at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6399128&GUID=EBC30B9E-8235-4ACA-9C79-741CABDB3835&Options=&Search=> (Hereafter, “November, 2023 Transcript”)

¹³ November, 2023 Transcript at 15.

27. **Third**, if a device other than a handheld radio is selected as the means of monitoring, for example, a website, it must be capable of monitoring multiple channels at once in the same way as a scanner works.

28. **Fourth**, If the Council retains proposed Section 14-199 b then it should require that the police solicit comments from recognized press organizations **before** their policy is adapted.

29. **Fifth**, and finally, place a deadline for implementation of the bill. It should be remembered that it took **75 years** for the NYPD to come up with a policy for the legal use of drones for movie making and they still have none for the use by photojournalists of breaking news.

CONCLUSION

I urge the Committee to evaluate the testimony and comments and consider revising Intro 146 as recommended to improve press access to police radio transmissions.

Dated: Brooklyn, New York
November 23, 2025

Respectfully submitted,

/s/ Robert Roth

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EXHIBIT A

**BEFORE THE NEW YORK CITY COUNCIL
COMMITTEES ON PUBLIC SAFETY, GOVERNMENT OPERATIONS AND TECHNOLOGY**

Comments on T2023-4261:

**Oversight—Media Transparency: NYPD Radio Encryption, Press Credentials Process, and
Government Social Media Archiving**

Hearing Date: November 21, 2023

Comments By:

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Introduction

1. On November 20, 2023, the New York City Council Committees on Public Safety, Government Operations and Technology held a hearing (“the Hearing”) to explore issues surrounding NYPD Radio Encryption, Press Credentials Process, and Government Social Media Archiving. These comments will address the first two of these issues.

Summary

2. The NYPD has failed to justify its radio encryption. The Mayor’s Office of Media Entertainment needs further work in the press credentials process as well as the general running of their office.

Background of Commenter

3. I am both a media lawyer and a journalist. I started working in journalism in 1977 and was admitted to the Bar in 1980. During this period, I have held and continue to hold numerous press credentials including: The City of New York Press Card, The NYPD Working Press Card, the NYPD Press Identification Card, The NYPD Press Vehicle Card, various daily use press cards from the White House and Secret Service and the press credential issued by the United Nations.

4. A brief summary of my journalism career follows. For more than 15 years I worked for United Press International as a contract photographer (“stringer”) in the Manhattan bureau for whom I covered numerous spot news events such as fires, bombings, crime, demonstrations, riots and plane crashes. My photographs appeared in major newspapers including the New York Times, The New York Post and the New York Daily News and magazines such as Time along with major newspapers around the world. I also reported on news events. In my television career, I worked as the on-air Aviation Analyst for

Fox News Channel covering major plane crashes. I did similar work as a guest expert for ABC News, NBC News and MSNBC. Today, I continue my journalism work on a freelance basis.

5. I am a member of the New York Press Photographers Association, the professional organization representing photographers in the New York City press corps and a former Trustee. I also served as Chair of Government Relations for which I represented the organization before a variety of government agencies including the NYPD.

6. Since 2010 when the NYPD proposed drastic changes in their press credential system in response to *Martinez-Alequin v. City of New York*, 08-Civ 9701, SDNY, I have testified or commented on every New York City government hearing on press credentials.

7. As a media lawyer, I have been appointed by multiple presidents of the New York State Bar Association as a member of the Committee on Media Law where I chair the Subcommittee on New York City News Gathering. I also serve on the New York City Bar Association Communications and Media Law Committee.

I. The NYPD Has Failed to Demonstrate that its Unsubstantiated Need for Radio Encryption Outweighs the Interests of the Press and Public to Listen.

8. *Police radio encryption is a solution in search of a problem.*

9. On November 20, 2023, the Committees heard testimony from NYPD Chief of Information Technology Ruben Beltran. It is clear from his testimony that Chief Beltran instituted radio encryption without any concern of the needs of the press and public as he consulted neither prior to this action.

10. Chief Beltran offered the committees a two-prong excuse for using encryption: a) that criminals use scanners to *listen* to police activity thereby aiding them in committing crimes; and/or b) that criminals *transmit* false information on the police channels.

11. The first is more easily disposed of. First, scanner radios are sold with the ability only to *listen* to radio broadcasts.

12. Here is a picture of a common handheld scanner radio used by journalists, a Uniden Bearcat SR30C shown in virtually exact size on 8 1/2 x 11 paper.



13. Of particular note:

- a) This device has no microphone;
- b) This device has no transmit button;
- c) This device is completely incapable of transmitting any radio signals, especially not voice.

14. In his testimony, Chief Beltran made several unverifiable allegations that criminals, when arrested, were found to be in possession of scanners. (These allegations are unverifiable because they were devoid of essential data including dates, times and places.) Chief Beltran never articulated precisely *how* listening to police radio transmissions aided in the commission of these crimes. *In fact, logically speaking, if the criminals were arrested, then having the scanners must not have worked.*

The NYPD Has Failed to Demonstrate that its Unsubstantiated Need for Radio Encryption of Police Transmissions Is the Only Way to Ensure Officer Safety.

15. In his testimony, Chief Beltran again made several unverifiable allegations that criminals had illegally transmitted false “officer needs assistance” calls on police radio channels thus diverting police officers from the location of a crime. (These allegations as well are unverifiable because they were devoid of essential data including dates, times and places.)

16. It should be noted, for the record, that the unauthorized transmission of anything on a radio frequency licensed to police is itself a federal crime (citations omitted). If the NYPD actually apprehended anyone doing so, were they prosecuted?

17. If in fact, these incidents actually happened, they raise the question of what measures the NYPD undertook prior to encrypting radio transmissions. After all, there are other areas in society where an unauthorized radio transmission can cause serious public

safety issues. Take aviation, for example. If transmitting false information on the radio is as simple as Chief Beltran believes, then why has the Federal Aviation Administration not encrypted all Aviation radios? Clearly, they do not consider it a problem worthy of the drastic and costly measure of encryption.

18. But, unlike the FAA, Chief Beltran sees a problem, as farfetched as it may be, for two alleged reasons. They are: first, that criminals have *transmitted* false information on police radio channels causing interference with police work; and second that criminals have *listened* to police radio channels to aid in the commission of crimes. Neither of these alleged justifications were ever established at the hearing. As a former network television news aviation reporter who covered major aircraft disasters such as Egyptair Flight 990, I am not aware of a single airline crash that was attributable to a false radio transmission.

19. Is there a problem with false information being *given* to the police? Certainly. The NYPD has known for years that it sometimes receives false information. According to the US Department of Justice, “After independence, New York adopted the London police model and established a paid professional police force in 1828.”¹ It is reasonable to assume that many false reports have been made in the nearly 200 years since.

20. Perhaps one of the best known was a horrific event in the City’s history. On April 14, 1972, NYPD Officer Phillip Cardillo was shot to death while responding to an incident at the Nation of Islam Mosque No. 7 located at 102 West 116th Street.

¹ HISTORY OF NEW YORK CITY POLICE DEPARTMENT, <https://www.ojp.gov/ncjrs/virtual-library/abstracts/history-new-york-city-police-department>, retrieved 11/26/2023.

21. As the New York Times² wrote:

Officer Cardillo and several other policemen went to the mosque — now called Malcolm Shahann Temple No. 71—that Friday morning after a man who identified himself as Detective Thomas of the 28th. Precinct, *placed a call to the police emergency number* and said that a policeman was in trouble on the mosque's second floor. [emphasis added]

22. (Thousands of words in articles and books have been written about this tragedy which can be read by those searching for further details. So as not to go further from the topic of radio encryption, we omit them here.)³

23. As we now know, there was no Detective Thomas and the call was fake.

24. *That event happened **fifty-one (51)** years ago.* What has the NYPD done about false telephone reports since then? Apparently not much if anything.

25. I am informed and believe that if a call is placed to the citywide 911 emergency number from a cell phone that the police have no idea of the geographical location of the caller. In that case, what has Chief Beltran done to prevent another fake “Detective Thomas” from using a cellphone to place another fake “officer needs assistance” call?

26. Given this history, it should have been obvious to Chief Beltran that other things could have at least been tried. First, the NYPD has long employed a “color of the day” system to aid in identifying plainclothes officers. A similar system can be used as a “challenge and response” on the radio. Under Chief Beltran’s system, if a signal 10-13 (“officer needs assistance”) is received on his encrypted radio system, the department will

² *Mosque Trial Ends in Hung Jury*, The New York Times, By Dena Kleiman, Nov. 28, 1976, <https://www.nytimes.com/1976/11/28/archives/mosque-trial-ends-in-hung-jury-panel-102-in-favor-of-conviction-102.html?smid=nytcore-ios-share&referringSource=articleShare>, retrieved 11/26/2023.

³ The Google search “1972 Harlem Mosque Incident” brings up more than 850,000 results.

dispatch all available units in the area. That begs the question: what if a false report is made on the telephone as it was 51 years ago?

27. Second, Chief Beltran would have the Council believe that anyone with a bootleg radio can transmit a false “officer needs assistance” call from anywhere in the city and that the only way to prevent this is by encrypting all the radio transmissions. Let us examine this misconception.

28. Anyone with a smartphone today is well aware of the cellular function known as “location services.” As Apple explains it: “Location Services uses device sensors, including GPS and Bluetooth (where those are available), along with crowd-sourced Wi-Fi hotspot and cell tower locations to determine your device’s approximate location.”⁴

29. That is why when you use a “ride share” app such as Uber or Lyft, the company can dispatch a car to your location without you needing to know the address since *they know where you are*. That is also why when you are waiting for the car you can see where it is on a map. This begs the question: **Why doesn’t the NYPD know where its officers are?**

30. What has Chief Beltran done to enable 911 operators to determine the location of an emergency caller who uses a cell phone?

31. What has Chief Beltran done to enable NYPD radio dispatchers to know the location of each of the department’s 42,000 radios?

32. The answer to both of these questions is apparently not much. But can anything be done?

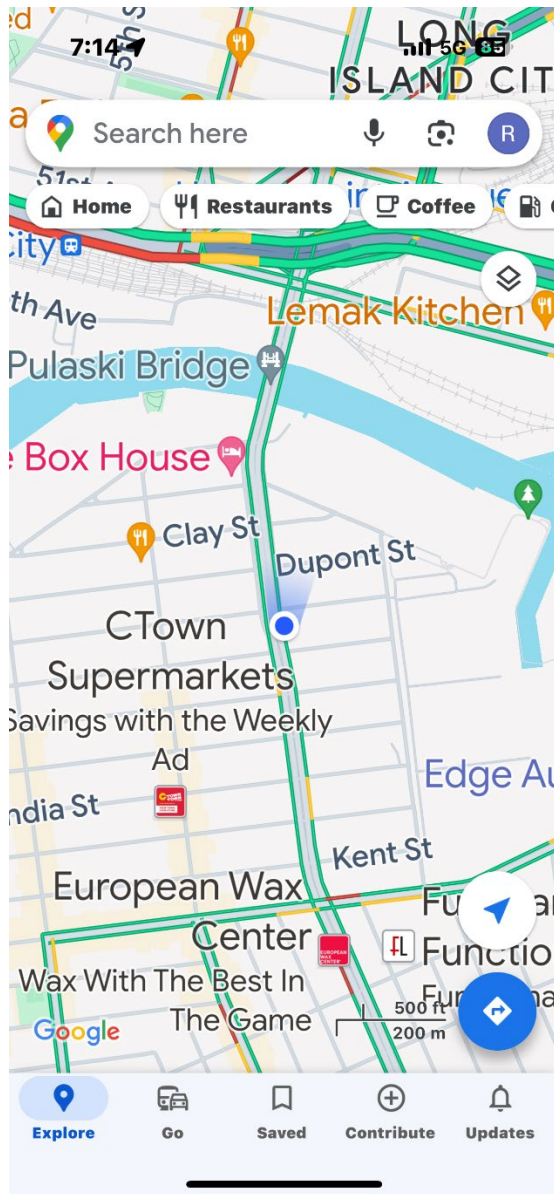
⁴ *Location Services & Privacy*, Apple Legal, <https://www.apple.com/legal/privacy/data/en/location-services/> retrieved 11/26/2023

33. What would happen if instead of replacing the police radios in North Brooklyn with encrypted models, Chief Beltran ordered instead radios that transmitted the location of the officer? Do such radios even exist?

34. Most assuredly they do. In fact, Motorola, the very same vendor of the NYPD encrypted radio system that costs hundreds of millions of dollars already makes different walkie talkies that transmit location. See, for example, one such Motorola system of which the company claims, “SmartLocate delivers GPS location information every few seconds, so you know where your [officers] are with complete confidence.”⁵

35. How would location services work in practice? How would this answer Chief Beltran’s concerns? How would it benefit the public? Look at the map below for reference:

⁵ https://www.motorolasolutions.com/en_us/products/p25-products/apx-mission-critical-applications/smartlocate.html# retrieved 11/26/2023



36. Chief Beltran has alleged that criminals using bootleg radios illegally transmit false “officer needs assistance” radio calls to divert police resources away from their crimes. Let’s review the following hypothetical which fits with his testimony.

37. Suppose criminals wanted to commit a crime in North Brooklyn near the Williamsburg Bridge. Using a bootleg radio they fake an “officer needs assistance” call far north of their location at the top of the borough near the Pulaski Bridge as shown with the **blue dot (•)** in the map above.

38. If the NYPD were using location transmitting radios, then no matter what they radio call said by voice, the location would have to match the transmission or the officers would not be dispatched.

39. If the NYPD used radios that transmitted officers' locations along with their voices, then false transmissions would not work, but the press and public would still be able to listen to the radios.

40. Here is another example. A citizen is robbed and assaulted. They cannot see the street, much less the address. They dial 911 for help. But since the NYPD is using location services, the 911 operator knows exactly where they are and can send help.

41. While Chief Beltran listed an impressive array of statistics on equipment bought with taxpayer money including 42,000 radios, he failed to mention the smartphones the department has already issued to every officer. He also did not mention portable computers with which each radio motor patrol car (RMP) commonly known as a "police car" is equipped.

42. Cannot these phones and computers be used to transmit sensitive information that only officers could receive thus thwarting the claim that such information on the radio is a "security risk?" Also, if every officer is already equipped with a phone, cannot these phones be used to transmit authenticated "officer needs assistance" calls? Aside from Motorola, another big supplier to the NYPD is Sabre. Although known for its pepper spray, the company also makes something called SABRE Personal Safety 4+ Mobile Safety Alert System.⁶

⁶ <https://apps.apple.com/ca/app/sabre-personal-safety/id1492726591>, retrieved 11/26/2023

43. This is an app with a “panic button” that “sends help alerts to selected contacts with your GPS location.” In some ways this is better than an encrypted radio that requires an officer in distress to transmit a location clearly and coherently.

44. But if an app for a smartphone is not acceptable, then another solution is to produce a modified smartphone for the NYPD with its own external dedicated panic button. I am confident that with an order of 42,000 telephones, the department should find no shortage of suppliers among Apple, Samsung, Google, Motorola, et al willing to produce one.

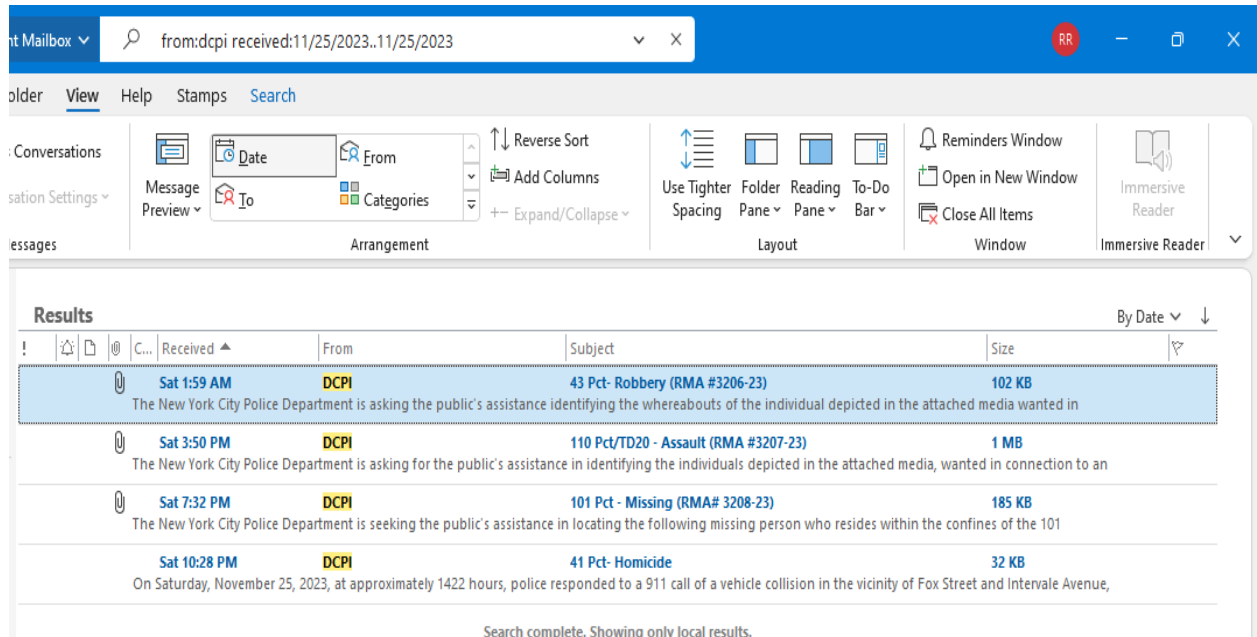
45. If the NYPD employed such a phone then any call for assistance would be instantly verified, would send the precise location of the officer and would not be vulnerable to criminal impersonation.

46. Why did Chief Beltran not try this before cutting off the press and public from access to NYPD radio transmissions?

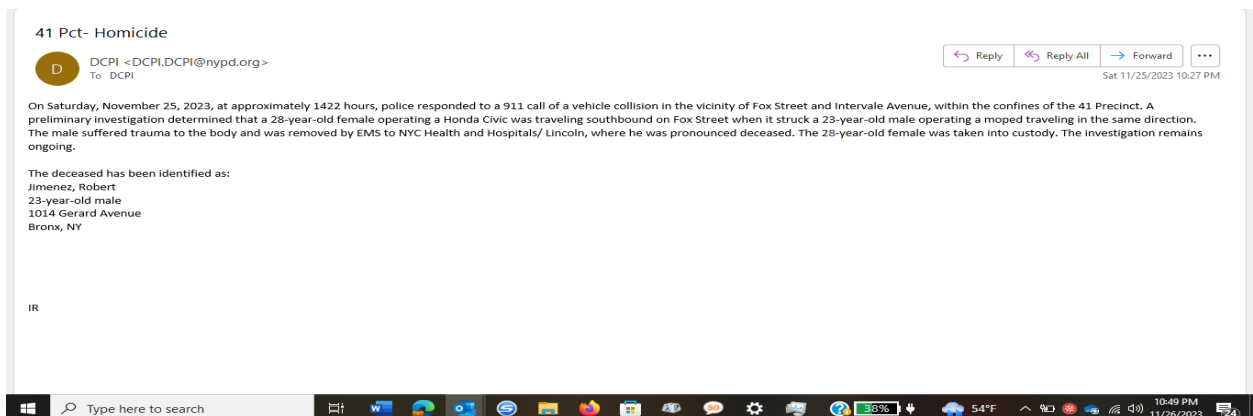
47. Consider that the chief testified that, “The NYPD is the most transparent police force in the country.” To paraphrase a judge, I do not find these words worthy of belief.

48. Let’s take a look at what information the press and public could expect from the Police Department in the event that all radios were encrypted.

49. The department maintains an office at Police Headquarters run by a former precinct commander with the title Deputy Commissioner Public Information. This office puts out email alerts to those journalists who qualify for its distribution list. Here is a list of all the emails this office sent out to the press list on Saturday, November 25, 2023:



50. To be clear, in the entire 24 hours of Saturday, *these were exactly four (4) emails*. Of these, the first three are called “RMAs,” otherwise known as Requests for Media Attention. These are requests *from* DCPI *to* the press asking that the press help the department by publicizing some need for information, e.g. identifying someone.
51. Let us more closely examine the fourth one:



52. This is an actual report of a crime, a homicide. That’s the kind of crime that makes the news. But look more closely. The email was sent out at 10:27 PM. When did the crime occur? At “1422 hours,” in other words, 2:22 PM, **eight hours earlier!**

53. After eight hours, it is next to impossible to report the story. The crime scene has been sanitized and probably closed off by the police. Witnesses, if there were any, may no longer be around. These are only several problems.
54. If this is what Chief Beltran calls “the most transparent” then fortunately he is not working for a national organization that distributes news information or it might now be getting around to distributing information on the inauguration of President Obama.
55. The following neatly sums up the problem:
- “The Adams administration has been boasting that they want to be the most transparent administration, yet this is such a regressive implementation of trying to keep the public and the media from knowing what’s going on in the city,” [New York Press Photographers Association Bruce] Cotler said. “If it wasn’t for the police radios and a Daily News photographer listening to the radios, we would have never known about Eric Garner.”⁷
56. Much discussion has been had over other cities encrypting their police radios but then affording the press some sort of access usually with some sort of delay and perhaps through an intermediary.
57. In the City of New York, the birthplace of Freedom of the Press,⁸ it ill behooves the agency charged with protecting people’s rights to take away their right to be informed and to seriously impinge on the ability of the press to inform the public.

⁷ *Over and out? NYPD evades media access questions at City Council hearing on police radio encryption*, By Dean Moses, November 20, 2023, <https://www.amny.com/news/nypd-media-access-hearing-police-radio-encryption/> retrieved 11/27/2023

⁸ See for example, *Federal Hall, National Museum New York*, National Park Service: “26 Wall Street was the site of New York City’s 18th-century City Hall. Here John Peter Zenger was jailed, tried, and acquitted of libel for exposing government corruption in his newspaper - an early victory for freedom of the press.” <https://www.nps.gov/fehnl/learn/hc.htm>, retrieved 11/27/2023

58. Even assuming *arguendo*, the validity of Chief Beltran's arguments, and assuming that radio encryption is not stopped, what should be done with the press? The only acceptable solution must incorporate the *methods* used for the past decades which involve:
- a) The ability to listen to the radio in real time, without delay;⁹
 - b) The ability to do receive the radio transmissions directly from the Police Department through unfiltered, unedited and uncensored transmissions;
 - c) No requirement to use an independent company;
 - d) No requirement to use a smartphone app;
 - e) No charge imposed for listening or receiving data.
59. As previously noted, the NYPD has tremendous buying power when it comes to radio technology. Surely the NYPD can submit specifications for the manufacture of a small batch order of **receive-only walkie talkies** that can be sold to the press at cost.

II. The Mayor's Office of Media and Entertainment Needs Further Work to Improve its Dealings with the Press Corps

60. On February 9, 2021, I testified before the Committee on Government Operations and submitted written comments on Introduction 2118 (2021) the bill which, when subsequently enacted as Intro 2118-A, transferred the issuance of press credentials from the NYPD to the Mayor's Office of Media and Entertainment through Local Law 46. When the law took effect, MOME established a Press Credentials Office.

⁹ To paraphrase the Supreme Court in *McCulloch v. Maryland*, 17 US 316, (1819), The power to delay [the news] involves the power to destroy [the press].

61. At the Hearing, MOME's director of its press credentials office, Samer Nasser touted as an achievement that the office was issuing "three types of press credentials," namely, the Press Card, the Single Event Press Card and the Reserve Press Card.
62. However, this is hardly an achievement when a) the NYPD was issuing the same three cards; and b) this is exactly what Intro 2118-A (enacted as Local Law 46 and Administrative Code § 3-119.4) requires MOME to do. Paragraph c. begins: "The mayor's office of media and entertainment shall issue press cards, reserve press cards and single event press cards. . ."
63. It is telling that this paragraph, enacted into law, continues, "and may establish by rule additional types of press credentials." However, to date, despite requests MOME has failed to establish any additional types of press credentials.
64. This is significant for a number of reasons. First, on or about the Fall of 2009, photojournalists and other accredited members of the press began applying to DCPI to renew their press credentials. At the time, these consisted of two separate documents, the NYPD Press Card and the NYPD Press Vehicle card.
65. When photojournalists appeared at the DCPI office located at Room 1320, One Police Plaza to collect their credentials they were told that their Press Cards were renewed but that the Vehicle Cards were "delayed" "because of a lawsuit." *This statement was not true.*
66. In fact, there was at the time exactly one lawsuit pending against the NYPD on the subject of press credentials, *Martinez-Alequin v. City of New York*, op. cit. I am well familiar with this case and can state with certainty that no part of the complaint dealt with

the subject of the Press Vehicle Card. Rather, Martinez-Alequin and others brought suit to have their Press Cards renewed or restored.

67. In reality, a person or persons unknown within the administration of Mayor Bloomberg unilaterally decided to end the Press Vehicle Card system which had existed in one form or another for more than five decades.

68. This action was taken with *no notice* to the affected photojournalists, and *no opportunity to be heard* thus depriving them of a significant tool in news gathering without a hearing and therefore denied Due Process to all of them.

69. Several months later, on April 7, 2010, as part of a settlement agreement in *Martinez-Alequin*, the NYPD held a hearing on revising its rules concerning press credentials and formally omitted any mention of the Press Vehicle Card.

70. In addition to this rewrite, the NYPD removed from its rules the ability to issue the Press Identification Card. The significant difference between the Press Identification Card and what was formerly called the NYPD Working Press Card (later renamed to simply the Press Card) was that the Press Identification Card did not allow the crossing of police lines.

71. There was an immediate and significant effect in the de facto repeal of the Press Identification Card. Huge numbers of bona fide legitimate journalists lost their police accreditation because they could not meet the new qualifications. The most significant example is sports photographers. A photojournalist for a major news organization can be assigned to cover the Yankees, Mets, Knicks, Nets, Rangers or any of the other professional sports teams even on a full-time staff basis yet this person is not eligible for a Press Card since under the revised NYPD rules (the relevant portion of which was

essentially copied by MOME), sports does not fall under the category of “qualified event.” Under the MOME rules¹⁰, to qualify for a Press Card (again, the only credential a photojournalist may qualify for), one must cover:

(a). . .

i. emergency, spot, or breaking news events, or public events of a non-emergency nature where police or fire lines, or other restrictions, limitations, or barriers established by the City of New York have been set up for security or crowd control purposes; or

ii. events sponsored by the City of New York that are open to members of the press.

72. Clearly, sports photojournalism does not come within either of these two categories thus making these legitimate members of the press unable to provide official identification to the police when they are en route to or from the major stadiums and arenas where they cover the news.

73. November 23, 2021, MOME held a hearing on its proposed (since enacted) rules and I requested the restoration of both the Press Identification Card and the Press Vehicle Card.

74. MOME made no response and since then has done nothing to alleviate the two problems mentioned herein that face journalists. There is no dialogue open with MOME on this subject.

MOME has a built-in conflict of interest when it comes to the press.

75. This became apparent even before MOME began issuing press credentials. At the November 23, 2021 MOME hearing mentioned above, I testified as to one such conflict.

According to its website, “The Mayor's Office of Media and Entertainment's mission is to

¹⁰ See in pertinent part 43 RCNY §16-03.

support and strengthen New York City's creative economy and make it accessible to all.”¹¹ However, there has long been a prejudice in favor of the film and television businesses and against the press.

76. In my testimony at the November 23, 2021 hearing, I told MOME:

“On Sunday, October 10th your agency allowed a production company to take over the entire New York Press parking zone on 6th Avenue and 51st Street even though they were not shooting that day. But who was shooting? The many still photographers and videographers who were covering the Columbus Day Parade and whose parking spots were reserved by the Department of Transportation.”

77. To sum up, MOME overruled the Department of Transportation (despite having no apparent statutory authority to do so), gave away the parking spaces reserved for journalists knowing full well that there was a parade going on that day that would be covered (since it is every year) and also knowing that there would be no film or TV shooting that day.

78. Yes, this is not the most egregious example of MOME favoring film and television production over the press. There is a lawsuit pending in Federal Court in Brooklyn, *Xizmo Media v. City of New York*, 1:21-cv-02160-ENV-MMH (EDNY) which has sought to invalidate the city’s regulatory scheme when it comes to Small Unmanned Aerial Systems (commonly known as “drones”) as applied to their use in aerial cinematography for the film and TV businesses.

79. According to several minute entries in the docket of this case as retrieved through PACER, there were several settlement conferences during which MOME, although not a named party, appeared through its general counsel, Lori-Barrett-Peterson. Although

¹¹ <https://www.nyc.gov/site/mome/about/about.page>, accessed 11/27/2023

MOME issues press credentials, I am informed and believe that no member of the press, particularly no photojournalist who covers spot news, was able to give input into these discussions.

80. As a result, the case is virtually settled. As part of the settlement, the parties agreed with MOME's blessing that the NYPD would draft regulations that would allow Xizmo Media and other similarly situated film and television companies to use drones but not photojournalists covering breaking news.

81. A brief excerpt from my written comments before the NYPD's hearing July 7, 2023¹² will provide greater clarity:

26. In my article, "Photojournalism and Drones in New York City: Recent Legal Issues," NYSBA *Entertainment, Arts and Sports Law Journal*, Fall 2020, Vol. 31, No. 4, <https://nysba.org/entertainment-arts-and-sports-law-journal-fall-2020/> (hereafter "Photojournalism and Drones," copy attached for reference), I detailed how in 2020 two photojournalists were arrested by the NYPD when each used a drone to photograph the burials of impoverished victims of COVID-19.

27. No one was injured and no property was damaged while these pictures were taken yet *misdemeanor charges* were brought charging violations of Administrative Code Section 10-126.

28. The basis of the *Xizmo* suit is the allegation by plaintiffs that because they are engaging in aerial photography for the purpose of movie making, this is a constitutionally protected activity under the Freedom of Speech clause of the First Amendment.

29. Under equal logic and under the same legal theory, aerial photography for the purpose of newsgathering is also a constitutionally protected activity under the Freedom of the Press clause of the First Amendment.

30. Yet the proposed rules, while mentioning neither movie-making nor newsgathering, work to benefit only the former.

¹² *In the Matter of Proposed Rules for Takeoff and Landing Of Small Unmanned Aircraft*, Comments of Robert Roth, Esq., July 6, 2023, filed in the New York City Police Department Legal Bureau.

31. To start, Proposed Section 24-03 provides for an application process for the proposed permit. It begins:

An application for a permit to take-off or land an unmanned aircraft within New York City must be submitted to the Department **at least thirty days (30)** prior to the proposed date of take-off or landing. [emphasis added]

32. Merriam-Webster defines “Spot News” as “up-to-date immediately reported news.” <https://www.merriam-webster.com/dictionary/spot%20news> (last accessed July 5, 2023). Clearly, there was no 30 days’ notice of the collapse of a multi-story parking garage in Manhattan on April 18, 2023. (See for example, New York Times: “One Dead in Parking Garage Collapse in Lower Manhattan,” April 18, 2023, <https://www.nytimes.com/2023/04/18/nyregion/nyc-parking-garage-collapse.html> (last accessed July 5, 2023). Nor is there ever 30 days’ notice of earthquakes, floods, fires and explosions or other such spot news events which are too numerous to list.

33. While Proposed Section 24-03 is of seemingly inconsequential importance to those who shoot feature films or network television shows, it will operate as a complete bar to using drones for covering breaking news in New York City.

34. In sum, while the Proposed Rules titled **Permits for Take-Off and Landing of Unmanned Aircraft** will help the business of movie and television aerial photography, it will reiterate the restrictions against an important tool for photojournalism.

82. Thus, while the press had no input into the drafting of these regulations, the city agency that issues press credentials to photojournalists did and it allowed these rules to be written knowing that they would never allow for the use of drones to cover spot news because no one would ever be able to give 30 days’ notice in advance of a spot news event just as no one can predict the future.

83. MOME has further problems when it comes to the press. Under its own regulations, MOME has the authority to decline applications for press credentials.

84. In response to a question at the Hearing, Samer Nasser stated, “Our office has discretion to conduct a background check if necessary.” I urge the Committees to demand further clarification of this statement.

85. I am informed and believe that the only units of government that can legally conduct a criminal background investigation of an individual person are those which are denominated *law enforcement*, e.g. the New York City Police Department and only for valid legal reasons. I am informed and believe that MOME has no such authority. During my many years of receiving press credentials, I was never aware of being the subject of a background investigation by the NYPD although I was subject to routine checks of the press corps by the Secret Service in order to cover the President. Again, these are law enforcement agencies and MOME is not.

86. Further, an attorney for MOME stated at the Hearing that some applications are denied. I believe the Committees should know how many of these applications have been denied, how many applicants appealed and what the disposition of these appeals were. (I note with surprise that even though I am a media lawyer, I have never heard of this man before and do not know his name which was unintelligible at the Hearing.

87. As noted at the Hearing, MOME also has the authority to *suspend* and *revoke* press credentials. To this date, as a media lawyer with a concentration in press credentials, I have yet to obtain answers to the following questions:

- a) Who is permitted to bring a charge against a journalist for allegedly violating the MOME rules?
- b) Who at MOME reviews these charges?

- c) Who determines if the charge will go forward and the journalist put at risk of a suspension or revocation?
- d) If there were to be a denial of an application or a suspension or revocation proceeding, who would represent MOME at the OATH hearing? Who would, in effect, prosecute the case?
- e) How many hearings to date in each of the categories of Application Denial, Suspension, and Revocation has MOME brought and what was the disposition of each?

88. As a concerned media lawyer, I appalled to say I do not know the answers to these questions and I urge the Committees to find out.

CONCLUSION

89. I urge the Committees to evaluate the testimony and comments and consider legislative measures to improve press and public access to police radio transmissions and to strengthen the rights of the press in the credentialing process.

Dated: Brooklyn, New York
November 27, 2023

Respectfully submitted,

/s/ Robert Roth

ROBERT ROTH, ESQ.
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Dear Governor Hochul,

As a working journalist of 16 years, it is of most importance you strongly consider signing the encryption bill in regards to the open police communications. As a journalist it is important for our livelihoods. It is even more important for us to be to hold the NYPD accountable in regards to crime stats and relaying information to communities. The street cop isn't the problem. It is the The NYPD's Department of Communication (DCPI) is extremely slow to release information on homicides and other major crime incidents. You can't stay crime is down if crime isn't being reported by an agency. They should be required to release information via either an app or radio frequency in real time. If they have the ability to lock the press out, they have to also have the ability to let us in on what's happening in their world.

Thank you for your time and concern, on this important manner.

Lloyd Mitchell



Good morning Council Members and distinguished guests.

My name is Dennis “Prince” Mapp, Head of Community and Culture at Citizen. I’ve been with this company since its creation — so at this point, you can call me the “Senior Citizen.” I say that with a smile, but it reflects ten years of real work, real service, and a deep commitment to keeping New Yorkers safe and informed.

I am here today to speak about the importance of maintaining access to unencrypted police radio communications, and what the loss of that access has meant for our ability to support this City and the people who call it home.

Citizen operates in 85 cities across the United States, and we are proud partners of Axon, a leader in public-safety technology. Together, we help create a stronger, more transparent ecosystem where residents, public officials, and first responders have greater situational awareness—not less.

Here in New York City, Citizen have always been an asset, not a liability. We have never cost the City a single dollar, yet we help protect millions of people every day. For the past decade, we have been part of the public-safety fabric of New York City, and in all that time, not one single incident has occurred where Citizen put an officer, a responder, or a user in harm’s way. In fact, we receive numerous subpoenas every week from law-enforcement agencies, including the NYPD, requesting information and video that help solve cases, locate witnesses, and establish critical timelines. That is true partnership.

Over the years, I have personally met with numerous Council Members, Assemblymembers, and Senators across New York State to discuss the Keep Police Radio Open Act. Those conversations were honest and grounded in reality: when information is public, people are safer. The Legislature agreed. The bill passed both houses, proving that transparency is not only important — it is necessary. Today, that bill sits on the Governor’s desk awaiting signature, and the sentiment across the State remains clear: keeping information open saves lives.

The shift toward full encryption has had real consequences. Since losing access to radio communications, we have seen a noticeable decrease in the number of incidents we can quickly verify and communicate to the public. This isn’t about clicks or competition. This is about minutes and seconds that save lives — moments that determine whether a New Yorker avoids danger or unknowingly walks into it. Unencrypted radio access allowed us to send precise, block-level alerts, giving people clear, targeted information that kept them safe exactly where they were.

Citizen has also been a trusted communication tool for City leadership. The Mayor's Office has used our platform to deliver important messages to millions of New Yorkers quickly and responsibly. During the ICE protests, when emotions were high and misinformation was spreading rapidly, Citizen helped people stay safe and informed without escalating tensions. We also work closely with the NYC Office of Emergency Management, sending targeted, critical alerts related to weather emergencies, infrastructure failures, missing persons, and other urgent situations.

When an incident is not verified, our team clearly labels it "Report of..." so users understand exactly what level of information they are receiving. Accuracy and responsible reporting come before speed every single time.

Citizen have helped find missing children, seniors, adults, and even pets, working hand-in-hand with families, communities, and law enforcement. And we do all of this without ever charging the City a dollar. To us, safety is a civic responsibility — not a transaction.

For the last ten years, Citizen has supported New York City, its agencies, and its residents. We have strengthened transparency, improved situational awareness, and provided a vital layer of information that New Yorkers rely on every day.

Our request today is simple: allow us to continue doing what we have demonstrated we can do — be an asset, not a barrier, in keeping New Yorkers informed and safe. The public supports this. The Legislature supports this. And the reality on the ground supports this: when information is open, people stay alive.

Thank you for your time, your leadership, and your commitment to this city. As the "Senior Citizen" of Citizen, I am happy to answer any questions.

Insistence on transparency in law enforcement has nothing to do with whether one likes or dislikes police officers. It comes down to trust and this is essential for a free society and the effective, honest policing of our streets.

This is why Governor Kathy Hochul should sign the “Keep Police Radios Public Act” into law. The bill was sponsored by Senate Majority Leader Michael Gianaris (Queens) and in the Assembly by Karines Reyes (Bronx). It took two hard-fought years to get both houses of the legislature to approve this bill that grants credentialed members of the media and emergency volunteer first responders access to encrypted police radios. Nearly the entire democratic conference voted in favor.

Police departments around the country are moving towards radio encryption to keep “bad guys” from using the radio traffic against them. There is adequate evidence that some criminals have used police scanners to commit crimes and even anarchist protestors who monitored police movements to riot and commit vandalism. There were instances of protestors who used Chinese-made Baofeng radios to interfere with NYPD cops during George Floyd related rioting in New York City – encryption prevents this interference.

The sponsors of the “Keep Police Radios Public Act” realized that the “bad guys” were not members of the credentialed media who are informing the public at emergency situations. They also realized that federal mandates indicate that all emergency first responders must have “interoperability” to effectively back law enforcement during disasters and incidents. We saw this inadequate communication on 9/11 when 343 firefighters and 72 police officers were killed at that terrorist attack on the World Trade Center.

Police agencies have privacy concerns for victims of crimes and crashes. Every police agency now provides cops with their own phones and almost no department transmits personal information over the airwaves. Dispatchers have been instructing officers to call their commands to convey personal information on victims of crimes or mishaps for years.

So why are some police departments opposed to the press listening to their radios? Some of the most important stories were learned through members of the media hearing radio calls. Would police have told the public in a timely manner about cops shooting to death Sean Bell on the night before his wedding? When would cops have informed the public about pressure cooker bombs in Times Square? And certainly, every bit of information was needed on 9/11 to save thousands of lives?

Patrick Lynch, the former President of the Police Benevolent Association in NYC, was quoted as saying 95 percent of what the press reports is favorable to his members. Most members of the media understand that working as a partner with the police is in their favor.

Are members of the media the “bad guys,” or just the messengers? A civil society doesn’t shoot the messengers, but instead takes that information into account to make society safer. This is why Governor Hoohul must move forward and sign the “Keep Police Radio Public Act” and make

it law to compel departments to give legitimate press access to that communications as they have had for decades.

It comes down to trust of law enforcement and that trust has worn thin for many people. It is reflected in the courts where cops are accused of being biased and in the streets where officers are treated with disrespect. Departments have gone a long way to establishing trust by using body-worn cameras. But encrypting radios without giving the press access takes away vital checks and balances that are necessary to maintaining credibility for law enforcement.

Governor Hochul should understand that signing this bill is not an act against policing, but instead is creating greater trust between police and the public.

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1415 Res. No. _____

☒ in favor ☐ in opposition

Date: 11/19/25

(PLEASE PRINT)

Name: Jackie Gosdignian

Address: 187 Livingston St. 7th floor

I represent: Brooklyn Defender Brooklyn, NY

Address: Services

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Dennis Prince Mapp

Address: 197 Grand Street

I represent: Citizen APP

Address: 197 Grand Street

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1451-2025 Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Amaury DuJardin

Address: 95 Quinny St #1 Brooklyn 11238

I represent: Citizens Union

Address: New York Law School

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Michael Gerber, DCLM

Address: NYPD

I represent: NY PD

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1451 Res. No. _____

☒ in favor ☐ in opposition

Date: 11/19/25

(PLEASE PRINT)

Name: Lindsey Smith

Address: ~~40 Worth / 49 Thomas, New York, NY 10013~~

I represent: The Legal Aid Society

Address: 40 Worth / 49 Thomas, New York, NY 10013

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1402 & 1451 Res. No. _____

☐ in favor ☐ in opposition

Date: 11/19/2025

(PLEASE PRINT)

Name: Kathleen McKenna

Address: _____

I represent: Brooklyn Defender Services

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 11-19-2025

(PLEASE PRINT)

Name: Richard W. Torres

Address: [REDACTED] St NY NY 10017

I represent: _____

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 11/19/25

(PLEASE PRINT)

Name: David S. Fert

Address: [REDACTED] NY NY 10007

I represent: Surveillance Technology Oversight Board

Address: 40 Recker St 9th Fl. NY NY 10006

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 1460 Res. No. _____

☒ in favor ☐ in opposition

Date: 11/19/2025

(PLEASE PRINT)

Name: Bruce Gotler

Address: [REDACTED]

I represent: New York Press Photographers Assn.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1451 Res. No. _____
☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Jonathan Darche

Address: 100 Church Street

I represent: CCRB

Address: _____

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1460 Res. No. _____
☒ in favor ☐ in opposition

Date: 11/19/2025

(PLEASE PRINT)

Name: Robert Roth, Attorney At Law

Address: [REDACTED] Brooklyn, NY 11249

I represent: Self

Address: _____

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: TITO

Address: _____

I represent: Self

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 11/19/21

(PLEASE PRINT)

Name: Christopher Johnson

Address: [REDACTED]

I represent: Self

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆