



Legislation Text

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Int. No. 1460-A

By Council Member Brewer, the Public Advocate (Mr. Williams) and Council Members Marte, Hanks, Salaam, Cabán, Gutiérrez, Farías and Louis

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

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-199.2 to read as follows:

§ 14-199.2 Access to police dispatch radio communications. a. Definitions. For purposes of this section, the following terms have the following meanings:

Encryption. The term “encryption” means a method of encoding information for the purpose of preventing unauthorized individuals from accessing such information.

Professional journalist. The term “professional journalist” has the same meaning as set forth in section 79-h of the civil rights law.

Radio communication. The term “radio communication” means verbal communications that are (i) transmitted over a department radio frequency, including communications between a police dispatch center and department personnel and among department personnel, and (ii) accessible to all department personnel monitoring such frequency. Such term shall not include point-to-point communications between two devices.

Sensitive information. The term “sensitive information” means any portion of a radio communication that, if disclosed, would: (i) identify a confidential source or disclose confidential information; or (ii) reveal any non-routine criminal investigative techniques or procedures.

b. The department shall adopt a written radio encryption policy governing department radio communications. Such policy shall meet the following requirements:

(1) Reports of critical incidents shall be broadcast over an unencrypted, citywide channel accessible in real-time to the general public.

(2) Encrypted radio communications transmitted over all precinct-level, borough-level, transit, and housing bureau channels, and any other department channel that does not routinely transmit sensitive information, shall be available to professional journalists who have (i) received press credentials in accordance with section 3-119.4; and (ii) paid reasonable costs, not to exceed costs incurred by the department to provide such access.

(3) Sensitive information shall not be made available to the public or to professional journalists.

c. The department shall publish a proposal of the policy required by subdivision b of this section on the department's website no more than 180 days after the effective date of the local law that added this section. Upon publication of the proposed policy, the public shall have 45 days to submit comments on such policy to the commissioner.

d. The commissioner shall consider public comments and include in the publication of the final policy an explanation of any changes that were made in response to comments. Such final policy shall be provided to the speaker of the council and the mayor and shall be posted on the department's website no more than 45 days after the conclusion of the public comment period established pursuant to subdivision c of this section.

e. The department shall implement the final policy required by subdivision d no more than 12 months after the effective date of the local law that added this section.

§ 2. This local law takes effect immediately.

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