



THE COUNCIL OF THE CITY OF NEW YORK

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Williams, Rosenthal Introduce "Right to Record Act" – Expands New Yorkers' Constitutional Right to Film Police

*Elected Officials, Advocates Joined by New Yorkers
Allegedly Arrested/Retaliated Against for Filming Police Encounters in Public*



Helen, Council Members Inez Barron, Ydanis Rodriguez, Jumaane Williams, and Mark Levine, and advocates at a rally in support of the Right to Record Act (July 14, 2016).

NEW YORK, NY: On July 14, Council Member Jumaane D. Williams, Deputy Leader, and Council Member Helen Rosenthal, Chair of the Committee on Contracts, held a press conference to announce the introduction of the "Right to Record Act" ([Int. 1235-2016](#)).

They were joined by Council Members Inez Barron, Ydanis Rodriguez, Rosie Mendez, Rafael Espinal, Carlos Menchaca and Assembly Member Rodneyse Bichotte. They were also joined by advocates from the New York Civil Liberties Union, Cop Watch, Citizens Action, Girl Be Heard, Communities United for Police Reform, Vocal New York , the Legal Aid Society, and Malcolm X Grassroots.

The Right to Record Act will prohibit police officers from interfering with, or intimidating individuals from recording their activities, and establishes a cause of action for violating the Act.

The bill expands on New Yorkers' rights by creating a specific, local Cause of Action (private lawsuit) that will allow aggrieved individuals to argue their case not just on the basis of the First Amendment, but also on the basis of a codified statute. The bill also establishes a new reporting requirement.

Under the legislation, the New York Police Department will be required to submit to the Mayor and City Council, a report that includes data on number of arrests, criminal and civil summons issued, categorized by:

- Precinct where the action occurred
- Offense charged
- Race, ethnicity, gender and age of the person arrested or summonsed

"This is an interesting time in the country. This bill is not anti-police, this bill is about wanting police to be better at their jobs. I appreciate the risks they take every day on the job," said **Council Member Williams**. "The Right to Record Act is a response to several instances where people, who were recording police activity -- which is their constitutional right -- were either arrested on trumped up charges, detained, or had their property damaged for exercising their constitutional right."

"We are at a seminal moment in history--our country is reeling from last week's loss of seven people-- needlessly shot and killed. Having footage of these events-- taken with cell phones, iPads, and other new technology-- allows us to better understand the nuances of each situation. We no longer have to rely on someone's memory of an incident; technology allows us to know exactly what has happened (or, is happening). This bill reaffirms the right to record police activity and to sue the City if that right were breached. I want to thank Council Member Jumaane D. Williams for leading this effort to reform our law enforcement and make our City safer for everyone. Knowledge is power and is the first step in reform," said **Council Member Rosenthal**.

Taking photographs and videos, or other recordings, of activity that is plainly visible from public spaces is a protected constitutional right. However, there are documented cases where law enforcement officers order people to stop recording their activities, and in many cases harass, and arrest those who record their actions.

"The Right to Record Act reinforces the protections of New Yorkers to rightfully record

activity taking place in public spaces. It is our hope that members of our community are not intimidated or prohibited from recording clearly visible activity in public," commented **Congresswoman Yvette D. Clarke**. "As we all work to strengthen our minority communities' relationship with police forces across the country, we must respect the rights of citizens who seek to lawfully record encounters with police in their communities."

"The introduction of the Right to Record legislation is very timely in the wake of the recent shootings of two unarmed black men--Alton Sterling of Baton Rouge, Louisiana, and Philandro Castile of Falcon Heights, Minnesota," said **Assembly Member Rodneyse Bichotte**. "The footage from those shootings allowed the country to bear witness to the disproportionate level of brutality that many black and brown men and women face every day. Council Member Williams has always been at the forefront of fair minded legislation that seeks to balance the rights and protections of citizens and law enforcement. I thank him, Council Member Rosenthal, and all the advocates for their efforts to enshrine into law every citizen's constitutional right to record police activity without interference or intimidation, and I will work with Council Member Williams to introduce this legislation at the State level."

"The right to record police interactions in public spaces is a constitutional right that we must defend like the other rights afforded to us under the First Amendment. Recent events all across the country confirm to us that recording these public interactions is important and necessary," said **Council Member Menchaca**. "I strongly believe that the ability to record leads to more safety and greater accountability on behalf of the police and community members. "

"Information sharing should not be obstructed by law enforcement officers as New Yorkers seek to record incidences between police and members of the community. Too often these encounters result in accusations of official misconduct by police officers and they are not held accountable for their actions. The Right to Record Act will help to ensure that our constitutional right to know how our public authorities serve or dis-serve our communities," added **Council Member Inez E. Dickens**. "The Right to Record Act serves both sides of the argument. It protects the public's interest if any officer is found to be violating the civil rights of New Yorkers, and it protects the officers from fallacious accusations. I plan to support this legislation and I urgently encourage my fellow colleagues to join in supporting this piece of legislation. The Right to Record Act offer very little in negative returns, as any recordings can demonstrate where police have acted responsibly, or where certain members of the community may be at fault. This legislation should not be viewed as an attack on police but instead positively to protect both the public and law enforcement."

"Monitoring and documenting police activity in order to deter abuse - a practice we call 'Cop Watch' - is an important act New Yorkers can and should engage in to help keep their communities safe," said **Yul-san Liem, representative of Communities United for Police Reform and Co-Director of the Justice Committee**. "It is also a constitutionally protected right that NYPD officers routinely violate by threatening,

intimidating, falsely arresting, and/or attempting to obstruct those who are Cop Watching. We applaud Council Member Williams for introducing legislation that will affirmatively establish this right as local law and give New Yorkers means to hold officers who do not respect this right accountable."

"The New York Civil Liberties Union is proud to stand with Councilmembers Williams and Rosenthal in protecting every New Yorkers' right to photograph the police. As has been powerfully demonstrated this week and in so many tragic cases, cameras are our best tool for documenting police abuse and for preserving the facts when police encounters go wrong. Journalists, friends and family, and even bystanders using cell phone cameras have revealed police abuse that would have otherwise remained hidden, and exposed false statements from police regarding why deadly force was used," said **Johanna Miller, advocacy director of the New York Civil Liberties Union**. "For far too long, the NYPD has trained the unblinking eye of its surveillance technology on everyday New Yorkers, while at the same time officers retaliate or interfere with people photographing and recording them at work. The City Council has the power to end this double standard that blatantly violates people's constitutional rights by passing the Right to Record Act," Miller added. "The First Amendment protects everyone's right to unobtrusively record the police, and this bill will ensure those rights are enforceable. Cameras are not a threat to officers, but they are a threat to the status quo. Nationwide, this is a critical moment to reform police procedures and empower the victims of police abuse. We urge Council to act quickly to enact this bill."

"This bill is not only a common sense bill, but will also serve as a model to the rest of the world that NYC will protect its citizens' constitutional rights," said **Five Muallim-ak, co-founder of Incarcerated Nation Corp**. "We have the power to create transparency and increase every citizens' ability to be a good neighbor. I myself was arrested after my own book signing at the Open Society Foundation. I was charged by the very police department that I worked with on the Mayor's Behavioral Task Force. This bill would have solved that and saved the City money."

"The Legal Aid Society would like to thank Council Members Williams and Rosenthal for introducing this important bill. As defense counsel for many people who have been arrested while filming, we know how badly this law is needed," said **Cynthia Conti-Cook, staff attorney at The Legal Aid Society**. "It's needed not because filming is not already a right but because courts in this jurisdiction have not yet recognized a remedy, which is why we brought our lawsuit on behalf of Ruben An last week. We of course want the courts to recognize a remedy too, but in the meantime, this bill gives NYC cop watchers a remedy. And without a remedy, there's no incentive for the NYPD to change its practices."

"Our hearts are heavy in the wake of the tragic deaths of civilians and officers in Baton Rouge, Falcon Heights, and Dallas. However, we must hold our public servants accountable for their actions," said **Abigail Ramsay, director of global partnerships for Girl Be Heard**. "At Girl Be Heard, we bring the stories of women and girls, which are so often erased and invalidated, to the forefront. By securing the right to record, all

citizens, especially the disenfranchised, can have their truths and perspectives acknowledged."

In recent years, several high-profile cases of police misconduct and brutality have garnered attention because of cellphone footage taken by civilians. These cases include incidents surrounding the death of [Eric Garner](#) and [Walter Scott](#).

Two weeks ago, video surfaced of two incidents where unarmed Black men were killed by police. On July 5, [Alton Sterling](#), of Baton Rouge, LA was shot by police outside of a convenience store. The encounter was captured on video by an eyewitness. A day later, 32-year-old [Philandro Castile](#) was killed by a police officer in Minnesota. Castile's girlfriend recorded the moments after the shooting through Facebook's live stream feature.

In another incident, surveillance video captured an altercation between [Delrawn Small](#) of East New York, and an off-duty police officer. In the video, the officer is seen shooting Small only moments after stepping out of his vehicle. The actions captured on film, contradicted the officers' claims that he began firing only after Small approached his car and punched him in his face.

"This is an example of the type of lie that may be believed if there isn't video to defend the victim," said **Council Member Williams**. "My hope is that this bill will protect eyewitnesses and officers in situations where lies have been told."

See examples of this alleged incidents where officers interfere with the public recording their activities [here](#), [here](#), [video here](#), and [here](#).

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