

CTQ-2025-00004

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**COURT OF APPEALS**

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**STATE OF NEW YORK**

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**SEANPAUL REYES,**

*Plaintiff-Appellee,*

*-against-*

**THE CITY OF NEW YORK,**

*Defendant-Appellant.*

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**BRIEF OF *AMICUS CURIAE*  
THE LEGAL AID SOCIETY  
IN SUPPORT OF PLAINTIFF-APPELLEE**

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**THE LEGAL AID SOCIETY**  
Philip Desgranges  
Shona Hemmady  
49 Thomas Street, 10<sup>th</sup> floor  
New York, New York 10013  
(212) 577-3367  
[pdesgranges@legal-aid.org](mailto:pdesgranges@legal-aid.org)

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New York, N.Y.

*Attorneys for Amicus Curiae*

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## **DISCLOSURE STATEMENT**

Pursuant to 22 N.Y.C.R.R Part 500.1(f), The Legal Aid Society discloses that it is a non-profit organization with no parent, subsidiaries, or affiliates.

## **INTEREST OF AMICUS CURIAE**

*Amicus curiae* The Legal Aid Society is the country's oldest and largest private non-profit legal services agency, dedicated since 1876 to providing quality legal representation to low-income families and individuals in New York City. It has served as the primary public defender in New York City since 1965 and, each year, represents thousands of people who are arrested and unable to afford private counsel. Legal Aid's Special Litigation Unit brings civil rights litigation on behalf of Legal Aid's public defense clients when government officials, especially the police, have violated those clients' civil rights. Legal Aid, on behalf of its current and future clients, has a strong interest in the vindication of civil rights and the interpretation of statutes that support or frustrate such vindication.

Legal Aid has a long history of protecting people's right to record the police to advance transparency and accountability where police officers abuse their power. In 2016, Legal Aid brought *An v. City of New York* to challenge the New York City Police Department's ("NYPD") widespread practice of interfering with people who record the police in public by blocking their cameras, ordering them to stop

recording, or arresting them. *An v. City of New York*, No. 16 Civ. 5381, 2017 WL 2376576 (S.D.N.Y. June 1, 2017). As part of the *An* settlement, the NYPD agreed to issue a revised patrol guide section regarding the public's right to record police activity and train its staff on the public's right to record. *See* Joint Appendix, Docket No. 37.1, A38, Stipulation of Settlement (Oct. 9, 2018), *An v. City of New York*, No. 16 Civ. 5381. In 2020, Legal Aid, in coalition with Communities United for Police Reform, advocated for the passage of the New York State and New York City Right to Record Acts to protect New Yorkers who record police activities. N.Y. Civ. Rights Law § 79-p; N.Y.C. Admin. Code § 14-189. In this brief, Legal Aid seeks to provide the Court with additional arguments, information, and context, including recent examples illustrating the public's interest in recording their interactions with police officers in precinct lobbies and how the NYPD's blanket ban on recording in precincts harms that interest.

## **PRELIMINARY STATEMENT**

The certified question before this Court is whether the New York State and New York City Right to Record Acts “afford individuals such as plaintiff Reyes the right to video record law enforcement activities inside public facilities—specifically, inside the publicly accessible lobbies of police stationhouses—notwithstanding a New York City Police Department policy forbidding any video recording inside its facilities?” *Reyes v. City of New York*, 141 F.4th 55, 76 (2d Cir.), *certified question accepted*, 44 N.Y.3d 961 (2025). This Court should answer the certified question in the affirmative because the plain language of both Right to Record Acts (“RTRAs”) unambiguously creates a broad right to record law enforcement activities with only limited exceptions, none of which include the public lobbies of police precincts.

In 2020, the New York State Legislature and the New York City Council enacted the State and City RTRAs in the wake of nationwide racial justice protests following the murder of George Floyd by members of law enforcement, a murder captured on a bystander’s cell phone. N.Y. Civ. Rights Law § 79-p; N.Y.C. Admin. Code § 14-189. The laws were passed to provide a clear right to record the public activities of law enforcement officers to increase law enforcement’s accountability to the public. And with the public lobby of the police precinct being one of the most significant points of contact between the police and the public, the laws made no exceptions for precinct lobbies.

Through its reinterpretation of the laws, the City of New York seeks to limit the right to record law enforcement to continue the NYPD’s “Trespass Policy,” which bans all recording in police precincts, including in the publicly accessible areas where officers routinely interact with the public, and which punishes noncompliance with arrest for trespassing. The blanket ban would prevent New Yorkers from photographing reports or complaints they submit to the police, recording their interactions with officers when they are denied services, or even recording officers’ responses to questions during a precinct community forum. Because the Right to Record Acts unambiguously create a broad right to record with only limited exceptions, none of which exempt police precinct lobbies, this ban is unlawful and cannot continue to undermine law enforcement accountability.

### **ARGUMENT**

#### **I. THE NEW YORK STATE AND NEW YORK CITY RIGHT TO RECORD ACTS UNAMBIGUOUSLY CODIFY BROAD RIGHTS TO RECORD THE POLICE, INCLUDING WITHIN PRECINCT LOBBIES.**

The text of the State and City RTRAs unambiguously codify a broad right to record the police with very limited and specific exceptions, none of which exempt the publicly accessible lobbies of police precincts. As this Court held, courts should “effectuate the intent of the Legislature” when interpreting a statute, and because “the clearest indicator of legislative intent is the statutory text, the starting point in any case of interpretation must always be the language itself, giving effect to the

[text's] plain meaning.” *Majewski v. Broadalbin-Perth Cent. Sch. Dist.*, 91 N.Y.2d 577, 583 (1998) (internal citations omitted). And “where the statutory language is clear and unambiguous, *the court should construe it so as to give effect to the plain meaning of the words used.*” *Raritan Dev. Corp. v. Silva*, 91 N.Y.2d 98 (1997) (citation omitted) (emphasis in original). Because the text of both the State and City RTRAs are clear and unambiguous, this Court should hold that both statutes confer a right to record law enforcement activities with limited, specified exceptions in each statute that do not restrict the right to record in publicly accessible lobbies of police precincts.

The broad sweep of the State and City RTRAs is evident in their text. Under the State RTRA, “[a] person not under arrest or in the custody of a law enforcement official has the right to record law enforcement activity.” N.Y. Civ. Rights Law § 79-p(2) (Recording certain activities).<sup>1</sup> The State RTRA does not include a police precinct exception to this right to record. Rather, the only exception is when a person engages in actions that “physically interfere with law enforcement activity or otherwise constitute a crime defined in the penal law involving obstructing governmental administration.” N.Y. Civ. Rights Law § 79-p(2). The City RTRA has a similarly broad scope. Under the City RTRA, “[a] person may record police

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<sup>1</sup> There are two separate laws numbered as N.Y. Civ. Rights Law § 79-p: “Recording Certain Activities” and “Gender Neutral Single-Occupancy Bathroom Facilities.” We are referencing the former.

activities.” N.Y.C. Admin. Code § 14-189(b). The City RTRA also does not include a precinct exception to the right to record, only exceptions where a person “engage[s] in actions that physically interfere with an official and lawful police function” or where an officer must interfere with the right to record to “enforc[e] any other provision of law.” *Id.* Because the Legislature uses broad language in the text of both statutes with limited exceptions, this Court must read that text as conferring a broad right to record in order to give effect to the legislative intent. *See Walsh v. New York State Comptroller*, 34 N.Y.3d 520, 526–27 (2019) (finding that an accidental, involuntary fall was included in the term “act” because “the legislature chose to use the broad term ‘any act of any inmate,’ [and] . . . it could have easily drafted the statutory language more restrictively”).

As the terms of the State and City RTRA are unambiguous, the NYPD’s blanket ban on recording in precinct lobbies violates the clear text of the State and City RTRAs establishing the public’s broad right to record police activity. This Court may properly end its inquiry here because the text of both statutes is clear and unambiguous. *See Raritan Dev. Corp.*, 91 N.Y.2d at 107 (explaining that “[a]bsent ambiguity the courts may not resort to rules of construction to” depart from the plain meaning of the statute “because no rule of construction gives the court discretion to declare the intent of the law *when the words are unequivocal*”) (emphasis in original).

In addition, the plain language of the State and City RTRAs aligns with their purpose. *People v. Iverson*, 37 N.Y.3d 98, 103 (2021) (explaining that, “[i]n a manner consistent with the statutory text, this Court, in interpreting a statute, may also look to the purpose of the legislation”) (internal citations and quotations omitted). The State RTRA’s purpose is “to unambiguously affirm, by statutory enactment, the right of New Yorkers to record, *with expressed exceptions*, the actions of persons acting under the color of law.”<sup>2</sup> The City RTRA’s purpose is to “codify a person’s right to record New York City police officers or peace officer acting in their official capacity, *with limited exceptions*.”<sup>3</sup> The purposes of both statutes align with a plain reading of their text, which leads to one inescapable conclusion: that the Right to Record Acts protect the right to record in all but the limited, specified exceptions in each statute.

In its brief, the City argues (i) that there is an implied police precinct exception to the State and City RTRAs, (ii) that this Court should narrowly read both Acts to make them duplicative of the First Amendment right to record the police in public, and (iii) that the broad application of the right to record would lead to absurd outcomes. *See* Brief for Appellant (“App. Br.”) at 42–47, 47–55, 55–62. The City’s

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<sup>2</sup> N.Y. State Senate, Sponsor Memo, N.Y. Legis. S3253A Reg. Sess. 2019-2020 (2019), <https://www.nysenate.gov/legislation/bills/2019/S3253> (emphasis added).

<sup>3</sup> N.Y.C. Council, Summary of Int. 721-B, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3371660&GUID=CCE66ABB-0E5C-4FB0-A21F-F9CB0BE4D6EA> (emphasis added).

first argument fails because the State and City legislatures specified certain exceptions to the right to record and did not include a precinct lobby exception. As this Court held, “[w]here the legislature has addressed a subject and provided specific exceptions to a general rule—as it has done here—the maxim *expressio unius est exclusio alterius* applies.” *Kimmel v. State*, 29 N.Y.3d 386, 394 (2017). Under that maxim, “where a statute creates provisos or exceptions as to certain matters the inclusion of such provisos or exceptions is generally considered to deny the existence of others not mentioned.” *Id.* (quoting McKinney’s Cons. Laws of N.Y., Book 1, Statutes § 240 at 412–13, and refusing to read in another exception besides those already listed in the Equal Access to Justice Act because doing so would “give effect to an assumed legislative intent by judicial construction”). Because the public lobby of a police precinct is not listed in the exceptions of either statute, this Court cannot assume that the legislature intended to include an additional, implied exception for police precinct lobbies.

The City’s second argument that both laws merely codify the First Amendment right to record in traditional public fora such as “streets, sidewalks, plazas, parks, and other open public spaces” ignores the statutory text. App. Br. at 47–48. Accepting that argument would require the Court to render superfluous provisions in each RTRA that the rights provided are “*in addition to* all rights, procedures, and remedies available under the United States Constitution.” N.Y. Civ.

Rights Law § 79-p(4); N.Y.C. Admin. Code § 14-189(d) (emphasis added); *see also Kimmel*, 29 N.Y.3d at 393 (explaining “that a statute should be construed to avoid rendering any of its provisions superfluous.”). This Court could not give effect to the “in addition to” clauses of the RTRAs if it adopted the City’s reading that these laws extend no further than the First Amendment.

Finally, the City’s argument that applying the plain meaning of the RTRAs would lead to absurd outcomes is false because the exceptions listed in the RTRAs prevent all of the City’s claimed absurdities. *See Raritan Dev. Corp.*, 91 N.Y.2d at 104–05 (rejecting Respondents’ interpretation of a statute’s meaning where “the conclusion reached [by the plain meaning of the text] is not ‘absurd’ as [Respondent] contends”). The City claims that a plain reading of the text of the RTRAs would allow someone to bring a phone into a state prison and record corrections officers, allow someone to bring a phone into a state or municipal courtroom and record court officers, and allow someone to bring a phone in the non-public areas of a precinct to record police officers.<sup>4</sup> *See App. Br.* at 56–59. But these hypothetical scenarios could be prevented by applying the text of the statutes.

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<sup>4</sup> The City’s other hypothetical scenarios involving private homes, medical facilities, and shelter residences are irrelevant here because they include places that are not “public facilities,” which is the focus of the certified question, and they are all materially different from precinct lobbies because they are not “open to the public” as the public does not enjoy a broad license to be present at those locations. *See infra* Section II. Thus, their owners may exclude anyone who is not approved to be there. Even if a medical facility could be deemed a place where any member of the public has license to enter and meander about, which it cannot, recording patients in a

Both the State and City RTRA include specific exceptions to the broad right to record which avert the City's hyperbolic parade of horrors. The State RTRA's exception prohibits recording that would constitute a crime involving obstructing governmental administration, *see* N.Y. Civ. Rights Law § 79-p(2), and obstruction may be based on the violation of "any independently unlawful act." N.Y. Penal Law § 195.05(1); *see, e.g., People v. Pappalardo*, 693 N.Y.S.2d 835 (App. Term, 1st Dep't 1999) (reinstating a conviction for obstructing governmental administration by means of an independently unlawful act, bribery); *People v. Stumpp*, 505 N.Y.S.2d 758 (App. Term, 2d Dep't, 9th & 10th Dists. 1986) (affirming defendant's conviction for obstructing governmental administration because he impeded official action by violating a separate statute, the Alcoholic Beverage Control Law). The City RTRA's exception states that it does not "permit a person to engage in actions that physically interfere with an official and lawful police function, or [] prevent the seizure of any property or instruments used in a recording of police activities where the seizure is otherwise authorized by law, or [] prohibit any officer from enforcing any other provision of law." N.Y.C. Admin. Code § 14-189(b).

The exceptions for both statutes would prevent the City's hypothetical scenarios because the scenarios are unlawful. Under the RTRAs, corrections officers

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hospital is prohibited by state law that requires hospitals to protect the privacy of their patients. See 10 NYCRR 405.7(b)(12), (c)(13).

could stop someone from recording in state prisons because possessing a cell phone or recording device in a prison is unlawful. 7 NYCRR 200.3 (listing “cellular phones, wireless phones...[and] any device with audio recording capabilities, radios, [or] cameras” as prohibited inside a state correctional facility and subject to confiscation). Similarly, court officers could prevent the recording of a courtroom proceeding, even criminal sentencings, because that act is independently unlawful unless the person recording first obtains judicial permission. *See* 22 NYCRR 29.1. And, finally, police officers could prevent someone from recording in the non-public areas of the police precinct where such recording constitutes a crime involving obstructing governmental administration because it interferes with an official and lawful police function, or involves the violation of another law. *See* N.Y. Civ. Rights Law § 79-p(2); N.Y.C. Admin. Code § 14-189(b).

As there is no absurdity in applying the plain language of the RTRAs, this Court should follow the well-established precedent to construe the statutes to give credence to the “explicit choice[s] made by the Legislature.” *Kimmel*, 29 N.Y.3d at 40. Courts “may not legislate under the guise of interpretation” and, if the City believes “application of the [statute] to this action is an unintended result of the plain language of the statute, then that is a consequence best left to the Legislature to evaluate and, if necessary, resolve.” *Id.*

## II. THE CITY'S RELIANCE ON COMMON LAW PROPERTY RIGHTS TO SAVE ITS UNLAWFUL TRESPASS POLICY IS MERITLESS.

The City devotes considerable time arguing that it has the common law property right to arrest people for trespassing when they record the police in publicly accessible precinct lobbies. App. Br. 24–39. But, as this Court held, that right is limited when the property is “open to the public” such that “the public enjoys broad license” to use the property. *People v. Leonard*, 62 N.Y.2d 404, 408 (1984). In those circumstances, “trespass laws may not be enforced solely to exclude persons from exercising . . . protected conduct” and “a decision to exclude that is predicated on or impermissibly inhibits . . . a statutorily protected activity will not be lawful.” *Id.* at 410–11. Thus, under the common law, the City’s Trespass Policy is unlawful because it inhibits the statutory right to record the police, which is broadly applicable with no exceptions for police precinct lobbies. *See supra* Section I.

Indeed, the Second Circuit recognized that, if the RTRAs are construed to confer a broad right to record subject only to the specified exceptions in the statutes, then “that would presumably supersede any common law property [] rights that the City [] might claim to limit recording at odds with these enacted laws.” *Reyes v. City of New York*, 141 F.4th 55, 70 (2d Cir. 2025) (citing *Leonard* and citing *Hechter v. New York Life Ins. Co.*, 46 N.Y.2d 34, 39 (1978) (“[I]t is a general rule of statutory construction that a clear and specific legislative intent ... override[s] the common

law.”)). There is no interpretation that would allow both the RTRAs to protect this right, and the NYPD to unilaterally defeat it. Given this Court’s precedent, the common law cannot save the Trespass Policy, and the City’s arguments otherwise are meritless.

### **III. THE CITY’S TRESPASS POLICY UNDERMINES THE CLEAR LEGISLATIVE INTENT TO PROMOTE ACCOUNTABILITY THROUGH RECORDING THE PUBLIC ACTIVITIES OF LAW ENFORCEMENT.**

The State RTRA’s Bill Jacket proclaims that “[t]he right of people to document the public activities of law enforcement helps to ensure that the police and others engaged in law enforcement activities are accountable to the public.” N.Y. Senate Introducer’s Mem. in Support, N.Y. Bill Jacket, 2020 S.B. 3253, Ch. 100 at 5; *see also Knight-Ridder Broadcasting, Inc. v. Greenberg*, 70 N.Y.2d 151, 158–59 (1987) (giving “considerable weight in discerning legislative intent” to “the Bill Jacket”). But the City’s proposed interpretation of the RTRAs prevents accountability in an environment where police officers should be most responsive to the public’s need: the publicly accessible portions of a police precinct. The stories below illustrate how enforcing a ban on recording in precinct areas made open to the public leads to a lack of accountability and transparency around serious issues of misconduct and access to justice.

## **A. Recording How Officers Interact with Members of the Public Seeking Services in Precinct Lobbies Advances Transparency and Accountability.**

Police precincts are one of the most significant contact points between the public and local law enforcement. Individuals seek to record in precinct lobbies for several reasons: to record proof of their complaints, to record the responses of law enforcement officials, and to record police misconduct. When members of the public are denied services or even assaulted in precinct lobbies, the video recordings may serve as their only proof to hold the responsible officers accountable. As the individual examples below illustrate, recording interactions with police officers in precinct lobbies is a critical tool to shed light on how officers interact, sometimes inappropriately, with members of the public.

### ***Shawn Jobe, September 2023***

Shawn Jobe was arrested for recording officers in the 84th Precinct in Brooklyn on September 18, 2023. He began recording because police officers refused to give him a complaint form to fill out against the officers who, he believed, had wrongfully arrested him the previous week and had failed to return \$700 in cash officers took from him when he was arrested.

Mr. Jobe first tried to retrieve his \$700 at the Brooklyn Property Clerk's office but an officer instructed him to return the following week. When he returned the next Monday, another officer told him that they could not return his money and that he would instead have to go to the 84th Precinct. At the 84th Precinct, Mr. Jobe again

tried to retrieve his money. While there, he also followed up on a previous request for a complaint form for the officers who arrested him. An officer there instructed him to go back to the Property Clerk's office for his money. At this point, Mr. Jobe began recording his interaction with the officers at the 84th Precinct to have proof that his attempt to retrieve his cash and obtain a complaint form had been denied.

Mr. Jobe filmed two videos of his interactions with the officers in the precinct. In his [first video](#), an officer repeated instructions that he return to the Property Clerk's office (referred to by its address as "11 Front Street"), where they would write him a check for his cash. In his [second video](#), an officer directed him to stop recording because it was a crime. Mr. Jobe said he had the right to record, and he asked the officer why he refused to give him a complaint form when he initially requested one. But the officer changed the topic, again directing him to stop recording because it was a crime. Mr. Jobe then repeatedly asked for the penal code for the crime, but the officer would not provide any. Instead, the officer arrested Mr. Jobe on charges of obstructing governmental administration, trespass, and disorderly conduct.

Legal Aid represented Mr. Jobe on his criminal charges, which were all adjourned in contemplation of dismissal to be ultimately dismissed and sealed on May 19, 2024. Mr. Jobe's phone was seized for at least two months and held as

“evidence” until he was finally able to retrieve his phone and his two videos of the precinct incident.

### ***C.C., March 2024***

Another former Legal Aid client, C.C. was assaulted by the NYPD for recording officers in a precinct in Brooklyn on March 25, 2024 when he tried to retrieve his car and the property in it after an arrest for reckless driving.<sup>5</sup> At the precinct, he received a bag of his property but found that some of that property, including cash, was missing. When he asked the officers to return it, they showed him a photo of what they claimed was all of his stored property, a photo which did not include the missing items.

At this point, C.C. began to record the officers and ultimately made two videos while seeking an explanation for his missing belongings. In his [first video](#), the officers appear agitated and repeatedly tell him that he is not allowed to record in the precinct. One officer grabbed and twisted his right arm, while other officers grabbed and twisted his other arm to stop his recording. In his [second video](#), an officer smacked his phone to stop his recording and threatened that “if you continue with this course of action, there’s gonna be a reaction.” C.C. then stopped recording. He still has not received his missing property.

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<sup>5</sup> C.C. wishes to remain anonymous, so we have not included any identifying details, including his name or the precinct name. But he wanted the Court and the public to see how officers assaulted him for simply attempting to record their response to his questions.

***Patricia Rodney, December 2020***

Patricia Rodney successfully brought a civil lawsuit against NYPD officers after she was assaulted for telling officers she was recording them while asking for a copy of a missing object report she had filed. *Rodney v. City of New York*, No. 22-cv-01445 (S.D.N.Y. May 28, 2025) (order granting judgement of liability against Defendant City of New York). Ms. Rodney is a diabetic woman who had lost her glucometer. Second Am. Compl. ¶ 30, ECF No. 90, *Rodney*, No. 22-cv-01445 (S.D.N.Y. Jun. 27, 2023). When she sought to get a new device from her insurance, the insurance company informed her that they required a police report before they would send her a replacement. *Id.* Ms. Rodney went to the 62nd Precinct on November 30, 2020 and requested a report. *Id.* at ¶ 34. She then filled out the report and asked for a copy that she could fax to her insurance company. *Id.* at ¶ 36. The officer told her he could not give her a copy and to return to the precinct on December 2 to retrieve the report. *Id.* at ¶ 37–38.

Ms. Rodney returned to the precinct on December 2, but different police officers refused to give her the copy she requested. *Id.* at ¶ 40, 42-43. At this point, she told officers she was recording the interaction on her cell phone, even though she was not actually recording. *Id.* at ¶ 54. Body-worn camera [footage](#) shows what happened next. *Id.* at ¶ 45. Ms. Rodney stood against the wall in the vestibule of the precinct surrounded by multiple officers. Officers told her that she couldn't record

in the precinct, and she responded, “I’m allowed” and continued to hold her phone as though she were recording them, leading to the officers becoming angry and hostile. *Id.* at ¶ 55, 45. They demanded that she leave and, when she said no, they pushed her face-down to the ground and handcuffed her. *Id.* at ¶ 59, 45. On the body-worn camera footage, Ms. Rodney repeatedly cries out that, “I’m a diabetic, that’s why I need that paper.” *Id.* at ¶ 45. In the process of arresting her, the officers fractured Ms. Rodney's elbow. *Id.* at ¶ 59–63. Ms. Rodney was arrested and charged with resisting arrest, among other charges. These charges were all adjourned in contemplation of dismissal at arraignment. *Id.* at ¶ 70–74.

**B. The NYPD’s Use of Police Precincts for Community Forums and Similar Public Events Further Supports the Legislative Intent Behind Permitting Recording at Precincts to Ensure Officer Accountability.**

The NYPD’s blanket ban on recording in any police precinct is incompatible with the many public-facing, community functions that take place in precincts. The police regularly invite members of the public to precincts for various purposes, including community forums. Indeed, many NYPD precincts hold monthly Community Council meetings where members of the public are invited to attend conversations about public safety, specific neighborhood concerns, and other related policing issues.<sup>6</sup> The NYPD has been expanding the use of precincts as community

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<sup>6</sup> See, e.g., 9th Precinct, N.Y. City Police Dep’t. <https://www.nyc.gov/site/nypd/bureaus/patrol/precincts/9th-precinct.page>; 10th Precinct, N.Y.

meeting spaces, with new precincts being built to serve as community hubs.<sup>7</sup> Several precincts also hold community events such as precinct tours, youth athletics league meetings, teen volunteering and leadership events, back-to-school giveaways, and informative crime prevention workshops in their precinct buildings.<sup>8</sup>

With the NYPD's expanded use of police precincts as community meeting spaces, the public's encounters with law enforcement at police precincts has increased, as has the interest in transparency and accountability regarding those encounters. But the NYPD's blanket ban on recording in precincts denies the public transparency regarding how officers are exercising their responsibilities or the

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City Police Dep't. <https://www.nyc.gov/site/nypd/bureaus/patrol/precincts/10th-precinct.page>; 19th Precinct, N.Y. City Police Dep't. <https://www.nyc.gov/site/nypd/bureaus/patrol/precincts/19th-precinct.page>; 23rd Precinct, N.Y. City Police Dep't. <https://www.nyc.gov/site/nypd/bureaus/patrol/precincts/23rd-precinct.page>, among others also available through this site.

<sup>7</sup> *Mayor Adams, Interim NYPD Commissioner Donlon, DDC Commissioner Foley Open New 40th Precinct Station House in South Bronx*, N.Y. City Office of the Mayor (Nov. 20, 2024), <https://www.nyc.gov/mayors-office/news/2024/11/mayor-adams-interim-nypd-commissioner-donlon-ddc-commissioner-foley-open-new-40th-precinct>; *see also City Tops Off Structural Steel for New 116th Precinct in Southeast Queens*, N.Y. City Department of Design and Construction (Aug. 22, 2022), <https://www.nyc.gov/site/ddc/about/press-releases/2022/pr-082222-116th-precinct.page>

<sup>8</sup> *Tour of the NYPD 10th Precinct*, Greenwich Village Chelsea Chamber of Commerce, <https://greenwichvillagechelseacc.glueup.com/event/tour-of-the-nypd-10th-precinct-60650/>; NYPD 74th Precinct, Facebook (Aug. 24, 2023), <https://www.facebook.com/NYPD75pct/posts/pfbid02FsRQECypKuyoDwDwiRqvZTQQhMAeUZAqF7WythLEeW9HdGYwt3Pnw9jgMcgZQHAcl> (back to school giveaway); NYPD 105<sup>th</sup> Precinct, Facebook (Apr. 24, 2024), <https://www.facebook.com/NYPD105pct/posts/pfbid02F9JjNQe36fQrZwMMrffaTgx7N22opouDAWjJK63q9EiXcjqq9K77sQATvvxEd5N4l> (Youth Leadership Council meeting); *Behind-the-Scenes Tour @ NYPD 26th Precinct*, New York Adventure Club, <https://www.nyadventureclub.com/event/behind-the-scenes-tour-nypd-26th-precinct-registration-63333095995>.

representations that officers make at public, community events. An interpretation of the RTRAs which does not include recording in these vital public spaces goes against both the text and the legislative intent behind the statutes.

### **CONCLUSION**

For these reasons, *amicus curiae* The Legal Aid Society urges this Court to answer the certified question in the affirmative and construe the RTRAs to allow individuals such as Mr. Reyes to record law enforcement activities in publicly accessible police precinct lobbies, notwithstanding the NYPD's Trespass Policy forbidding any video recording inside their facilities.

Dated: April 3, 2026  
New York, N.Y.

Respectfully Submitted,

/s/ Philip Desgranges  
Philip Desgranges  
Shona Hemmady  
THE LEGAL AID SOCIETY  
49 Thomas Street, 10th Floor  
New York, N.Y. 10013  
Tel: (212) 577-3367  
pdesgranges@legal-aid.org  
shemmady@legal-aid.org

*Counsel for Amicus Curiae The Legal  
Aid Society*

## CERTIFICATE OF COMPLIANCE

Pursuant to Part 500.13(c)(1) of the Rules of Practice of the Court of Appeals, State of New York, I hereby certify that this Brief was prepared on a computer; that Times New Roman, a 14-point proportionally spaced serified typeface, was used; that the body of the brief is double-spaced; with 12-point, single spaced footnotes; and that, according to the Microsoft Word Processing System used, the total number of words in the brief, inclusive of point headings and footnotes and exclusive of pages containing the Table of Contents, the Table of Authorities, Disclosure Statement, Proof of Service, and Certificate of Compliance is 4,738.

Dated: April 3, 2026  
New York, N.Y.

Respectfully Submitted,

/s/ Philip Desgranges  
Philip Desgranges  
The Legal Aid Society  
49 Thomas Street, 10th Floor  
New York, N.Y. 10013

*Counsel for Amicus Curiae The Legal  
Aid Society*