



NEW YORK STATE SENATOR

James Sanders Jr.

Sanders Introduces Bill Allowing Photographing and Recording of Police

JAMES SANDERS JR. February 11, 2016



State Senator James Sanders Jr. (D-Rochdale Village) today introduced legislation (S.6735) clarifying that a person is permitted to photograph and record law enforcement officers performing their duties, when the officer is in a public place or public view, or the person is in a private place where they have a right to be present.

Existing law does not expressly prohibit photographing and recording police. However, there is an offense in New York called "obstructing governmental administration" under which interfering with police activity falls. This legislation amends that section of the law to clearly

establish that the acts of photographing and recording police officers are not unlawful. Further, under this new legislation the officer must not intentionally interfere with the photography or recording; detain, arrest, intimidate or otherwise harass such person; search or seize the camera or recording device without permission or a warrant; or damage or destroy the device. A civil cause of action to recover monetary damages is created against any officer violating this law, as well as that officer's law enforcement agency.

"There are calls for more transparency and accountability in law enforcement, which include pushes for police body cameras and dashboard cameras," Sanders said. "In today's age of smartphones, encounters with police are frequently recorded and the public, as well as law enforcement officers, should know the law permits capturing these moments. This effort can go a long way to bolster the public's trust in our law enforcement system."