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**For Immediate Release**

June 28, 2017

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## **New Report Sheds Light on Officer Interference of Civilian Recordings of Police**

Download the report: "[Worth a Thousand Words: Examining Officer Interference with Civilian Recordings of Police](#)"

**New York, NY** – Today, the New York City Civilian Complaint Review Board (CCRB), the nation’s largest independent police oversight entity, released a new report revealing insights into officer interference with civilian recordings of police interactions. The report, “Worth a Thousand Words: Examining Officer Interference with Civilian Recordings of Police,” reviews complaints filed against members of the New York City Police Department (NYPD), and is among the first analyses in the country of this type of misconduct.

“Technology has greatly increased civilians’ ability to record and share video of police encounters—as is their First Amendment right. This has increased transparency and debate about safe and fair policing. As these recordings become more prevalent, our police force must be prepared for the profound ways that video will shape police practices,” said CCRB Chair Maya D. Wiley. “This report is a step in that direction. It shows how New York City Police Department officers have interfered with civilian recordings of police activity and provides important recommendations for Patrol Guide revisions and improved officer training to help officers better understand and respect this First Amendment right.”

The report is a quantitative and qualitative analysis of three years of CCRB complaints in which civilians reported that officers had interfered with their ability to record police activity. Over this period, 257 complaints—less than two percent of the 15,006 CCRB complaints closed over three years—included allegations of officer interference with civilian recordings.

These 257 complaints included 347 allegations that directly addressed officer interference with civilian recordings of police activity. That interference included verbal interference like directing civilians to stop recording; physical interference like knocking a recording device out of a civilian’s hands; blocking recordings like physically obstructing a civilian’s camera view of a scene; and intimidation like threatening to arrest or detain a civilian for recording an interaction.

Verbal interference accounted for 24 percent of these complaints, while physical interference accounted for 46 percent of the complaints. Thirty percent of these complaints included allegations of both verbal and physical interference. In issuing its dispositions on allegations of recording interference during the past three years, the CCRB found in:

- Twenty-eight percent of the allegations that the misconduct occurred (substantiated);
- Forty-two percent of the allegations that not enough evidence was available to determine whether misconduct occurred (unsubstantiated);
- Eleven percent of the allegations that the conduct occurred but was lawful (exonerated); and
- Six percent of the allegations that the misconduct did not occur (unfounded).

CCRB Executive Director Jonathan Darche said, “Interference in civilians’ recordings of police activity impedes the Board’s ability to make fact-based determinations about alleged misconduct and is a disservice to all involved in an investigation—officers and civilians alike. More video from more sources improves the Board’s ability to determine if an allegation of misconduct happened, didn’t happen, or happened but was lawful under the circumstances.”

In addition to urging the NYPD to more fully engage with community organizations on this issue, the Board recommends adding a new section to the NYPD Patrol Guide with more comprehensive language that better outlines the obligations of officers and civilians. This guidance should do the following:

- State that members of the public are permitted to record officer activity in public and private settings, provided that the recording party has a legal right to be present;
- More clearly define what constitutes “interference” with a civilian’s right to record and explain what types of prohibited conduct hinder a civilian’s ability to record;
- Reiterate that civilians are not permitted to record if doing so interferes with police activity or jeopardizes the safety of officers or members of the public;
- Instruct officers to redirect recording civilians, when necessary, to a position that will not interfere with police activity, rather than tell civilians to stop recording; and
- Emphasize that members of service are, under most circumstances, not permitted to search or seize recording devices without a warrant and are prohibited from ever deleting recordings or destroying or damaging the devices themselves.

This report underscores a need for members of the public to be aware of their First Amendment right to record police activity, which is only limited by a specific set of conditions. At the same time, analysis of police interference highlights the need for clearer guidance for NYPD officers on how they respond to civilian recordings of interactions so that police respect civilians’ First Amendment liberties while ensuring the safety of the officers and civilians involved in an interaction.

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*The New York City Civilian Complaint Review Board (CCRB) is the largest police oversight entity in the nation and is empowered to investigate prosecute, mediate, make findings, and recommend disciplinary action upon complaints alleging misconduct by NYPD officers. See NYC Charter § 440(c)(1). The agency’s jurisdiction includes: excessive and unnecessary force, abuse of authority, discourtesy and use of offensive language. To further this mission, CCRB issues monthly, biannual, and special statistical and qualitative reports analyzing trends and recurring issues arising from the many thousands of civilian complaints it receives.*