BEFORE THE
NEW YORK CITY POLICE DEPARTMENT

SUPPLEMENTAL COMMENTS REGARDING LOCAL LAW NO. 46 OF 2026 AND INT. NO. 1025
TO AMEND THE ADMINISTRATIVE CODE OF
THE CITY OF NEW YORK,
IN RELATION TO ACCESS TO ENCRYPTED POLICE RADIO COMMUNICATIONS

SUPPLEMENTAL COMMENTS OF THE NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION, THE NEW YORK MEDIA CONSORTIUM, AND ADDITIONAL JOURNALISM ASSOCIATIONS AND NEWS ORGANIZATIONS

MICKEY H. OSTERREICHER
GENERAL COUNSEL

NATIONAL PRESS PHOTOGRAPHERS ASSOCIATION
70 NIAGARA STREET
BUFFALO, NY 14202
(716) 983-7800
LAWYER@NPPA.ORG

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Introduction

The National Press Photographers Association ("NPPA") and the undersigned journalism associations and news organizations respectfully submit these supplemental comments requesting reconsideration and revision of the New York City Police Department's final radio encryption policy under Local Law 46 of 2026. These comments supplement the September 13, 2026, submission by NPPA, the New York Media Consortium, and additional journalism associations and news organizations, and renew the concerns and recommendations in that submission to the extent they remain unresolved.

The final policy reduces the proposed one-hour delay to 30 minutes. We appreciate that change, but a categorical half-hour delay still prevents journalists from receiving routine dispatch information while events are unfolding. We request contemporaneous access, subject only to unavoidable technical latency, and a written explanation of any claimed impediment to providing it.

NYPD's public comment period has closed. This submission requests voluntary reconsideration, clarification, and consultation before full implementation. We ask the Department to retain it with the policy materials and provide a substantive written response.

Summary of Principal Recommendations

First, replace the fixed 30-minute delay with contemporaneous access. If NYPD maintains that any additional delay is necessary, identify the specific risk or technical limitation, supporting evidence, alternatives considered, and criteria and timetable for reducing or eliminating it.

Second, publish a complete channel inventory and exclusion criteria, establish standards for prompt, informative Citywide 1 broadcasts, and provide automatic scanning so users can find and follow active transmissions.

Third, supply prompt application and appeal deadlines, written reasons for adverse decisions, proportionate sanctions, and review by an official who did not make the initial determination.

Fourth, protect lawful reporting and newsgathering information through clear limits on auditing, data retention, use restrictions, and disclosure of platform records.

Fifth, conduct representative operational testing, publish an implementation schedule and performance standards, and establish continuing consultation with journalists and news organizations.

Changes in the Final Policy Are Welcome but Do Not Resolve the Central Issue

We welcome removal of the home-address requirement, streamlined credential renewal, protection of an organization's access when an individual loses access, and NYPD's present commitment to absorb access costs. The final policy also permits limited unmodified excerpts in media products and confines audits to platform use. These changes respond to important concerns raised during the comment process. See Final Policy § III and Attachments 1–2; Explanation of Changes, items 3–4, 6, 9, 12–13.

Those improvements should be preserved. They do not resolve whether access arrives in time to be useful, whether the platform performs the functions journalists need, or whether adverse decisions receive prompt and fair review.

A Thirty-Minute Delay Still Prevents Contemporaneous Newsgathering

For a visual journalist, reporting depends on reaching an event while there is still something to see and hear. A half-hour hold on routine dispatch traffic, followed by the time required to travel, can prevent documentation of an arrest, emergency response, dispersal order, rescue, or other newsworthy activity. Later access to an account of what happened cannot restore the opportunity to observe and independently record it.

The safety concern also remains. Our September submission described a journalist's experience using contemporaneous police transmissions to avoid a gunman's field of fire. Information about an evolving hazard may be materially outdated after 30 minutes. Delayed communications should not be presented as a substitute for current safety information.

NYPD's Explanation of Changes identifies the reduction but does not explain why 30 minutes is necessary or sufficient, what risk that interval addresses, or why a shorter interval or another safeguard would be inadequate. See Explanation of Changes, item 2. A shorter duration does not, itself, justify the remaining delay.

The reported continued availability of unencrypted Transit Bureau radio communications also warrants explanation. NYPD should identify any documented incidents in which public monitoring of those communications contributed to assaults, interference, or other operational harm, and explain what that experience demonstrates about the need to delay access for credentialed journalists. Any comparison with encrypted Patrol Bureau channels should account for material differences in assignments, operating conditions, and exposure to risk. The question is whether the Department's actual experience supports a blanket 30-minute delay despite the safeguards imposed on authorized media users.

We ask NYPD to identify whether the delay is a policy choice, a vendor or system limitation, or a means of reviewing transmissions for sensitive information. If review is contemplated, explain who performs it, what criteria apply, whether any traffic is removed, and how additional processing delays will be measured. If technical limitations are asserted, identify the functions affected and the work required to overcome them. Distinguish a fixed policy hold from unavoidable processing and transmission latency.

NYPD Has Not Justified a Blanket Thirty-Minute Delay for Credentialed Journalists.

The relevant distinction is between unrestricted public listening and controlled access by credentialed professional journalists. A delay applied to a publicly available feed in another jurisdiction would not, by itself, justify delaying access for journalists admitted to NYPD's restricted platform. The final policy already requires valid MOME credentials, individual approval, acceptance of use restrictions, and authenticated access. NYPD should explain what specific risk remains despite those controls and why that risk requires a blanket 30-minute delay on qualifying communications.

Our September comments also identified additional safeguards, including separate tactical channels, receive-only technology, and remote deactivation. NYPD should evaluate those alternatives and explain why they cannot address any identified residual risk while permitting contemporaneous access.

The Statute Requires Meaningful Access and Leaves No Reason to Treat Delay as the Default

Administrative Code § 14-199.2(b)(1) expressly requires real-time public access to critical-incident reports over an unencrypted citywide channel. Subdivision (b)(2), governing journalists' access to qualifying encrypted channels, does not expressly prescribe a transmission deadline. Our request for

contemporaneous access rests on the practical meaning and legislative purpose of that access and the absence of a demonstrated justification for a categorical delay; we do not suggest that subdivision (b)(2) contains the same express real-time language as subdivision (b)(1).

The law separately protects sensitive information. Its definition should guide any exclusion or withholding, rather than a general assumption that all routine dispatch traffic presents the same operational risk. If NYPD relies on safety concerns beyond that definition to justify delay, it should identify those concerns and explain how its approach remains consistent with the access the Council required.

Int. No. 1025 would establish a 15-minute maximum and automatic scanning. We continue to support those improvements while urging contemporaneous access. A maximum permitted delay should operate as an outer limit, not a mandatory waiting period or a determination that every shorter delay is justified. Even 15 minutes may foreclose coverage of a rapidly unfolding event. We urge NYPD to provide access as promptly as feasible without waiting for further legislation.

Channel Access and Scanning Must Be Defined and Tested

A display identifying active channels does not necessarily provide automatic scanning. Journalists need to locate active transmissions without manually checking each channel, identify the originating channel, hold on a developing incident, and prioritize channels relevant to their assignments. NYPD should publish a functional description and demonstrate these capabilities with newsroom users before relying on the platform to replace existing monitoring methods.

The channel inventory should be publicly available before applicants must commit to the system. Identify all included channels, explain exclusions under the statutory standard, and establish notice and review procedures for later changes. Access should not depend on an applicant discovering only after approval that important qualifying channels are missing.

Citywide 1 is valuable, but its critical-incident reports cannot replace the separate access required for qualifying encrypted channels. NYPD should define the incidents that must be reported there, the minimum useful information, and how promptly dispatchers must transmit it. Implementation review should assess both completeness and timeliness.

Application and Adverse Action Procedures Need Enforceable Safeguards

A right to appeal a denial is incomplete without a filing method, decision maker, standard, and deadline. The published procedure should require prompt written reasons, identify the appeal contact, and provide review by an official who did not make the initial decision. Comparable protections should apply to suspension and revocation.

Complete applications from journalists holding valid MOME credentials should ordinarily be decided within five business days. If more time is necessary, NYPD should explain why and give a decision date. Journalists should not lose access because a timely renewal is awaiting government processing when continued eligibility can be verified.

The policy should distinguish inadvertent errors from deliberate misuse and provide proportionate responses. Except where an identified and immediate security threat requires temporary suspension, journalists should receive notice and an opportunity to respond before access is withdrawn. Emergency

suspensions should receive prompt review. Lawful critical coverage, refusal to reveal a confidential source, or a dispute over an unrelated assignment must not become grounds for denial or revocation.

Lawful Reporting and Newsgathering Records Must Be Protected

The permission to use limited audio excerpts is helpful. NYPD should clarify the meaning of "limited" and "unmodified," including whether ordinary editing for length, audibility, or presentation is permitted without distorting the communication. Restrictions should not require advance editorial approval or reach independently obtained information. Journalists should remain free to report facts learned through authorized access, subject to applicable law.

Limiting audits to platform use leaves important questions unanswered because platform records can reveal a journalist's interests, assignments, and reporting patterns. NYPD should disclose what records it collects, how long it retains them, who may access them, and how it may use them. Security and compliance reviews should not be used to identify sources, examine unpublished work, or track lawful coverage. Any vendor should be bound by equivalent restrictions, and unnecessary records should be deleted.

Implementation Should Include Testing and Continuing Consultation

Before full implementation, we request a representative pilot program involving broadcasters, newspapers, digital outlets, freelancers, and visual journalists. Testing should measure total elapsed time from the original transmission to delivery, including any delay beyond the stated hold, as well as scanning, mobile use, audio quality, authentication, concurrent use, capacity, and outage recovery. NYPD should publish general findings and corrective steps without disclosing information that would compromise system security.

The implementation schedule should identify when applications will be processed, when approved users can begin testing and regular use, and how service interruptions will be addressed. Existing lawful access should be preserved during transition to the extent feasible. A working group of Department technical, legal, and public information personnel, along with media representatives, should address unresolved issues and review performance after launch.

Periodic public reports should summarize application outcomes and processing times, adverse actions, channel changes, measured latency, outages, and significant security incidents without identifying individual journalists or revealing their reporting activity. Any future proposal to impose fees should be explained publicly in advance and supported by a cost calculation.

Conclusion

We appreciate the Department's consideration of the September comments and the changes already made. We respectfully request further revision to provide contemporaneous access to qualifying encrypted radio communications, explain any claimed need for delay, establish automatic scanning and reliable channel access, and supply clear procedural and privacy safeguards.

Please acknowledge receipt and provide a written response addressing these requests. We also request a meeting with the responsible operational, technical, and legal personnel before full implementation. We remain available to work with NYPD and the Council toward an access system that protects legitimate safety interests and allows journalists to report as events unfold.

Respectfully submitted,

Mickey H. Osterreicher
General Counsel
National Press Photographers Association
70 Niagara Street
Buffalo, New York 14202
716.983.7800
lawyer@nppa.org

On behalf of the New York Media Consortium and the undersigned organizations:

American Society of Media Photographers
Deadline Club/New York City chapter, Society of Professional Journalists
FreedomNews.TV
New York News Publishers Association
New York Press Photographers Association
New York Press Club
New York State Broadcasters Association
Radio Television Digital News Association
Society of Professional Journalists
The New York Times
1010 WINS

cc:
Council Member Gale A. Brewer
New York City Council Committee on Public Safety

Authorities and Materials Referenced

NPPA, New York Media Consortium, and additional journalism associations and news organizations, Comments Regarding Local Law No. 46 of 2026 and Int. No. 1025 (Sept. 13, 2026), particularly pp. 2–3 and 7–10. Previously submitted; incorporated by reference to the extent concerns remain unresolved.

N.Y.C. Administrative Code § 14-199.2, subdivisions (a)–(e).
https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCadmin/0-0-0-240008

NYPD, Policy Pursuant to Local Law 46-2026, § III and Attachments 1–2.
https://www.nyc.gov/assets/nypd/downloads/pdf/analysis_and_planning/Policy%20Pursuant%20to%20Local%20Law%2046_2026.pdf

NYPD, Explanation of Changes in Final Policy Regarding Local Law 46 of 2026, items 1–13.
https://www.nyc.gov/assets/nypd/downloads/pdf/analysis_and_planning/Local_Law_46_Written_Radio_Encryption_Policy_Comments.pdf

N.Y.C. Council, Int. No. 1025-2026, introduced Sept. 10, 2026.
https://nyc.legistar.com/LegislationDetail.aspx?ID=8206725&GUID=6E966F25-AC25-4090-889B-C3F66EAB400A