



Public Oversight vs. Police Operations in the Precinct Lobby

A legal brief on *Reyes v. City of New York* and the limits of the Right to Record Acts.

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Accountability and operational security are not mutually exclusive.

“ I served in the NYPD before retirement, and I now litigate civil rights cases against public institutions, including police departments. That perspective matters here because it allows me to say what the public debate too often refuses to admit. ”

The law can protect the public's right to record without converting every police facility into an unrestricted recording zone.

The 2020 Right to Record Acts



New York Civil Rights Law § 79-p

Grants a person the right to record law enforcement activity.

New York City Administrative Code § 14-189

States that a person may record police activities.

These enactments matter. They were designed to strengthen public oversight and protect the documentation of police conduct.

Broad rights, explicit boundaries

The right to record is embedded in state and city statutes, but it is not absolute. Both laws preserve enforcement authority to prevent disruption.

Nothing in the statute permits conduct that physically interfere[s] with law enforcement activity or constitutes obstruction.

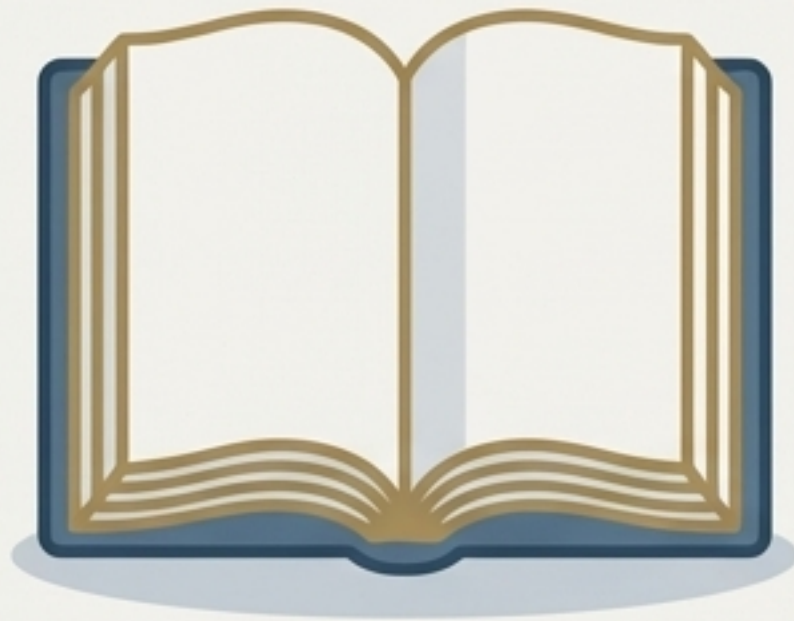
Enforcement authority is preserved where there is physical interference with an official and lawful police function.



The specific battleground: *Reyes v. City of New York*

The dispute is not whether the public has some right to record police.
The actual question is narrower and more difficult:

The Statutes

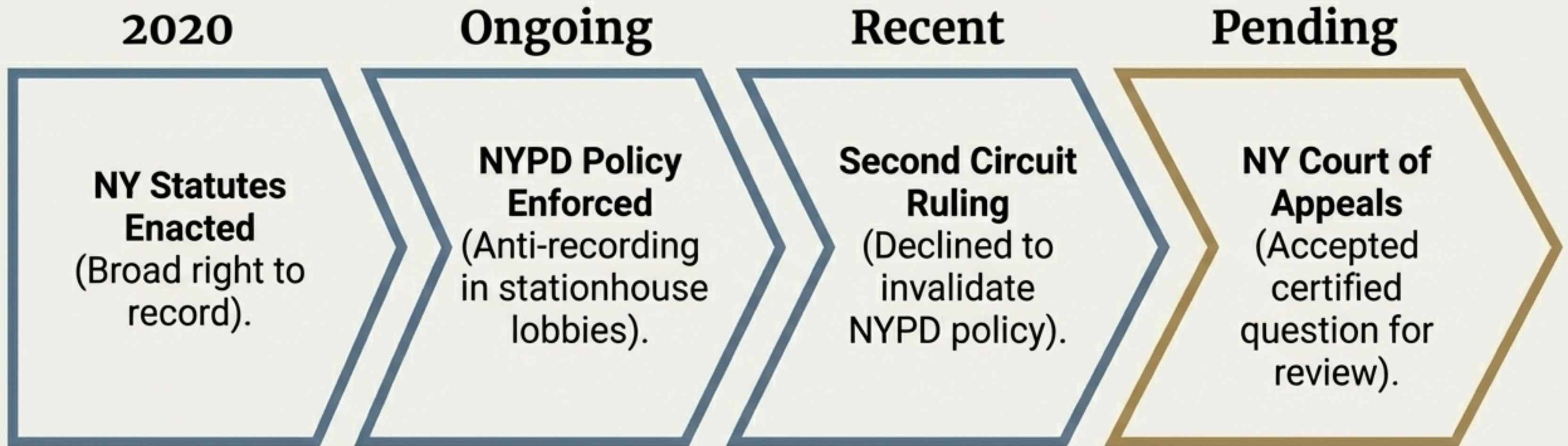


NYPD Policy



Do the Right to Record Acts extend into the publicly accessible lobbies of police stationhouses, notwithstanding the NYPD's anti-recording policy?

The path to legal limbo



The Second Circuit did not hold that the Right to Record Acts plainly invalidate NYPD policy in precinct lobbies.

Deconstructing the Second Circuit's decision



The Finding

The court held that the statutes do not speak clearly on whether recording is allowed inside publicly accessible lobbies despite NYPD policy.

The Gap

Acknowledged that New York courts had not yet construed how these specific statutes apply to this specific environment.

The Stakes

Recognized that the issue significantly affects state interests in the conduct of law enforcement activities.

Decision reserved. The court sent the issue to Albany.

The weakness of absolutist commentary

“The Acts say people can record police, period.”



If the controlling issue were that simple, the Second Circuit would not have needed to certify the question. Extreme commentary fails because it treats any limitation inside a precinct as presumptively illegitimate and assumes any invocation of safety or privacy is mere pretext.

Key Point: The law is broader than the old NYPD policy, but not yet clearly defined as to stationhouse lobbies.



A precinct lobby is not a sidewalk

It is a functioning law-enforcement environment.



Crime Victims
reporting offenses



Witnesses appearing
to give statements



Informants entering
the facility



Arrestees whose
privacy and safety
are implicated



Undercover Officers
moving through
the space

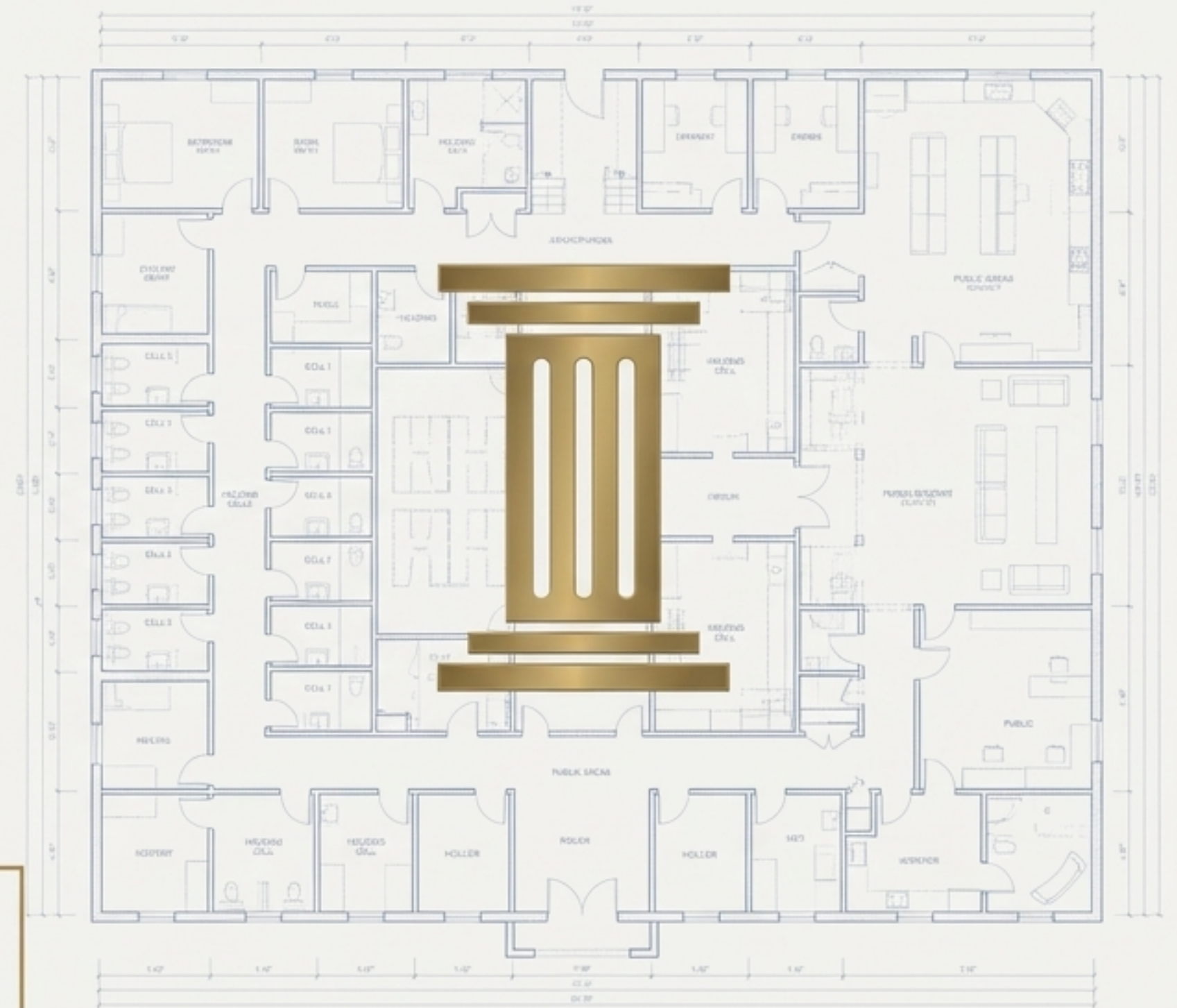
Officers respond here in real time to volatile
and fast-moving situations.

Preserving the government's core function

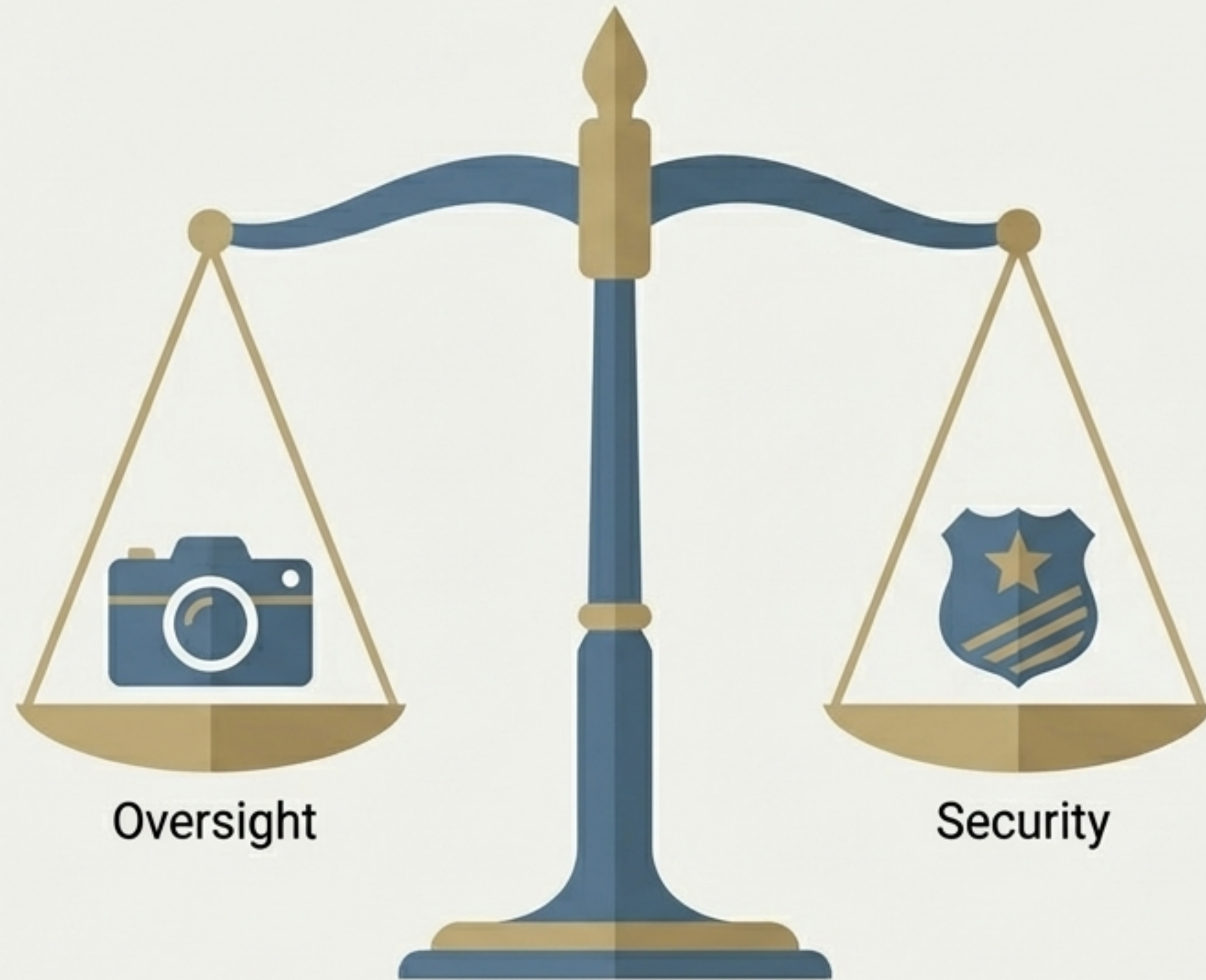
The question is not whether police can hide misconduct behind a property label. Sometimes pretext exists, but law-enforcement agencies must address legitimate, practical concerns.

- Maintaining order for the delivery of police services.
- Protecting sensitive interactions (families, victims, witnesses).
- Preserving investigative integrity.

The law should distinguish between these realities rather than collapsing them into slogans.



Rejecting Record Everywhere and Record Nowhere



New York's Right to Record Acts are important and should be enforced robustly. However, a statutory right to record police activity should not be read so mechanically that it wipes away every operational safeguard within active police facilities.

The Better Rule: Protect public oversight, but preserve the government's ability to maintain order and protect people in sensitive spaces where police services are **actually** being delivered.

Legal discipline over theater

Awaiting the Court of Appeals in Albany.

- If the Court concludes the Acts reach precinct lobbies, that will become the controlling policy judgment under New York law.
- Until that answer is given, it is **irresponsible** to pretend the issue is settled.
- Acknowledging the need for safe, orderly police facilities is not hostility to civil liberties.

It is serious line-drawing.