



March 2021

NYPD The Key

The School founded with your success in mind.

1. In order to ensure Departmental compliance with Local Law 67 of 2020, which adds section 14-189 to the Administrative Code pertaining to the recording of police activities, Patrol Guide 203-29, “When a Member of the Service Encounters an Individual Observing, Photographing, and/or Recording Police Activity,” has been revised. The list of restrictions on enforcement activities regarding these situations has changed. Of the following, which is not a properly stated restriction?
 - A) Do not intentionally block or obstruct cameras or other recording devices when there is no legitimate law enforcement reason to do so.
 - B) Do not threaten, intimidate, or otherwise discourage an observer from recording police activities.
 - C) Do not command a person to cease recording when an individual is authorized to do so under law.
 - D) Do not stop, seize, search, summons, or arrest a person solely because they record police activities.

2. According to 203-29, when an individual who was recording police activities is arrested or summonsed, members of the service are required to take certain specific actions to ensure the proper authorities are made aware of such police action. Of the following, which is most correct?
 - A) Arresting/summonsing officer should notify the Legal Bureau.
 - B) Arresting/summonsing officer should notify the patrol borough concerned.
 - C) Arresting/summonsing officer should enter “RTR” for “Right to Record” on the summons.
 - D) Arresting/summonsing officer should notify the Operations Unit.

3. According to 221-16, “Vehicle Checkpoints” all of the following are properly stated duties except;
 - A) UMOS assigned should offer vehicle operator a RIGHT TO KNOW BUSINESS CARD (RTKBC).
 - B) Effecting an arrest or issuing a summons fulfills the obligation of offering a RTKBC.
 - C) UMOS assigned should provide vehicle passenger with RTKBC, when requested.
 - D) RTKBCs do not need to be offered at planned security checks of vehicles at sensitive locations.

1. A) The phrase, “ when there is no legitimate LE reason to do so” has been removed -*see below*.
2. C) Amazing but, the only notification you make for an arrest/summons for this is to “a supervisor.”
3. C) Giving one to the passenger when requested has been removed from the procedure -*see below*.

Now here is the Key Analysis of the changes made to these two procedures.

The list of things we DO NOT do in 203-29, Observers, had 3 items on it, now there are 7

203-29 Observers: This is the DO NOT list <i>before</i> I.O. 2	203-29 Observers: The DO NOT list <i>after</i> I.O. 2
(2) Intentionally block or obstruct cameras or other recording devices when there is no legitimate law enforcement reason to do so ; or	(1) Intentionally prevent, or attempt to prevent, an individual from recording police activities,
(1) Threaten, intimidate, or otherwise discourage an observer from recording the police officer’s activities	(2) Threaten, intimidate, or otherwise discourage an observer from recording police activities,
NEW →	(3) Command an individual to cease recording when an individual is authorized to do so under law,
NEW →	(4) Stop, seize, search, summons, or arrest an individual solely because such individual recorded police activities,
NEW →	(5) Seize property or instruments used by an individual to record police activities,
(3) Delete any pictures or recordings from observer’s recording device or order observer to delete such pictures or recordings.	(6) Delete or seize recorded images of police activity from an individual’s recording device, unless authorized by law , and/or
NEW →	(7) Copy a recording of police activity without consent of the individual who made the recording.

Key Analysis of the above changes

The DO NOT list; what is was like, what it’s like now:

- Looking at the new #1 (the old #2) it still says not to intentionally block/prevent/obstruct but now it’s pretty much **always**, whether we have a legitimate reason or not, we DO NOT intentionally block, etc.
- As you can see, there are 4 new rules (3, 4, 5, & 7)
- Then moving down to the new #6 (old #3), we still don’t *delete* anything from their device but now we also don’t **seize** any images from their device, BUT! Now we have an exception to this. We can delete or seize images from their device if we are **authorized by law!**
 - Lastly on the new #6, you can see that the phrase, “or order observer to delete” is gone. Technically, yes, on the day of the test, you CAN **order** someone to delete the images, you just can’t delete them yourself (unless authorized by law, of course).

Regarding arrests/summonses for this (OGA)

This statement is new in 203-29 and it gets plugged in a few places in P.G. 209, Summonses

- MOS are required by Admin Code 14-189 to document when an individual who was recording police activities is arrested or summonsed by putting “RTR” for “Right to Record” on the summons.

Key Note: In 209, Summonses; there are 3 procedures effected by this:

- 209-03 is when you write an OATH for 1 of 6 specific violations (*see the 209 Lesson Plan*)
- 209-12 is when you write an OATH for anything else (things we used to write ECBs for)
- 209-09 is for “C” summonses

So the same step is put into all three procedures:

UMOS

- If violator recorded police activity, put “RTR” for ‘Right to Record’ & circle at end of details section.

Operations Coordinator

- Ensure a designated MOS reviews ‘*Details of Charges*’ section and inputs to FORMS.
 - In 209-09, “C” this is slightly different; Ops checks the *Factual Allegations*’ section.
 - Also in 209-09 the Ops is told to “Designate a MOS to input Summons into FORMS”

I.O. 8 (221-16) Vehicle Checkpoints

New Definition just adds this;

- Temporary site on a roadway that impedes the normal flow of traffic for the systematic stop and inspection of driven vehicles. Only for inquiry into vehicle/driver documentation, driving under the influence, or for any emergency exceptions.

Where it says failure to produce Lic/Reg/Ins is basis for summons but **not** basis for a search, add this;

- Don’t request consent to search without a founded suspicion of criminality (like in a Level 2 stop)

Add 2 steps for UMOS

- Courteously and clearly ID self by stating your rank, name, shield number and command.
- Provide explanation of purpose of checkpoint, unless such explanation will impair investigation.

Comply with 203-09

- There are two main points they took out of this procedure and replaced with this: “Comply with 203-09.” Though they’re deleted from 221-16 they’re still valid points because they appear in 203-09;
 - Arrest or summons fulfills obligation of offering **RIGHT TO KNOW BUSINESS CARD (RTKBC)**.
 - RTKBCs will be distributed during vehicle checkpoints (DWI, traffic, etc), but not planned security checks of vehicles at sensitive locations/street closures for public events/emergencies.
- BUT there is one point they took out that does NOT appear in 203-09 and so, is no longer valid;
 - ~~give RTKBC to the passenger if requested~~