



August 4, 2016

Commissioner William Bratton
New York City Police Department
1 Police Plaza
New York, NY 10007

Dear Commissioner Bratton:

We write in response to the New York City Police Department's (NYPD) request for public comment on the "policy that will determine how [body-worn] cameras will be used." Body-worn cameras (BWC) are one part of providing greater transparency and accountability in police-civilian interactions. We thank you for clarifying your position that BWC footage is in fact subject to FOIL, and for the NYPD's June 29th statement that it "intends to release footage in compliance with the New York State Freedom of Information Law (FOIL)."

Transparency is vital to any successful BWC program. We urge the NYPD to be as transparent as possible when conducting "a case by case review to determine whether video can be redacted... or if it needs to be completely withheld," as the proposed policy states. As the Court of Appeals held in *Gould v New York City Police Dept.*, 89 NY2d 267, 275 (1996), FOIL's purpose is "to ensure maximum access to government documents, [FOIL] 'exemptions are to be narrowly construed.'" It is also important that BWC footage is not effectively denied due to cost. As we have cited before, when NY1 reporter Courtney Gross filed a FOIL request for BWC footage in April of 2015, she was told that accessing the footage would cost \$36,000. This is a prohibitive cost to access 190 hours of video footage. We urge you to examine the use of technologies that will reduce the time, effort, and cost to produce video footage that is responsive to requests. A policy that allows a FOIL request, but makes access cost prohibitive, will not increase the transparency of police-civilian interactions.

Understandably, the use of BWC raises privacy concerns. However, whenever possible, the NYPD should release redacted versions and withhold footage only where redaction is insufficient to protect privacy. Accordingly, redacting facial features and voices—as required by Senator Squadron's and Assemblymember Quart's legislation—should be considered rather than withholding footage altogether.

The footage gathered by BWC records valuable information that has the potential to improve police-civilian interactions and protect police officers. We urge the NYPD to implement policy that

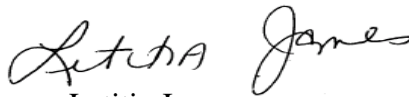
ensures BWC footage will be released subject to FOIL whenever possible and that prohibits cost from being used as a barrier to public access.

Please feel free to contact our offices with any questions.

Sincerely,



Daniel Squadron
State Senator



Letitia James
Public Advocate



Dan Quart
Assemblymember

cc: NYPD Chief of Department James O'Neill