



March 16, 2016

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

Dear Commissioner Bratton:

According to Federal Monitor Peter Zimroth's February 16th report to the District Court for the Southern District of New York, the NYPD has created an internal working group dedicated to developing policies for body-worn cameras (BWC). This working group is engaging in outreach with a variety of external stakeholders to guide NYPD's BWC implementation process. As this working group considers measures to ensure an appropriate balance of transparency and privacy, we urge the Working Group to consider exempting BWC footage from §50-a of the New York State Civil Rights law, which would subject BWC footage to normal Freedom Of Information Law (FOIL) procedures.

Since the beginning of the BWC pilot program in September 2014, public access to the footage gathered by these taxpayer-funded cameras has been effectively denied. When Courtney Gross, a reporter for NY1, filed a FOIL request with the NYPD for body camera footage, she was reportedly told accessing the footage would cost the network \$36,000, essentially denying the request. When asked about this, Commissioner Bratton indicated that NYPD's position is that video recorded by officers should "not [be] released even to FOIL requests."

This position is troubling. BWCs are intended to serve the public interest by capturing a perspective of police-civilian interactions that is uncolored by the failings of human memory. BWCs have the potential to protect all involved – officers and civilians alike. Ideally, BWCs will allow the NYPD to identify problems occurring in police-civilian interactions, and also to demonstrate to the public the successes of their work, as well. However, without public access to BWC footage, neither of these goals is possible.

As many other states and municipalities have implemented BWC programs, they have also created policies to ensure appropriate public access to the footage that is created. Both Oklahoma and Nevada passed legislation declaring the footage to be public record. Seattle, in order to comply with FOIL requests, began proactively uploading auto-redacted footage to YouTube as part of a pilot program. Washington, D.C. has devised specific regulations for how footage can be released and to whom, and has chosen to make nearly all footage captured in public available to the public through FOIL.

Formulating policies around BWCs that protect officers, victims, and innocent bystanders, while ensuring that BWCs create sufficient transparency is not an easy job, and we appreciate the task that this working group is undertaking. We strongly urge you to recommend implementation of policies and procedures that make clear that BWC footage is available for public review via the established process under the current FOIL law. Please feel free to contact any of our offices with any questions.

Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is for Daniel Squadron, and the signature on the right is for Dan Quart. Both are written in a cursive, flowing style.

Daniel Squadron
State Senator, 26th District

Dan Quart
State Assemblymember, 73rd District