



POLICE DEPARTMENT

LEGAL BUREAU
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September 29, 2023

Honorable Eric L. Adams
Mayor of the City of New York
City Hall
New York, NY 10007

Honorable Adrienne E. Adams
Speaker
The New York City Council
250 Broadway, 18th Floor
New York, NY 10007

Honorable Jocelyn Strauber
Commissioner
Department of Investigation
180 Maiden Lane
New York, NY 10038

Jeanene Barrett, PhD
Inspector General
Office of the Inspector General – NYPD
180 Maiden Lane
New York, NY 10038

Dear Mayor Adams, Speaker Adams, Commissioner Strauber, and Inspector General Barrett:

The New York City Police Department (“NYPD” or “the Department”) hereby submits its response to the June 2023 Report of the Office of Inspector General for the NYPD (“OIG”) entitled, “Statement of Findings Regarding NYPD’s Technical Assistance Response Unit and the Revised *Handschu* Guidelines” (“the Report”).

The NYPD thanks the New York City Department of Investigation (“DOI”) and OIG for their assessment of the NYPD’s policies, practices, and procedures related to the Department’s Technical Assistance Response Unit (“TARU”). TARU is a valuable resource that provides specialized investigative equipment and tactical support to bureaus within the NYPD. Those assigned to TARU are specially trained and thoroughly understand the Revised *Handschu* Guidelines. The Department is pleased that the Report concluded that the NYPD’s policies and practices comply with those guidelines.

Having reviewed the OIG report, the NYPD responds to OIG's recommendations as follows:

Recommendations One

The NYPD accepts OIG's recommendation that the Department should require in a written policy that, consistent with present practices, TARU notify the NYPD Legal Bureau of any requests made by the NYPD's Intelligence Bureau for TARU footage. Accordingly, the NYPD will work to amend current policy to reflect the same.

Recommendation Two

The NYPD accepts OIG's recommendation that the Department require in a written policy that, consistent with present practices, requests made by the NYPD's Intelligence Bureau for TARU footage be processed in accordance with the Revised *Handschu* Guidelines. The NYPD will work to amend current policy to address such requests.

Recommendation Three

The NYPD accepts OIG's recommendation that the NYPD revise Patrol Guide Procedure 212-71 to more accurately reflect the NYPD's approach to TARU record retention. The NYPD will amend the retention policy to comport with current practices.

Recommendation Four

The NYPD rejects the recommendation to create an index or log for video/photographic footage captured prior to May 2020. In order to effectuate this recommendation, the Department would need to reallocate a substantial amount of resources, including personnel. Currently, footage is tracked and logged using Job Tracker and hard copy log books; additionally, digital video discs of footage are stored in filing cabinets, which have tables of contents. Considering the minimal operational need to retroactively index older footage, reallocating staff and budgeting for this purpose is not feasible.

Recommendations Five

The NYPD accepts OIG's recommendation to replace the hard copy logbook and content lists cataloguing video/photographic material collected by TARU with an electronic tracking system. In fact, the NYPD's Job Tracker system, which the Report notes has been utilized since 2012, is a searchable database which catalogues each event when TARU captures video and/or photographic material. However, the NYPD will take steps to improve the inputting and tracking of information.

Recommendation Six

The NYPD accepts OIG's recommendation to revise Patrol Guide Procedure 212-71 to address circumstances under which TARU may be deployed without prior authorization from the Legal Bureau, and in which retroactive authorization can be granted. The NYPD will work to amend the Patrol Guide to indicate that TARU should confer with Legal Bureau as soon as reasonably practicable for approval under Procedure 212-71 when exigent circumstances exist that make approval prior to deployment impractical.

Recommendation Seven

The NYPD rejects OIG's recommendation that the NYPD revise Patrol Guide Procedure 212-71 to require that TARU request logs identify the specific basis and rationale for TARU to be present and record at a public gathering. The current NYPD policy clearly identifies the circumstances under which video and/or photographic equipment may be used at demonstrations. Such situations are dynamic, rendering it difficult for specifics to be predicted. Instead, the discretion to approve or deny a request should remain with TARU and the Legal Bureau.

Recommendation Eight

The NYPD rejects OIG's recommendation that the NYPD should require that TARU requests specify what types of video/photographic technology is sought. The members of the service assigned to TARU are specifically trained to assess what equipment is necessary in situations to which they respond. The NYPD wants to continue to ensure that those specifically trained in these matters have appropriate discretion to respond as appropriate.

The NYPD thanks OIG and DOI for their work assessing the NYPD's policies, practices, and procedures relating to TARU and the Revised *Handschu* Guidelines. The NYPD is committed to improving TARU and providing OIG with information regarding the Department's compliance with the Revised *Handschu* Guidelines.

Regards,



Michael Gerber
Deputy Commissioner,
Legal Matters