



**THE POLICE COMMISSIONER**  
**CITY OF NEW YORK**

October 21, 2015

Honorable Bill de Blasio  
Mayor of the City of New York  
City Hall  
New York, NY 10007

Honorable Melissa Mark-Viverito  
Speaker  
The New York City Council  
250 Broadway, 18<sup>th</sup> Floor  
New York, NY 10007

Honorable Mark G. Peters  
Commissioner  
Department of Investigation  
80 Maiden Lane  
New York, NY 10038

Honorable Phil Eure  
Inspector General  
Office of the Inspector General – NYPD  
80 Maiden Lane  
New York, NY 10038

Dear Mayor de Blasio, Speaker Mark-Viverito, Commissioner Peters and Inspector General Eure:

Pursuant to Local Law 70 and the New York City Charter, the New York City Police Department hereby submits its response to the July report of the Office of the Inspector General for the NYPD entitled “Body-Worn Cameras in NYC: An Assessment of NYPD’s Pilot Program and Recommendations to Promote Accountability.”

All the best,

A handwritten signature in blue ink, appearing to read "William J. Bratton", is written over a faint circular stamp.

William J. Bratton  
Police Commissioner



POLICE DEPARTMENT

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Dear Mayor de Blasio, Speaker Mark-Viverito, Commissioner Peters and Inspector General Eure:

Pursuant to Local Law 70 and the New York City Charter, the New York City Police Department hereby submits its response to the July report of the Office of the Inspector General for the NYPD (“OIG-NYPD”) entitled “Body-Worn Cameras in NYC: An Assessment of NYPD’s Pilot Program and Recommendations to Promote Accountability” (the “Report”). Early in Police Commissioner Bratton’s tenure, the NYPD began the process of implementing a small-scale pilot body worn camera (“BWC”) program. As Commissioner Bratton has said, body worn cameras have the potential of increasing transparency, accountability and thereby improving police-community relations. The implementation of BWC’s, however, is a complex process. The benefits must be balanced against competing considerations of privacy, officer safety and cost. As the Report recognizes, because of the inherent complexities, policies and procedures must be carefully considered and tested before any wide-scale

implementation. Accordingly, prior to implementing our BWC pilot program, senior members of the Department researched the practices of other departments and the recommendations from leading organizations, and assessed the available technology. In September 2014, we solicited volunteer officers in each of New York's five boroughs and announced the launch of the pilot program (the "NYPD Pilot Program"). The NYPD Pilot Program became operational in December 2014 and is ongoing. Moreover, during this period the City settled litigation arising out of the NYPD's prior stop, question and frisk practices.<sup>1</sup> In that case, the federal district court ordered the implementation of approximately 1,000 body worn cameras for one year to test the effectiveness of the cameras in reducing unconstitutional stops and frisks. The court appointed a Monitor who is overseeing the implementation of the court-ordered body worn camera program. ("Court-Ordered Program."). We are working collaboratively with the Monitor to implement the Court-Ordered BWC Program using lessons learned from the NYPD Pilot Program and other best practices. Any recommendations with respect to the Court-Ordered program must be raised with the Monitor and approved by the Court. We appreciate the thoughtful recommendations from OIG-NYPD and we welcome the continued input as we consider an eventual wide-scale roll out of BWC's department-wide. We will continue to review our policies and procedures, many of which may change as we gain more insight from the NYPD Pilot Program and the larger Court-Ordered Program.

With respect to public access to BWC footage, access to the footage is governed by the Freedom of Information Law ("FOIL"), which applies to all New York State public records including BWC footage. We will continue to process requests and produce footage pursuant to that well-developed body of law on a request-by-request basis. As the report notes, BWC footage raises privacy concerns if third parties gain access to recordings. BWC footage is unique in its potential to display citizens' most distressing moments, potentially compromising a citizen's privacy even if the likeness of individuals are obscured. Further, as the Report recognizes, there is an important law enforcement need to protect the identity of undercover officers, informants, vulnerable witnesses and crime victims, among others. Moreover, there are logistical, technological, and legal issues involved with releasing footage. Mindful of these considerations, we will continue to apply FOIL to such requests unless and until it is modified by the legislature.

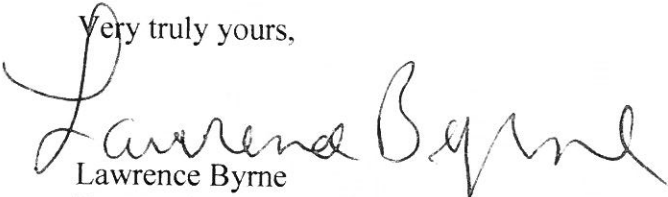
With respect to access to footage by our Officers, it is important for our Officers to have access to their footage prior to giving testimony or being interviewed or appearing before any investigative body because reviewing body camera footage aids our Officers in remembering events that may have transpired a significant time prior to the Officer's testimony or statement. As the Department of Justice's Office of Community Oriented Police Services (COPS) notes, reviewing footage prior to criminal or administrative proceedings allows the officers to recall events more clearly which will provide the best evidence of what actually took place. Our officers review other material prior to testifying, including memo book entries. We consider body worn camera footage no differently. The same will be true for complaining witnesses and plaintiffs who will be permitted to review footage before making statements.

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<sup>1</sup> Floyd v. City of New York, 959 F Supp. 2d 540 (S.D.N.Y. 2013).

Body-worn cameras hold great potential to improve police-community relations. We look forward to working collaboratively with your Office and the larger public community as we work through the complexities of implementing body-worn cameras ultimately department-wide.

Very truly yours,



Lawrence Byrne  
Deputy Commissioner Legal Matters