



## POLICE DEPARTMENT

November 24, 2015

Peter L. Zimroth, Esq.  
Arnold & Porter, LLP  
399 Park Avenue  
New York, New York 10022-4690

Re: NYPD's Body-Worn Camera Pilot II

Dear Mr. Zimroth:

We write to summarize the plans the Department has discussed with you and with Plaintiffs' counsel in recent meetings regarding the Department's next body-worn camera pilot program.

Our plans for the research and development of our next, larger pilot have evolved since we first began a dialog on this topic with you, your team, and Plaintiffs' counsel. In recent months, we have benefited from digesting information from a number of valuable sources, including national resources,<sup>1</sup> other police departments around the country and around the world that have shared their experiences with implementing body-worn camera programs with us, and experts in the field, such as Jonathan Stewart of NYU's Marron Institute of Urban Management, who has worked with the NYPD on its first 54-camera pilot, and Anthony Braga of Harvard University, who is a member of your team.

As all parties are aware, in the *Floyd/Ligon* Remedial Order, Judge Scheindlin found that the use of body-worn cameras by NYPD officers could address a number of the issues raised in the Liability Opinion, and ordered the NYPD to institute a pilot project in which body-worn cameras would be worn for a one-year period by officers on patrol in five particular precincts (one precinct from each county with the highest number of stops in 2012).<sup>2</sup> At that time, the

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<sup>1</sup> See, Bureau of Justice Assistance (BJA) National Body-Worn Camera Toolkit (<https://www.bja.gov/bwc>) and the 2014 report released by the Department of Justice's Community Oriented Policing Services (COPS) and the Police Executive Research Forum (PERF), *Implementing a Body-Worn Camera Program Recommendations and Lessons Learned*.

<sup>2</sup> See the August 12, 2013 Opinion and Order (the Court's "Remedial Order") in *Floyd/Ligon v. the City of New York*, 959 F. Supp. 2d 668, 684-86. Also, we note that you have recommended, and all parties have agreed, that the particular pilot design set forth in the Court's Remedial Order should be modified. That modification is not

NYPD was not using body-worn cameras and had no plans to deploy them, absent the Court's Order.

After the appeal process was completed, the work on the Court-ordered "Immediate Reforms" began. The procurement process for the body-worn cameras for the pilot has commenced, but the pilot has not yet started. And much has changed in the world of policing, and within the New York City Police Department, since the Court ordered a body-worn camera pilot in 2013.

It has been reported<sup>3</sup> that more than 4000 law enforcement agencies around the world have either deployed or are planning to deploy body-worn cameras to their officers. As you know, the NYPD initiated its own voluntary body-worn camera pilot almost a year ago. This initial pilot is small (54 cameras), and is meant to inform the Department primarily on technological issues, however, it is a first step toward the goal of bringing body-worn cameras to NYPD officers. Our Department is now, independent of the Court's order, committed to exploring the use of body-worn cameras because we believe, based upon the experiences of other departments and the experiences gleaned from our own small voluntary 54-camera pilot, that body-worn cameras will not only serve one of the primary goals originally envisioned by the Court's order – that is, to enhance your ability and the ability of NYPD supervisors to assess the constitutionality of *Terry* stops – but we believe they will also enhance officer safety, provide evidence for criminal prosecutions, foster transparency, and help resolve civilian complaints.

At this time, the municipal procurement process to acquire up to 5,000 body-worn cameras is underway. Members of our Department have reviewed more than 50 submissions from vendors. The procurement process, from selection to contracting to roll out, will take several more months, and the earliest we can expect cameras to be in the hands of officers would be in or around the late summer of 2016.

From now until the cameras are acquired, our internal working group has plans to: revise and expand our body-worn camera policy<sup>4</sup> with input from internal and external stakeholders, including community members; develop training materials for the personnel who will use and maintain the cameras and handle video footage; and assist in devising our implementation and audit plans. We acknowledge that aspects of our policy, training, implementation plan, and auditing procedures will intersect with your Court-ordered mission and the Remedial Process. We are confident that we can work in tandem with you and the

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addressed here. We understand that it will be the subject of a letter and proposed Order that you will submit to the Court.

<sup>3</sup> See BJA's Body-Worn Camera Toolkit "Research – FAQs" page (<https://www.bja.gov/bwc/Topics-Research.html>).

<sup>4</sup> The NYPD has a policy that governs the current 54-camera pilot, but we recognize that we need to revise and expand some aspects of the policy for the next larger pilot.

parties on the areas of intersection, and we will certainly obtain your (and when required, the Court's) approval for aspects of our policy, training materials or implementation plans that impact your mission.

This month and next, members of our internal body-worn camera working group will be scheduling telephonic conferences with members of other police departments that have implemented body-worn camera programs. In December, certain members of the working group hope to also do some on-site visits to selected departments that have implemented body-worn camera programs to learn about their programs.

The full working group plans to then reconvene in mid-December to share the information the members gathered from other police departments and use that information to make preliminary recommendations on core issues for our Department's revised policy, such as recording protocols, data retention, accessing and reviewing footage, releasing footage, privacy concerns, and evidentiary issues, among other things. In or around January 2016, the working group will then share a draft revised policy with internal stakeholders, you, and Plaintiffs' counsel. Thereafter we will receive and review feedback and, where appropriate, revise the draft policy based on that feedback.

In January and February, the Department then plans to engage in a comprehensive outreach campaign in order to get feedback and input on our draft revised policy. Our outreach will include but not be limited to: officers of every rank; our unions; community members; criminal justice stakeholders, including the courts, District Attorneys, and defender organizations; victims' advocacy groups; privacy groups; the City Council; our external oversight agencies, and other interested parties and organizations. As we have mentioned in our recent meetings, the Department is certainly open to attending additional community meetings facilitated by your team, the Facilitator's team, and/or Plaintiffs' counsel.

We expect to have our policy informed and revised by this outreach campaign. In or around March of 2016, we hope to provide you with a final draft policy for review and approval. We will also provide this final draft to Plaintiffs' counsel.

Starting in or around April of 2016 until the time the cameras are actually acquired, the Department will: draft the necessary training materials to train the officers who will wear the cameras and the personnel who will maintain the cameras and the footage; deliver the required trainings; complete the pilot design; devise implementation plans; and devise auditing procedures to track compliance with our policies. To the extent that aspects of these plans or tasks will impact your mission or the purpose of the Court-ordered pilot, they will be planned and executed in accordance with the process for drafting, commenting, and approval in which the parties have engaged under your supervision. Once pilot precincts are selected, the Department will plan for additional community meetings in those precincts to inform the public about the implementation of the body-worn cameras.



The steps and timeframes above represent our current thinking for our implementation plans, and may be revised based on our ongoing discussions.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nancy Hoppock', with a long horizontal line extending to the right.

Nancy Hoppock  
Assistant Deputy Commissioner & General Counsel  
New York City Police Department  
Risk Management Bureau

cc: Ariel Belen (Court Appointed Facilitator)  
Richard Jerome (Deputy Monitor)  
Michael Young (Deputy Facilitator)  
Celeste Koeleveld (NYC Law Department)  
Amatullah Booth (NYC Law Department)  
Alexis Karteron (Ligon Plaintiffs)  
Joshua Moskovitz (Floyd Plaintiffs)  
Somalia Samuel (Floyd Plaintiffs)  
Rachael Kleinman (Davis Plaintiffs)  
Steven Wasserman (Davis Plaintiffs)