

## Cops' Body Cameras Likely to Be Delayed To Last Half of 2017

BY MARK TOOR | August 15, 2016

The good news is that the NYPD's body-worn cameras will likely have a positive effect on civilians and on police officers who don't wear them, as well as those who do. The bad news is that the wait to see that positive effect is expected to stretch well into 2017.

That's the conclusion of attorney Peter L. Zimroth, the Federal monitor overseeing changes in the NYPD required by the court decision in 2013 that found the city was implementing stop-and-frisks in an unconstitutional manner.

### Report to Federal Judge

Mr. Zimroth submitted a report to U.S. District Judge Analisa Torres, who is supervising the changes required by U.S. District Judge Shira Scheindlin in *Floyd v. City of New York* and *Ligon v. City of New York*. He reports periodically on revisions in the stop-and-frisk policy and in associated training, supervisory and disciplinary rules. The changes, which require community input, could take years to complete.

Judge Scheindlin's order called for a one-year pilot project to evaluate the success and cost-effectiveness of body cameras in reducing unjustified stop-and-frisks. The NYPD staged its own, unrelated pilot program from December 2014 to March 2015 involving 54 officers in six commands.

The formal pilot program worked out by Mr. Zimroth, NYPD officials and civil-liberties lawyers calls for 1,000 cameras to be distributed in 20 precincts. The activity of officers wearing the cameras would be compared with that of a control group of officers without cameras in 20 other precincts.

Mr. Zimroth's filing contained a description from the NYPD of the procurement process for the cameras. The department began collecting proposals from manufacturers in September 2015. "While the typical time from that point until registration of the contract is six to nine months, this procurement has been unusual in several respects," the department said.

### High Level of Interest

The number of proposals "was significantly greater than expected," it said. The complexity of issues such as storing the footage and analyzing prices to make sure they are "readily comparable on a fair 'apples to apples' basis" has added time to the procurement process. And the NYPD conducted demonstrations on each type of body camera.

"NYPD anticipates making a vendor selection in the coming weeks," the department said. But then a contract must be negotiated and approved by the Mayor, the Law Department, the Comptroller's Office and other entities. A public hearing must be held. "A realistic estimate of the timeline from selection to registration is four to six months," the NYPD said.

But Mr. Zimroth noted that "delivery will not be instant, as the vendor will have to prepare and deliver cameras and software to meet NYPD specifications... The department will also need to draft training materials for the

officers who are wearing the cameras and their supervisors, and for the maintenance of cameras and footage.

"Training sessions will need to be provided, overall implementation plans devised, and auditing procedures created to track compliance with BWC policies."

### Double-Edged Lens

Mr. Zimroth wrote that the cameras are likely to have effects beyond stop-and-frisk, including alleviating mistrust between police officers and the public, and providing evidence for or against an officer who has been accused of misconduct.

"It could be that the presence of BWCs in the precinct being worn by officers in the third platoon will have an influence on the behaviors of close colleagues working in the first and second platoons in that precinct, thus generating a desirable 'halo effect,'" he wrote. "Similarly, civilians who may anticipate being captured on film may act more courteous to officers in routine interactions."

These responses "are desirable because the presence of BWCs could have larger area-level impacts on officer and civilian behavior beyond those who actually wear the cameras."

The NYPD's draft policy on body cameras, released in June, says officers, who will have the ability to turn them on and off, may record any time they think it would be useful. But once the camera is on, they may not turn it off until the incident is over.

### What Must Be Recorded

They must record any use of force; all arrests, summonses, searches and stop-and-frisks; responses to a crime in progress; patrols of a housing project or a privately-owned building whose owner allows such patrols; transportation of a prisoner to a precinct, hospital or jail; and dealings with an emotionally-disturbed person.

They may not record staff meetings or training sessions; sensitive encounters with civilians such as strip-searches or interviews with a sex-crime victim or a confidential informant; proceedings in courthouses or medical facilities; and public demonstrations.

The policy was posted on a website and the NYPD took public comments on it from June 29 through Aug. 7.

The New York Civil Liberties Union issued its own policy suggestions for body cameras Aug. 9. "The purpose of the city's substantial investment in body cameras is to give New Yorkers the means to hold police officers accountable for misconduct," said policy counsel Michael Sisitzky. "Body cameras are not a silver bullet, but with the right policies that maximize police accountability, they can help restore trust between communities and police."

The organization called for discipline and possible termination of officers who fail to turn on the cameras when required. The NYCLU also wants people to be notified when they are recorded and given the opportunity to refuse.