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Contact: David Jacobs
212-965-2255/djacobs@naacpldf.org

NAACP Legal Defense Fund Objects to Policies and Procedures of NYPD's Body Worn Camera Pilot Program

The NAACP Legal Defense and Educational Fund, Inc. (LDF) today [objected](#) to the proposed policies and procedures of the New York City Police Department's (NYPD) body worn camera (BWC) pilot program. The objections were in response to a memorandum approving the measures, filed by the court-appointed monitor who was ordered to oversee reform efforts in *Floyd v. City of New York*, the lawsuit challenging the NYPD's stop-and-frisk policies. LDF represents plaintiffs in the federal class action lawsuit, [Davis et al. v. City of New York et al.](#), which challenged the NYPD's improper and unlawful enforcement of criminal trespass laws in public housing and became a part of the court monitoring process after settling in 2015. The *Davis* plaintiffs are also represented by the Legal Aid Society.

"The proposed body worn camera program fails the community by offering additional safeguards for police officers instead of increased transparency for the public," said Angel Harris, Assistant Counsel at LDF. "The proposed policy and procedures ignore community input and do not create the accountability measures necessary to prevent unlawful conduct from recurring. New Yorkers deserve a body worn camera program that builds trust between the police and the community, not one that further undermines it."

In objecting to the current version of the BWC policies and procedures, LDF and counsel for the *Floyd* plaintiffs outlined three areas of disagreement. First, all investigative encounters should be recorded. According to a survey conducted by [NYU](#), a clear majority of both the public and police officers support recording all of these encounters. Fully capturing these encounters will ensure the collection of data on the effectiveness of BWCs, provide an objective record of all encounters, and prevent officers from turning cameras on during encounters that might quickly escalate. Second, officers should not be permitted to review video footage prior to making statements, writing reports, or submitting to any interviews with the Civilian Complaint Review Board, Internal Affairs Bureau, or any other entity investigating officer misconduct. When officers have unfettered access to BWC footage, their perceptions of the encounter change, thus harming the objectivity of the investigation. Third, officers must provide notice to members of the public that the encounter is being recorded as soon as the camera is turned on. The NYU survey found that the public overwhelmingly supports such a change in policy, and the language as currently drafted – that officers must provide notice "[a]s soon as reasonably practical," – is so vague that it is virtually meaningless.

The *Davis, et al. v. City of New York, et al.* lawsuit was filed on January 29, 2010, by a group of residents of, and visitors to, New York City Housing Authority (NYCHA) residences. The case challenged the NYPD's practices of unlawfully stopping and arresting NYCHA residents and their

visitors for criminal trespass without sufficient evidence and due to their race and/or ethnicity. A settlement agreement was reached on January 7, 2015, emphasizing that “NYCHA residents and their authorized visitors have the same legal rights as the residents and authorized visitors of any other residential building in New York City, and deserve the utmost courtesy and respect.”

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.