

April 3, 2025

Via Email & U.S. Mail

Inspector General Jeanene Barrett
Office of the Inspector General for the
New York City Police Department
New York City Department of Investigation
180 Maiden Lane
New York, NY 10038

Re: NYPD Violations of Body-Worn Camera Policies

Dear Inspector General Jeanene Barrett,

We write to respectfully request that you open an investigation into the New York City Police Department's (NYPD's) violations of its body-worn camera policies and include the details and results of your investigation in the next annual audit pursuant to the [Public Oversight of Surveillance Technology \(POST\) Act](#) (Local Law 65 of 2020).

In 2023, the NYPD's Community Response Team (CRT) purchased new body-worn cameras. While the NYPD's body-worn camera footage is typically stored in one main database, CRT declined to store their footage there, leaving others at the NYPD—including lawyers who were required to turn over such footage to defendants in criminal cases—in the dark about its existence. As explained below, CRT's practices with respect to their body-worn cameras and footage violate several of the NYPD's own body-worn camera policies and New York State law, and merit further investigation.

1. Footage from CRT's body-worn cameras was unlawfully withheld from defendants in discovery.

Per the NYPD's body-worn camera [Impact and Use Policy](#) (IUP) and [Patrol Guide](#), as well as criminal discovery laws, when body-worn cameras capture evidence related to a criminal case, the NYPD must provide the footage to the prosecution, which in turn must provide the footage to the defense.¹ Desk officers and unit supervisors must ensure that arresting officers have shared all body-worn camera videos associated with an arrest with the district attorney's office or special prosecutor.²

¹ Body Worn Cameras: Impact and Use Policy at 9 (Nov. 24, 2023), https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/body-worn-cameras-nypd-Impact-and-use-policy_11.24.23.pdf [last accessed Mar. 19, 2025] (hereinafter "IUP"); Procedure No: 212-123 of Patrol Guide at 339, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide2.pdf [last accessed Mar. 19, 2025] (hereinafter "Patrol Guide"); C.P.L. § 245.20.

² Patrol Guide at 341.

Because the footage from CRT’s body-worn cameras was not being stored in the NYPD’s approved Evidence.com account, Department lawyers had no idea it existed.³ They thus failed to produce the footage in discovery, depriving defendants of their right to examine footage related to their cases.⁴ It is still unknown how many videos were kept from prosecutors, defense attorneys, and courts, and how many cases have been affected. It is likewise unknown how many officers were involved in this secretive operation, and whether notice has been provided to the attorneys on affected cases and anyone directly impacted.

2. Improper storage of CRT body-worn camera footage undermined transparency and auditing efforts.

Because most of the NYPD did not know that CRT was storing body-worn camera footage in a separate system, the Department was likely unable to facilitate transparency and auditing efforts. For example, responses to Freedom of Information Law requests for body-worn camera footage may have excluded footage from CRT’s cameras even if it would have been responsive. And while the NYPD maintains a policy of releasing body-worn camera footage of critical incidents,⁵ the policy is impossible to follow if those responsible for implementing it were unaware that the body-worn camera footage exists.

The body-worn camera IUP and Patrol Guide also set forth numerous other requirements related to body-worn camera footage—including restrictions on access,⁶ retention periods,⁷ and audit and oversight mechanisms.⁸ It is doubtful that the NYPD followed these procedures with respect to the secretly stored CRT footage. Further investigation is needed to identify all violations of these procedures and prevent such violations in the future.

3. NYPD provided potentially unauthorized individuals with livestreams of body-worn cameras without disclosing this practice.

Individuals including the Mayor were reportedly given access to live feeds of CRT’s body-worn cameras.⁹ When the NYPD “acquires enhancements to surveillance technology or uses such surveillance technology for a purpose or in a manner not previously disclosed” in its IUP, the NYPD

³ Eric Umansky, “How Eric Adams Has Backed a Secretive NYPD Unit Ridden with Abuses,” ProPublica (Mar. 11, 2025), <https://www.propublica.org/article/eric-adams-nypd-community-response-team-police-nyc-misconduct-transparency> [last accessed Mar. 19, 2025].

⁴ *Id.*

⁵ IUP at 8.

⁶ *Id.* at 6.

⁷ *Id.* at 7. For example, homicide footage must be retained indefinitely, arrest footage must be retained for five years, and all other body-worn camera footage must be retained for 39 months. *Id.*

⁸ *Id.* at 11; Patrol Guide at 340–41.

⁹ Umansky, *supra* note 3.

must provide an addendum to the IUP “describing such enhancement or additional use.”¹⁰ But the body-worn camera IUP includes no such addendum describing the use of body-worn cameras for livestreaming, nor does it (or the Patrol Guide) include any mention of using body-worn cameras to share live feeds.¹¹

Moreover, access to body-worn camera footage is supposed to be “restricted to only authorized users” who have “an articulable need to access the system in furtherance of lawful duty.”¹² “Authorized users consist only of NYPD personnel in various commands.”¹³ Apart from providing copies of footage to members of the Department for “official purposes,” officers “may not copy, publish, share or disseminate any audio, video, image or data to anyone unless authorized by the Police Commissioner.”¹⁴ We do not yet know how or why the Mayor was granted access to livestreams, how many other individuals had access to these livestreams, who they were, and whether they were authorized. The public deserves to know the answers to these questions.

4. CRT officers were turning on body-worn cameras too late to record full incidents.

The NYPD’s Patrol Guide requires that officers activate their body-worn cameras “prior to engaging in any police action” and “[r]ecord any interactions that escalate to become adversarial or may hold evidentiary value.”¹⁵ The Patrol Guide also provides that, when officers violate the mandatory activation policy, the patrol or unit supervisor must investigate the officer’s failure to record, ensure that the failure is documented in the officer’s digital Activity Log, and send a report to the commanding officer of the Professional Standards Division.¹⁶

A 2023 audit of CRT found that officers were “frequently turning on their body-worn cameras too late to record full incidents, in violation of the patrol guide.”¹⁷ We urge your office to investigate any continued patterns of violations by CRT officers and how they are being addressed.

* * *

The POST Act directs the commissioner to prepare annual audits assessing whether the NYPD’s use of surveillance technology complies with the applicable IUPs and describing any known or reasonably suspected violations.¹⁸ Given the aforementioned violations of the NYPD’s body-worn camera policies, we respectfully request that your office conduct a thorough investigation into

¹⁰ NYC AC § 14-188(d).

¹¹ Patrol Guide at 342.

¹² IUP at 7–8.

¹³ *Id.* at 7.

¹⁴ Patrol Guide at 342.

¹⁵ *Id.* at 335.

¹⁶ *Id.* at 340.

¹⁷ Umansky, *supra* note 3.

¹⁸ NY City Charter § 803(c-1).

CRT's body-worn camera practices and include the details and results of the investigation in the next annual report.

Please do not hesitate to contact our office if you would like to discuss these concerns or have any questions for us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Laura Moraff', with a stylized flourish at the end.

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Cc: NYC Council Speaker Adrienne E. Adams (via email & U.S. mail)
NYC Council Committee on Public Safety Chair Yusef Salaam (via email & U.S. mail)
NYC Council Committee on Technology Chair Jennifer Gutiérrez (via email & U.S. mail)
NYC Council Committee on Oversight and Investigations Chair Gale A. Brewer (via email & U.S. mail)