



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID FLOYD, *et al.*,

Plaintiffs,

-against-

CITY OF NEW YORK,

Defendant.

08 Civ. 1034 (AT)

KELTON DAVIS, *et al.*,

Plaintiffs,

-against-

CITY OF NEW YORK,

Defendant.

10 Civ. 0699 (AT)

JAENEAN LIGON, *et al.*,

Plaintiffs,

-against-

CITY OF NEW YORK,

Defendant.

**ORDER MODIFYING
REMEDIAL ORDER
(BODY-WORN CAMERA
PILOT PROGRAM)**

ANALISA TORRES, District Judge:

In its Remedies Opinion and Order issued on August 12, 2013, the Court ordered that the NYPD “institute a pilot project in which body-worn cameras will be worn for a one-year period.” *Floyd v. City of New York*, 959 F. Supp. 2d 668, 685 (S.D.N.Y. 2013). The Court noted that the video recordings would “serve a variety of useful functions.” *Id.*

First, they will provide a contemporaneous, objective record of stops and frisks, allowing for the review of officer conduct by supervisors and the courts. The recordings may either confirm or refute the belief of some minorities that they have been stopped simply as a result of their race, or based on the clothes they wore, such as baggy pants or a hoodie.⁶⁵ *Second*, the knowledge that an exchange is being recorded will encourage lawful and respectful interactions on the part of both parties.⁶⁶ *Third*, the recordings will diminish the sense on the part of those

who file complaints that it is their word against the police, and that the authorities are more likely to believe the police. [Footnote omitted.] Thus, the recordings should also alleviate some of the mistrust that has developed between the police and the black and Hispanic communities, based on the belief that stops and frisks are overwhelmingly and unjustifiably directed at members of these communities. Video recordings will be equally helpful to members of the NYPD who are wrongly accused of inappropriate behavior.

⁶⁵ By creating an irrefutable record of what occurred during stops, video recordings may help lay to rest disagreements that would otherwise remain unresolved.

⁶⁶ If, in fact, the police do, on occasion, use offensive language—including racial slurs—or act with more force than necessary, the use of body-worn cameras will inevitably reduce such behavior.

Id. At the end of one year, there will be an evaluation of “whether the benefits of the cameras outweigh their financial, administrative, and other costs.” *Id.*

The Court directed that the cameras be worn “by officers on patrol in one precinct per borough—specifically the precinct with the highest number of stops during 2012.” *Id.* These NYPD commands were identified as the 23rd, 40th, 75th, 103rd and 120th Precincts. As noted in the Monitor’s First Report, dated July 9, 2015, however, requiring officers in these precincts to wear the cameras might not provide the best information regarding the benefits and costs of body-worn cameras, including determining whether they will be effective in reducing unconstitutional stops-and-frisks. ECF No. 513 at 67-78. First, some of the precincts with the highest counts of stop reports in 2012 were no longer the precincts with the highest number of reported stops in 2014. In 2012, the 75th Precinct had the greatest number of reported stops in the city; in 2014, the 75th Precinct was down to sixteenth place. Second, the selection of precincts in advance prevents the use of a rigorous randomized experimental design, because it would be impossible to have a random selection of commands matching those that had cameras with those that did not. As set out in the Monitor’s report, the advantage of a randomized experiment is the relatively high degree of certainty that any observed differences between the

precincts with cameras and those without would be attributable to the cameras, not to chance or other causal factors.

The Monitor has been working with experts on his team and discussing with the parties how to design a pilot that will yield more robust and useful information. He is recommending, and the parties agree, that a randomized experimental design should be implemented. Such a design allows researchers to assume that the only systematic difference between the “control” group (here, those without cameras) and the “treatment group” (those with cameras) is the presence of the intervention (*i.e.*, use of cameras). This approach permits a clearer assessment of causes and effects. One variant of the classic randomized controlled trial that the NYPD could use—the one currently under consideration—is called “cluster” randomization. In these trials, clusters (groups) of subjects, rather than individual subjects, are randomly allocated to treatment and control conditions. In a cluster randomized controlled trial, NYPD officers would be randomly allocated by precinct to the body-worn camera treatment group or non-body-worn camera comparison group. The precise details of the research design have not yet been finalized and will be developed further before the pilot is begun. The NYPD has reported that it does not expect to complete the procurement process and take delivery of cameras before the summer of 2016. Before then, the design and implementation of the pilot might have to account for possible changes in technology, police department programs and deployment, and other relevant factors.

It is anticipated that roughly 1,000 officers will be equipped with body-worn cameras. The use of a randomized experimental design for the body-worn camera pilot will ensure that the pilot will provide the parties, the Monitor, the Court, and the public with better information to evaluate the effectiveness of body-worn cameras in reducing unconstitutional stops-and-frisks and in assessing the costs and benefits of the body-worn cameras.

Accordingly, on consent of the parties, it is ORDERED that the NYPD use a randomized experimental design for the body-worn camera one-year pilot program.

SO ORDERED.

Dated: December 8, 2015
New York, New York



ANALISA TORRES
United States District Judge