



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID FLOYD, <i>et al.</i>	Plaintiffs,	08 Civ. 1034 (AT)
	-against-	
CITY OF NEW YORK	Defendant	

KELTON DAVIS, <i>et al.</i>	Plaintiffs,	10 Civ. 0699 (AT)
	-against-	
CITY OF NEW YORK	Defendant	

JAENEAN LIGON, <i>et al.</i>	Plaintiffs,	12 Civ. 2274 (AT)
	-against-	
CITY OF NEW YORK	Defendant	

SHARING ORDER

WHEREAS, the Court issued an Opinion and Order in *David Floyd, et al. v. City of New York*, 08 CV 1034 (SAS), dated August 12, 2013 (ECF No. 372) (“*Floyd/Ligon Remedial Order*”), and ordering the New York City Police Department (“NYPD”) to “institute a pilot project in which body-worn cameras will be worn for a one-year period by officers on patrol in one precinct per borough – specifically the precinct with the highest number of stops during 2012”; and

WHEREAS, in the *Floyd/Ligon Remedial Order*, the Court further ordered that the Monitor establish procedures for: (a) “the review of stop recordings by supervisors and, as appropriate, more senior managers”; (b) “the preservation of stop recordings for use in verifying

complaints in a manner that protects the privacy of those stopped”; and (c) “measuring the effectiveness of body-worn cameras in reducing unconstitutional stops and frisks”; and

WHEREAS, the Court concluded by stating that “[a]t the end of the year, the Monitor will work with the parties to determine whether the benefits of the cameras outweigh their financial, administrative, and other costs, and whether the program should be terminated or expanded”; and

WHEREAS, in the First Report of the Independent Monitor, dated July 9, 2015 (ECF No. 513) (“First Report”), the Monitor remarked that 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,” and additionally remarked that a randomized experimental design would provide superior comparative results for the Monitor’s use in assessing the effectiveness of body-worn cameras in reducing unconstitutional stops and frisks; and

WHEREAS, the Monitor proposed in the First Report that the original pilot design of five precincts (one per borough) with the highest stops in 2012 be changed to a randomized experimental design; and

WHEREAS, in an Order dated December 8, 2015 (ECF No. 522) (“Modification Order”), the Court adopted the Monitor’s proposal, revised the body-worn camera pilot program contemplated in the *Floyd/Ligon* Remedial Order, and ordered that the NYPD use a randomized experimental design for the body-worn camera one-year pilot program; and

WHEREAS, the Monitor’s responsibilities will include the review of body-worn camera recordings by him and members of his team; and

WHEREAS, the NYPD recognizes that the production of investigative encounter body-worn camera recordings to the Monitor and his team may require the NYPD to share

videos related to sealed events, such as events related to summonses, arrests, and other police encounters that have been dismissed and sealed, or may otherwise include videos that may constitute records the NYPD would be precluded from releasing by operation of law, such as videos that depict juveniles being stopped or frisked; and

WHEREAS, the following list of protected records that may be shared with the Monitor and his team is meant to be illustrative rather than comprehensive:

- a. Sealed records that would otherwise be protected pursuant to N.Y. CRIM. PROC. LAW § 160.50;
- b. Sealed records that would otherwise be protected pursuant to N.Y. CRIM. PROC. LAW § 160.55;
- c. Sealed records that would otherwise be protected pursuant to N.Y. CRIM. PROC. LAW § 160.58; and
- d. Confidential records that would otherwise be protected pursuant to N.Y. CRIM. PROC. LAW § 720.35.

NOW, THEREFORE,

1. The City of New York seeks authorization from the Court to share recordings with the Monitor.
2. The Monitor and his team will view and maintain all shared body-worn camera recordings for the purpose of fulfilling his Monitor responsibilities.
3. With the Court's permission, the NYPD will proceed to share recordings with the Monitor and his team in the manner set forth herein.

SO ORDERED.

Dated: July 17, 2017
New York, New York



ANALISA TORRES
United States District Judge