



Legislation Text

File #: Res 0997-2016, **Version:** *

Res. No. 997

Resolution in support of the passage of S.6030 and A.8368, ensuring policy body-worn camera footage is subject to the state Freedom of Information Law

By The Public Advocate (Ms. James) and Council Member and Rodriguez

Whereas, There have been a number of high profile use of force incidents involving law-enforcement caught on video; and

Whereas, The New York Police Department is implementing a body-worn camera program; and

Whereas, Publicly disclosing body-camera footage holds the potential to enhance accountability and transparency between law enforcement and the community it serves; and

Whereas, According to a study by the federal Department of Justice, body-worn cameras have a civilizing effect, resulting in improved behavior among both police officers and citizens; and

Whereas, According to the same study, body-worn cameras have evidentiary benefits that expedite resolution of citizen complaints; and

Whereas, The state Freedom of Information Law (FOIL) is a regime governing the public's right to access agency records; and

Whereas, FOIL could provide a mechanism for the disclosure of body-worn camera footage as records under the law; and

Whereas, Civil Rights Law Section 50-a creates a blanket exception to FOIL disclosure for any records that may be used for police officer performance evaluation; and

Whereas, Civil Rights Law Section 50-a may therefore prevent body-worn camera footage from being disclosed under FOIL; and

Whereas, S.6030, introduced by State Senator Daniel Squadron and pending in committee in the New York State Senate, and companion bill A.8368, introduced by Assembly Member Dan Quart and pending in committee in the New York State Assembly, appropriately limit the applicability of Civil Rights Law Section 50-a to not include body-worn camera footage; and

Whereas, FOIL includes internal checks on disclosure, such as when disclosure of a record would interfere with law enforcement investigations or judicial proceedings; and

Whereas, S.6030 and A.8368 also would require the redaction of all identifying details of all persons in a publicly released recording, including but not limited to facial features and voices; now, therefore, be it

Resolved, That the Council of the City of New York supports the passage of S.6030 and A.8368, ensuring policy body-worn camera footage is subject to the state Freedom of Information Law.

LS #7247
1/21/2016
[JR]