



40 Rector Street, 9<sup>th</sup> Floor  
New York, New York 10006  
[www.StopSpying.org](http://www.StopSpying.org) | (212) 518-7573

---

**STATEMENT OF  
NINA LOSHKAJIAN  
LEGAL FELLOW  
SURVEILLANCE TECHNOLOGY OVERSIGHT PROJECT (“S.T.O.P.”)**

**BEFORE THE COMMITTEE ON PUBLIC SAFETY,  
NEW YORK CITY COUNCIL**

**FOR A HEARING ON  
NYPD REPORTING BILLS**

**PRESENTED  
March 27, 2023**

Good morning, Chair Hanks and members of the Committee on Public Safety. My name is Nina Loshkajian, and I am a Legal Fellow at the Surveillance Technology Oversight Project (“S.T.O.P.”), a New York-based civil rights and anti-surveillance group. S.T.O.P. advocates and litigates against discriminatory surveillance. I appreciate the opportunity to testify today on the bills in front of you, specifically Intros 585 and 938, relating to Body-Worn Camera footage access, and Intros 538 and 585, collectively known as the How Many Stops Act. These four bills are common-sense small steps towards bringing much-needed transparency and accountability to the NYPD.

### **I. Body-Worn Camera Footage Access (Int. 585 & Int. 938)**

We oppose the use of Body-Worn Cameras (BWCs) in general as both a threat to public safety and to New Yorkers’ civil rights. BWCs systematically fail to promote accountability, being turned not on officers, but on the public they are sworn to serve. BWCs frequently capture a deceptive and incomplete view of police encounters, reinforcing the police narrative. At the same time, BWCs are increasingly a tool for tracking the public, not protecting them.

Officers exercise unchecked discretion over what encounters to record, failing to activate them or deliberately disabling devices prior to violent encounters.<sup>1</sup> Department leaders compound officers’ discretion by limiting public access to footage that captures police misconduct. According to one leaked internal memo, the NYPD refused to fulfill approximately half of the New York Civilian Complaint Review Board’s (CCRB’s) requests for BWC footage in June 2020.<sup>2</sup> Alarming, in more than 100 cases, the NYPD falsely claimed there was no video when footage did exist.<sup>3</sup> Given that police encounters are particularly more dangerous for BIPOC Americans,<sup>4</sup> police discretion over BWC footage disparately impacts these communities.

To fully protect New Yorkers, we would hope to see the use of BWCs end completely. BWCs fail in their goal of protecting citizens, and their use highlights the high risk of mass surveillance. But while they are in use, it is incumbent on lawmakers to respond to this data and protect the public by at least ensuring the NYPD loses its dangerous sole control over BWC footage. It has used this sole control to manipulate the narrative and prevent victims of police violence from seeking justice. Given this reality, at the very least the OIG and the CCRB must have direct access to BWC footage. This is standard in other cities using BWCs. Civilian oversight investigators in Washington, D.C., San Francisco, and New Orleans all have direct access to BWC footage.<sup>5</sup> As the operator of the biggest

---

<sup>1</sup> Doha Madani, *Louisville Police Chief Fired After Officer Bodycams Found to be Off During Fatal Shooting*, NBC News (June 1, 2020), <https://www.nbcnews.com/news/us-news/louisville-police-chief-fired-after-officer-bodycams-found-be-during-n1221351>.

<sup>2</sup> Memorandum from Olas Carayannis, Deputy Chief of Special Operations, and Dane Buchanan, Deputy Chief of Investigations, Civilian Complaint Review Bd., to Senior Staff of the Civilian Complaint Review Bd. (June 26, 2020), <https://www.documentcloud.org/documents/6980787-CCRB-Memo-on-Body-Cam-Footage.html>.

<sup>3</sup> Memorandum from Olas Carayannis, Dir. of Quality Assurance and Improvement, Civilian Complaint Review Bd., to Members of the Civilian Complaint Review Bd. 2 (July 5, 2019), [https://brooklyneagle.com/wp-content/uploads/2019/07/20190710\\_boardmtg\\_BWC\\_memo-2-1.pdf](https://brooklyneagle.com/wp-content/uploads/2019/07/20190710_boardmtg_BWC_memo-2-1.pdf).

<sup>4</sup> Gabriel L. Schwartz and Jacquelyn L. Jahn, *Mapping fatal Police Violence Across U.S. Metropolitan Areas: Overall Rates and Racial/Ethnic Inequities, 2013-2017*, 15 PLoS ONE (2020).

<sup>5</sup> Cindy Rodriguez, *When it Comes to Police Misconduct, Body-Worn Camera Videos Are Slow to Come*, WNYC (July 22, 2019), <https://www.wnyc.org/story/police-misconduct-body-worn-camera-videos-slow-come>.

BWC program in the country,<sup>6</sup> the NYPD should be at least as accountable as other police departments in the nation. Intros 585 and 938 are crucial transparency measures that the Council must adopt immediately to end NYPD's impunity.

## **II. How Many Stops Act (Int. 538 & Int. 586)**

We support Intro 586 and Intro 538, which would bring much needed transparency to how the NYPD interacts with the communities in our city.<sup>7</sup>

Intro 586 requires the NYPD to report on Level 1 and 2 police stops, investigative encounters in which officers ask questions but do not have reasonable suspicion of criminal activity. The current state of the law, with NYPD only required to report on Level 3 stops, in which officers have reasonable suspicion, leaves us with an incomplete picture of the police harassment and racial profiling that occurs daily across the city. These so called "low level" encounters going unreported makes it easier for the NYPD to be abusive. The Council must pass this law and make sure we have access to data on every single NYPD encounter with civilians.

Intro 538 requires the NYPD to report a fuller set of data about their use of consent searches, stops in which an NYPD officer asks permission to conduct a search of a person or their belongings. The bill will give the public needed insight into how searches impact New Yorkers. By requiring officers to document their use of interpretation services when seeking consent to search from people with limited English proficiency, New York will take a step towards protecting its residents from unconstitutional invasions of privacy. The bills also importantly requires that the NYPD report on any consent search requests for sensitive genetic information, like saliva swabs to collect DNA samples. We know that the NYPD has created a private, rogue DNA database and engages in dangerous and coercive practices of DNA collection. This means giving kids a glass of water, harvesting their DNA, and then using it for any purpose forever.<sup>8</sup> Through these practices, they also overwhelmingly target Black and Latinx communities. Intro. 538 will expose whether or not the NYPD is following the law and informing people of their right to refuse requests for DNA samples.

The data these two bills could bring to light would be fundamental to knowing how the NYPD operates and the impacts it has in our communities.

Thank you for the opportunity to testify today.

---

<sup>6</sup> New York City Civilian Complaint Review Board Semi-Annual Report 2022, 45, [https://www.nyc.gov/assets/ccrb/downloads/pdf/policy\\_pdf/annual\\_bi-annual/2022\\_semi\\_annual.pdf](https://www.nyc.gov/assets/ccrb/downloads/pdf/policy_pdf/annual_bi-annual/2022_semi_annual.pdf).

<sup>7</sup> How Many Stops Act—Fact Sheet, Communities United for Police Reform, [https://www.changethenypd.org/sites/default/files/docs/final\\_hmsa\\_fact\\_sheet\\_01.5.23.pdf](https://www.changethenypd.org/sites/default/files/docs/final_hmsa_fact_sheet_01.5.23.pdf).

<sup>8</sup> Troy Closson, *This Database Stores the DNA of 31,000 New Yorkers. Is It Illegal?*, New York Times, (March 22, 2022), <https://www.nytimes.com/2022/03/22/nyregion/nyc-dna-database-nypd.html>.