



February 23, 2018

Attn: Captain Jeff Rinaldo  
FOIL Records Access Officer  
Buffalo Police Department  
74 Franklin Street  
Buffalo, NY 14202

**Re: Request Under Freedom of Information Law**

Dear Captain Rinaldo:

I submit this request for records pursuant to the Freedom of Information Law, Article 6 of the New York State Public Officers Law § 84 *et seq.*

**Background Information**

In December 2017, the Buffalo Common Council approved a pilot program for the Buffalo Police Department (BPD) to equip approximately 30 officers with body-worn cameras. According to reports in the press, the pilot program would begin in January 2018 and would use equipment provided by a company named Viewu. *See* Deirdre Williams, *Buffalo police to start using body cameras in pilot program*, Buffalo News, Dec. 12, 2017, <http://buffalonews.com/2017/12/12/buffalo-police-to-start-using-body-cameras-in-a-pilot-program/>.

In September 2017, the Buffalo News reported that the BPD had developed a draft policy that would govern the use of body cams during the pilot program. The report stated that the Buffalo News had reviewed the draft policy. BPD representatives told the *News* that the policy would likely be amended as patrol officers put the cameras into actual use. *See* Maki Becker, *Draft policy offers hints of how Buffalo police would use body cams*, Buffalo News, Sept. 11, 2017, <http://buffalonews.com/2017/09/11/body-cams/>.

**Request**

I hereby request the following records:

1. All policies concerning the use of body-worn cameras by BPD officers, including but not limited to:
  - a. the draft policy that was reviewed by the Buffalo News and described in the September 2017 article referenced above;
  - b. any and all amendments to the policy reviewed by the Buffalo News for the September 2017 article;
  - c. all policies (including all versions thereof) that have been in effect during the BPD's body-worn camera pilot program.

Jonathan Manes  
Clinical Assistant Professor

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2. All contracts, service agreements, purchase orders, invoices or other purchasing documents between BPD and Viewu regarding the body cameras being used in the BPD pilot pgram.
3. All documentation provided by Viewu describing or providing instructions or guidance regarding the body-worn camera equipment BPD is using and any related services including, for example, video storage, redaction or review systems.
4. Copies of any FOIL requests or appeals that have been submitted to BPD seeking access to footage from BPD body-worn cameras, as well as copies of BPD's responses to such FOIL requests or appeals.

*Time Period:* I request records for the period from January 1, 2017 to the date that this Request is actually filled.

*Search:* I respectfully request that you conduct searches of all electronic and paper/manual indices, filing systems, and physical locations for all records relating to the subject of the request.

*Metadata:* With respect to any records stored electronically, I request disclosure of all accompanying metadata. *See Irwin v. Onondaga*, 72 A.D. 314 (4th Dep't 2010) (metadata is subject to disclosure under FOIL).

*Form of production:* I request that you provide records to me via e-mail, although I would also accept a flash drive, CD-ROM, or a cloud storage link. With respect to the form of production, I request that responsive electronic records be provided electronically in their native file formats wherever possible. *See* N.Y. Pub. Off. Law § 87(5)(a). If disclosure of some or all records in native file formats is impossible—or of if the native file formats cannot be opened using commercial software available to the public—then I request that the records be provided electronically in PDF format, in the best image quality in the agency's possession.

*Response time:* FOIL requires a response to this request within five (5) business days and requires disclosure of any responsive, non-exempt records at that time, or within a reasonable period thereafter. *See* N.Y. Pub. Off. Law § 89(3)(a).

*Redacted documents:* If a record contains material deemed exempt pursuant to a FOIL exemption, please redact only the exempt portions and release all non-exempt portions, as required by FOIL. *See Xerox Corp. v. Tn. of Webster*, 65 N.Y.2d 131, 133 (1985) (non-exempt material “should be redacted and made available”).

*Explanation for withholdings:* If the Request is denied in whole or in part, please justify all deletions by reference to specific FOIL exceptions and provide detailed explanations for why such exemptions apply. *See* N.Y. Pub. Off. Law § 87(2); *Gould v. N.Y.C. Police Dep't*, 89 N.Y.2d 267, 275 (1996) (“[T]o invoke one of the exemptions of section 87(2), the agency must articulate particularized and specific justification for not disclosing requested documents.”) (internal quotation omitted).

Please furnish the applicable records to:

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(716) 645-6222

I would be glad to discuss this request should you have any questions or concerns. You can reach me at the phone number and email address above.

Many thanks for your time and consideration; I am very grateful for it.

Sincerely,

Jonathan Manes