

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: IAS PART 12

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BRENNAN CENTER FOR JUSTICE AT NEW
YORK UNIVERSITY SCHOOL OF LAW,

Petitioner,

- v -

NEW YORK CITY POLICE DEPARTMENT,
JAMES P. O'NEILL, in his official capacity as
Commissioner of the New York City Police
Department,

Respondents,

For a Judgment Pursuant to Article 78 of the Civil
Practice Law and Rules.

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INDEX NO. 160541/2016

MOTION DATE _____

MOTION SEQ. NO. 1

**AMENDED DECISION
AND JUDGMENT**

The decretal set forth in the decision and judgment dated December 22, 2017 is hereby amended as follows:

ORDERED AND ADJUDGED, that respondents produce, for *in camera* review, the summary of results of the 45-day trial of the vendors' products, audits of their software, internal reviews, and policies governing their use, within 30 days of the date of this decision and order.

5/18/2018
DATE



BARBARA JAFFE, J.S.C.
HON. BARBARA JAFFE

CHECK ONE:

- CASE DISPOSED
- GRANTED
- SETTLE ORDER
- DO NOT POST

DENIED

APPLICATION:

CHECK IF APPROPRIATE:

- NON-FINAL DISPOSITION
- GRANTED IN PART
- SUBMIT ORDER
- FIDUCIARY APPOINTMENT

OTHER

REFERENCE

Supreme Court
of the
State of New York



HON. BARBARA JAFFE

60 CENTRE STREET
NEW YORK, NY 10007-1474

May 18, 2018

Lesley Berson Mbaye, ACC
Zachary W. Carter
Corp. Counsel
City of New York Law Dept.
100 Church St., Rm. 2-306
New York, NY 10007

Re: *Brennan Center v NYPD*, Index No. 160541/16

Dear Mr. Berson Mbaye:

Justice Jaffe has received your letter dated February 26, 2018, along with the annexed "summary of results of the 45-day trial of the vendors' products."

Review of your letter, as well as the decision and order dated December 22, 2017, reveals an error in the decretal. In the text of the decision, on page 13, Justice Jaffe wrote that to "determine whether the summary of the results of the 45-day trials of the three vendors' products, audits of their software, internal reviews, and policies governing their use may be withheld by respondents, these records must be examined *in camera*." Therefore, the decretal should have required the production of all of these documents, not just the summary of the results.

The decision will be amended to correct the decretal, and respondents will be directed to produce *in camera* all of the specified documents within 30 days of the amendment. Once the full set of documents is received, it will then be determined whether and to what extent the documents are privileged.

Moreover, your letter does not reflect that you sent a copy of it to your adversary, whom I copy here. Opposing counsel must be copied on any correspondence sent to the court, of course, without any documents submitted for *in camera* review.

Very truly yours,

Catherine Paszkowska
Court Attorney to Judge Jaffe

CC: Ellison Ward Merkel, Esq.