

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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

Petitioner,

-against-

NEW YORK CITY POLICE DEPARTMENT, and
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

**AFFIRMATION OF LESA
MOORE**

Index No. 160541/2016

I.A.S. Part 12

(Jaffe, J.)

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LESA MOORE, an attorney admitted to practice before the Courts of the State of
New York, affirms pursuant to Rule 2106 of the Civil Practice Law and Rules:

1. I am an Assistant Counsel in the office of ERNEST F. HART, Deputy Commissioner,
Legal Matters of the New York City Police Department ("NYPD"), and I am assigned as the
Freedom of Information Law Litigation Supervisor. My responsibilities include overseeing
litigation relating to the Freedom of Information Law in which the NYPD is a party.

2. This affirmation is based on personal knowledge, as well as upon information and belief,
based upon information provided to me by employees of the NYPD and the Office of the
Corporation Counsel, and upon records of the NYPD maintained in the ordinary course of
business, which I believe to be true and accurate.

3. As detailed in the affidavit of Evan Levine, e-filed on April 7, 2017, as NYSCEF Doc. No.,
22, the NYPD's predictive policing tool is designed to make predictions regarding where certain

crimes are more likely to occur. The data utilized by the tool does not remain static as it is updated as new information becomes available.

4. I am told that the predictive policing tool was not designed to store, maintain, or archive output predictions. The tool has no capability to restore, retrieve, or recreate past output predictions.

5. Evan Levine, in consultation with other employees, developed the algorithm that underlies the NYPD's predictive policing tool and is the Assistant Commissioner of Data Analytics. Assistant Commissioner Levine designed the predictive policing tool to be used based upon interaction with contemporaneous, constantly updated data and not to be printed out or historically stored in the predictive tool.

6. Assistant Commissioner Levine caused a diligent search to be performed of his records relating to the predictive policing tool output at any time from its inception in 2015 through June 22, 2017, and all records he located were turned over to Petitioner and were included in the production bates stamped and produced to Petitioner.

7. Although historical records of the predictive policing output are not maintained in the predictive policing tool, an NYPD vendor was able to identify a list of members of the service who ordered predictive policing output reports to be delivered to those members' emails during the relevant time. I directed a search to locate all emails that those members had previously received that attached predictive policing output. Following a diligent search for the aforementioned emails and their attachments, the NYPD recovered 1397 pages of predictive policing output, which was bates stamped as NYC0000907 through NYC0002304 and produced to Petitioner's counsel on March 1, 2019.

8. The December 22, 2017 Order of Justice Jaffe in the above captioned matter directed respondents to produce “the output data from the inception of the predictive policing until six months before the date of this decision, redacted of any sensitive information such as the location of servers or details concerning encryption.” Six months before the date of the decision was June 22, 2017. As explained above, I have caused a diligent search for records containing such output data to be performed, and the NYPD has produced all of the responsive records that have been located.

Dated: April 30, 2019
New York, New York



LESA MOORE

