

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

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In the Matter of

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

**AFFIDAVIT IN
COMPLIANCE**

Index No. 160541/2016
I.A.S. Part 12
(Jaffe, J.)

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.

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STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

DANIEL MAGEE, under penalty of perjury, declares the following to be true and correct:

1. I have been employed by the New York City Police Department ("Department" or "NYPD") since 2002, and presently hold the rank of Captain. Since July 2015, I have been assigned to the Counterterrorism Bureau where I am currently designated as the Operations Commander. My duties include oversight of personnel work assignments, personnel transfers, the Investigation Unit and the Fiscal Unit of the Counterterrorism Bureau.

2. As a result of my duties, I am fully familiar with the facts set forth below. This affidavit is based on personal knowledge, upon information and belief, as well as upon the books and records of the NYPD and statements made by officers and/or agents of the City of New York. This affidavit is submitted at the request of the New York City Law Department to comply

with the Honorable Barbara Jaffes' Decision and Judgment dated December 22, 2017 and Amended Decision and Judgment dated May 18, 2018, in this special proceeding, which in part direct that the NYPD search its Counterterrorism Bureau for certain records and submit an affidavit as to the search results.

3. I am informed that, pursuant to the Freedom of Information Law, Petitioner seeks access to records regarding the NYPD's predictive policing program, and Petitioner claimed that Palantir Gotham software was being used for the NYPD's predictive policing program. I am further informed that the NYPD conducted a trial for predictive policing software with three vendors, Predpol, KeyStats and Azavea.

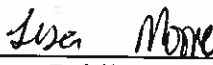
4. On or about July 12, 2018, I diligently searched the Counterterrorism Bureau's computer shared drive, on which documents pertaining to reviews of software being evaluated by the Counterterrorism Bureau would reasonably be located, for any records pertaining to predictive policing, Palantir Gotham, Predpol, KeyStats or Azavea. I certify that my diligent search yielded no responsive results, and no responsive records were located.

5. Thereafter, Assistant Commissioner Evan Levine informed me that when he began work on predictive policing, he had been assigned to the Counterterrorism Bureau, and that when he was transferred out of the Counterterrorism Bureau, he retained possession of the records relating to predictive policing.

Dated: New York, New York
November 8, 2018


DANIEL MAGEE

Sworn to and subscribed before me
on the 8th day of November 2018


Notary Public

LESA MOORE
Notary Public, State of New York
No. 02MC6174796
Qualified in Bronx County
Commission Expires 09/24/2019