

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

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In the Matter of the Application of

THE BRONX DEFENDERS

Petitioner,

— against —

The NEW YORK CITY POLICE DEPARTMENT, and
WILLIAM BRATTON, in his official capacity as
Commissioner of the New York City Police Department,

Respondents.

**AFFIDAVIT OF CHRISTIAN
G. W. SCHNEDLER IN
SUPPORT OF RESPONDENTS'
VERIFIED ANSWER**

Index No. 156520/2016
(Bluth, J.)

For a Judgment Pursuant to Article 78
of the Civil Practice Law and Rules.
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STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

CHRISTIAN G. W. SCHNEDLER, under penalty of perjury, declares the
following to be true and correct:

1. I am the Director of Strategic Technology Programs in the Information Technology Bureau for the New York City Police Department ("NYPD"). In this role, I am responsible for the development and implementation of strategic technology programs for the NYPD, which includes enterprise data dissemination and analytics. I am also the program manager for the NYPD's contract with the current vendor that supports the NYPD's Property and Evidence Tracking System ("PETS"). As such, I am familiar with PETS and its technological capabilities. I submit this Affidavit in support of Respondents' Verified Answer.

2. The current vendor contract from PETS is for maintenance only. The original PETS vendor did not provide documentation for upgrades or changes to the software.

3. The use of a web scraping or other data mining applications within the PETS database is inadvisable due to the risk of security breaches and the great risk of damaging and/or disabling the database.

4. As an initial matter, the NYPD's information security experts generally do not permit the use of web scraping tools from the internet due to the heightened concern for potential threats to the security, confidentiality, and integrity of law enforcement information that directly and indirectly affects the safety of the people who live, work, and visit New York City. Thus, NYPD is unable to download and utilize a web scraping or other data mining application without first reviewing its security implications, potentially including penetration testing of the tool and/or its source code.

5. In addition, PETS is the NYPD's only property and evidence tracking system. It is an actively functioning system. Currently, there is no secondary or back-up system, and no repository of the data in PETS outside of PETS itself.

6. PETS is used by officers 24 hours each day, 7 days each week, 365 days a year to inventory evidence and other property. It is not routinely "turned off" or routinely made unavailable to officers to do their work. PETS is critical to the prosecution of cases by the offices of the five District Attorneys' in New York City, as well as to the Office of the Medical Examiner. Every day, the NYPD and these offices rely on PETS to function effectively to locate crucial evidence.

7. The risk of introducing and running a generic web scraping tool into a complex, functioning, law enforcement database, which has no back-up system, is to risk disrupting NYPD operations, corrupting and/or losing some or all of the data without a way to retrieve it.


8. There is also no way to "test" the effect of using a data mining tool in PETS without impacting the live functioning of the system. There is no way to predict the magnitude of the loss of data. To my knowledge, there has never been an attempt to use an external data mining or web scraping tool on PETS data.

9. Moreover, PETS does not have a built in application programming interface (API), which would allow NYPD to build software within the PETS system. Accordingly, NYPD cannot create data mining or similar software within PETS.

Dated: New York, New York
September 15, 2017


CHRISTIAN G. W. SCHNEDLER

Sworn to and subscribed before me
on the 15th day of September, 2017


Notary Public

ETHEL H. CORCORAN
Notary Public, State of New York
No. 24 4809640
Qualified in Kings County
Commission Expires June 30, 2018

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IN SUPPORT OF RESPONDENTS' VERIFIED
ANSWER**ZACHARY W. CARTER***Corporation Counsel of the City of New York**Attorney for Respondents**100 Church Street**New York, N.Y. 10007**Of Counsel: Neil Giovanatti**Tel: (212) 356-0886**Matter #: 2016-033714**Due and timely service is hereby admitted.**New York, N.Y., 2017**....., Esq.**Attorney for*