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Legal Aid: NYPD's Draft Policy to Deploy Invasive and Fraught Weapon Scanning Technology in NYC's Subway System Violates the POST Act

(NEW YORK, NY) - **The Legal Aid Society** condemned the New York City Police Department (NYPD) for violating the Public Oversight of Surveillance Technology (POST) Act with its [Draft Impact and Use policy](#) (IUP) to deploy invasive and ineffective weapon scanning systems in New York City's subway system. On Friday, Legal Aid submitted [comments](#) on the proposed policy.

The POST Act increases the transparency and oversight over the NYPD's use of new surveillance technologies and information sharing networks by requiring the department to disclose basic information about these tools and the safeguards in place to protect the privacy and civil liberties of New Yorkers.

This IUP for Electromagnetic Weapons Detection System violates the POST Act because it:

- fails to provide any information about a potential vendor or details about the technology's capabilities;
- does not adequately address legitimate privacy concerns and safeguarding data, nor does it recognize the need for retaining information for discovery purposes;
- is insufficient in its outlining of how NYPD personnel will be trained on this new technology;
- fails to acknowledge in any way the history and harm of years of discriminatory NYPD practices and disproportionate use of surveillance technology against already overpoliced communities. Black and brown residents in NYC are more likely to take public transportation to work than white residents, and because these weapons scanners will undoubtedly lead to more police interactions with the public, New Yorkers of color will be disproportionately placed in dangerous, high-tension situations with officers; and
- is an unconstitutional intrusion into the rights of New Yorkers who have the right to freely move about the city – go to work, to the grocery store, to visit friends – without being treated like suspects of a crime for simply using public transportation.

“The NYPD has again failed to draft a policy that adheres to the requirements of the POST Act,” said **Diane Akerman, Staff Attorney with the Digital Forensics Unit at The Legal Aid Society**. “The NYPD intends to

implement what will amount to a high tech stop-and-frisk without any legal justification and without providing the public with information about their use and their well-documented failures.”

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 145 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. <https://www.legalaidnyc.org>