

THE LEGAL AID SOCIETY

Justice in Every Borough.

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*****FOR IMMEDIATE RELEASE*****

Statement on Adams Administration's Claim that the NYPD's Draft Policy to Deploy Weapon Scanning Technology in NYC's Subway System Does Not Violate the POST Act

Legal Aid Again Calls on City Hall to Abandon this Ill-Conceived Plan that Will Fail to Further Public Safety and Erode New Yorkers' Privacy Rights

(NEW YORK, NY) - The Legal Aid Society issued the following statement in response to [claims](#) made by Mayor Eric Adams and other Administration officials that the New York City Police Department's (NYPD) [Draft Impact and Use policy](#) (IUP) for the deployment of invasive and ineffective weapon scanning systems in New York City's subway system does not violate the Public Oversight of Surveillance Technology (POST):

“Mayor Adams continues to insist that this technology will make New Yorkers safer and that it will reliably detect guns. But it's well documented that these gun detection systems do not work - they are [fraught and prone to generating false alarms](#), [cause unnecessary havoc](#), and fail, in fact, [to detect common weapons](#). These scanners will do only one thing reliably - unnecessarily escalate interactions between law enforcement and New Yorkers who are simply trying to use our subway system.

“Aside from the technology's practical concerns, the NYPD's IUP violates the POST Act as it fails to comply with the law's basic disclosure requirements. Specifically, it omits any information about a potential vendor, neglects to consider New Yorkers' privacy concerns, refuses to address the inevitable reality that weapons scanners will disproportionately impact communities of color, and more, as our comments detail.

“New Yorkers have the right to move freely throughout our subway system without being treated like suspects of a crime, and these technologies, given their ineffectiveness, will fail to further public safety in our city, while compromising New Yorkers' constitutional rights.”

Background

Last week, Legal Aid submitted [comments](#) on the IUP for violating the POST Act.

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.

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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>