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LAS: Adams Administration Continues to Violate the POST Act By Failing to Issue Final Gun Detection System Policy, as Required by the Law

(NEW YORK, NY) - The Legal Aid Society [decried](#) the Adams Administration for [failing](#) to post the final gun detection system policy prior to implementation, as required by the Public Oversight of Surveillance Technology (POST) Act. Yesterday, Mayor Eric Adams announced that the New York City Police Department (NYPD) would [install](#) gun-scanning detectors at select subway stations in New York City.

The POST Act increases transparency and oversight over the NYPD's use of existing and new surveillance technologies 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.

The POST Act specifically [requires](#) the City to solicit comments on any proposed policing technology, which lasts 45 days. The City then has 45 days after the close of the public comment period to provide the final surveillance technology impact and use policy to the general public.

The Electromagnetic Weapons Detection System Draft Impact and Use Policy was posted to the City's website on March 28, 2024, and the comment period concluded on May 13, 2024. The City had until June 28, 2024, to release the final policy, but it is currently absent from the [City's website](#). The City has been in violation of the basic requirements of the Post Act for almost an entire month, adding yet [another failure to comply](#) with even the most basic requirements of the Act.

“City Hall continues to violate the POST Act by denying New Yorkers the right to review the final policy before this Administration unilaterally moves ahead with unleashing a novel surveillance technology on the public. It is a continuing affront to New Yorkers that the Mayor refuses to provide transparency and oversight to his constituents, the very people who will be subject to the use of this invasive technology,” said **Diane Akerman, Staff Attorney with the Digital Forensics Unit at The Legal Aid Society**. “The fact that these [technologies are ineffective and frequently trigger false alarms](#); aren't a ‘good use-case’ in the subways, per the CEO of a weapon detection-system company; the subject of a U.S. Federal Trade Commission [probe](#); and a

defendant in [litigation](#) recently brought by a group of investors alleging that a gun detection-system company overstated its efficacy, should serve as enough reason for Mayor Adams to scrap this misguided plan.”

Background

In May, Legal Aid submitted [comments](#) and [condemned](#) the 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. 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. Neither the NYPD nor the Mayor’s office have ever addressed the well-documented failures and concerns that have been raised.”

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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