



Legal Aid & NYCLU Threaten Mayor Adams and the MTA With Subway Scanner Lawsuit

The scanners will violate New Yorkers' Fourth Amendment rights

FOR IMMEDIATE RELEASE: July 26, 2024

MEDIA CONTACT:

Kaye Dyja, 212-607-3360, kdyja@nyclu.org

Audrey Martin, 774-266-5233, amartin@legal-aid.org

NEW YORK CITY, NY – In response to the New York City Police Department's (NYPD) looming deployment of invasive, error-prone, and time-consuming scanners in New York City's subway stations, The Legal Aid Society (LAS) and the New York Civil Liberties Union (NYCLU) announced today that if Mayor Eric Adams and MTA Chair and CEO Janno Lieber install these scanners at stations across the city, the civil rights organizations are prepared to take legal action.

Forcing New Yorkers to undergo baseless scanning in order to ride the subway violates their Fourth Amendment rights, which protect people against suspicionless searches and seizures from the police.

"Mayor Adams is on notice that if his Administration proceeds with plans to install this fraught, invasive, and ineffective technology at local subway stations to the detriment of all New Yorkers, we'll see him in court," said **Jennvine Wong, Supervising Attorney of the Cop Accountability Project with The Legal Aid Society**. "Straphangers want a clean, safe and functional subway system, not commuting delays caused by a technology that [frequently triggers false alarms](#); that isn't a ['good use-case'](#) in the subways, per the CEO of Evolv, the weapon detection-system company; that is the subject of a U.S. Federal Trade Commission [probe](#); and that is the subject of [litigation](#) recently brought by a group of investors alleging that Evolv overstated the technology's efficacy. The choice is clear, and Mayor Adams should abandon this plan at once."

"Subjecting New Yorkers to suspicionless searches by the police every time they need to ride the subway is a violation of their Fourth Amendment rights," said **Daniel Lambright, Senior Staff Attorney at the NYCLU**. "New York's subway system is overwhelmingly safe: [Adams himself has confirmed that](#), currently, the subway is the safest it's been in over a decade. City officials have admitted that these scanners are primarily to combat some riders' 'perceptions' that they are unsafe on the subway — this is not a justifiable basis to violate the Constitution. Slowing down the subway with [error-prone](#) scanners and [flooding our subways with cops](#) is mere security theater that turns every New Yorker into a suspect and takes resources away from supportive services that will help keep crime at low rates like more housing, mental health, and employment services."

The technology is highly ineffective: during 2022, [85% of alarms](#) from scanners installed at Jacobi Medical Center in the Bronx were false positives. [It also has an alarming record of flagging items that are not illegal](#) —

such as laptops, for example — making it even more likely that people heading to work will be flagged and subjected to further needless searches by the police for no reason.

The deployment of this unlawful technology also comes at a moment when subway safety is at an all time high: thus far in 2024, [subways have had the lowest daily crime rate in 14 years](#).

###