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July 18, 2025

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Legal Aid Society Sues FDNY Over Failure to Release Records on Facial Recognition Use

Documents Uncovered Through Discovery Reveal FDNY Used Clearview AI Facial Recognition at Local Protest

Attorneys Call on NYC DOI, City Council to Investigate City's Circumvention of the POST Act and Surveillance Oversight Laws

(NEW YORK, NY) — The Legal Aid Society filed a [lawsuit](#) in New York State Supreme Court against the Fire Department of the City of New York (FDNY) for unlawfully withholding records related to its [use of facial recognition technology,](#) which came to light after it was used in a case that was dismissed against former Legal Aid client Zuhdi Ahmed.

The lawsuit — an Article 78 proceeding — seeks to compel the FDNY to comply with New York's Freedom of Information Law (FOIL) and release public records concerning its contract with commercial facial recognition vendor Clearview AI and the policies for the use of facial recognition within the Fire Department. In Mr. Ahmed's case, a fire marshal used this technology to identify Mr. Ahmed in a surveillance video from a protest unrelated to the criminal case.

The case against Mr. Ahmed was thrown out last month by a Manhattan criminal court judge who found [systemic due process and discovery violations,](#) including the FDNY's improper and opaque use of Clearview AI facial recognition software and access to DMV records, in violation of the NYPD's own policies and procedures.

In her ruling, New York State Supreme Court Judge Valentina M. Morales wrote:

In the instant case, law enforcement officials extracted still images from video surveillance; employed unauthorized facial recognition technology software to identify a suspect; inappropriately accessed a DMV database to retrieve the suspect's photograph; technologically altered the physical features depicted therein; and finally placed the changed photograph in an array for identification.

"Identifying me based on a match to a high school graduation video is not something I knew the police were capable of, or something I thought was allowed in this country," said **Zuhdi Ahmed, the 20-year-old former Legal Aid client subject to FDNY facial recognition**. "I had no idea photos and videos of my graduation were available publicly online until I was arrested because of it. This case makes me second-guess my digital security.

I now think differently about the things I post online, because they could eventually be taken out of context and used against me."

"This Article 78 case is about enforcing the public's right to know how city agencies are deploying powerful surveillance tools behind closed doors," said **Shane Ferro, Staff Attorney with the Digital Forensics Unit at The Legal Aid Society.** "In *People v. Zuhdi A.*, the court exposed how the FDNY worked with the NYPD to use unregulated facial recognition software to identify and prosecute a protester — without oversight, without authorization, and in direct violation of established NYPD policy. The judge's ruling made clear that the FDNY was acting as a law enforcement agency, enabling the NYPD to sidestep the POST Act and evade the transparency the law demands. To this day, FDNY has refused to release any records about its role. New Yorkers deserve answers — and a full investigation by the City Council and Department of Investigation into this dangerous workaround. We also renew our call for the state legislature to ban law enforcement's use of this Orwellian technology once and for all."

Background
Legal Aid's FOIL request — filed in November 2024 — sought documents concerning FDNY's acquisition and use of facial recognition technology. Although the agency acknowledged the request and twice set deadlines for a response, it failed to release any records or communicate further. Legal Aid filed multiple administrative appeals, which were also ignored. This months-long silence constitutes a "constructive denial" under FOIL.

In *People v. Zuhdi A.*, the court found that the FDNY, through one of its fire marshals, conducted a facial recognition search after the NYPD's own systems failed to identify a suspect. The fire marshal used Clearview AI, an unapproved tool under NYPD policy, and shared the results — including altered images and DMV records, which the NYPD requires special permission to access — with NYPD detectives. The court concluded that the FDNY was acting in a law enforcement capacity and that its records were therefore subject to automatic discovery under state law. The judge further ruled that the prosecution's failure to disclose these materials rendered the DA's office not ready for trial and ultimately dismissed the case on speedy trial and due process grounds.

The petition asks the court to compel the FDNY to perform a diligent search and produce all responsive records within 60 days, and to award attorneys' fees and costs. The case underscores growing concerns about government secrecy, cross-agency surveillance practices, and the use of emerging technologies without public oversight or legislative guardrails.

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