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NYSCEF DOC. NO. 1   RECEIVED NYSCEF: 07/18/2020

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
....x
In the Matter of the Application of

SURVEILLANCE TECHNOLOGY OVERSIGHT
PROJECT, INC.,

For a Judgment Pursuant to Article 78 of the
New York Civil Practice Law and Rules,

                                  Petitioner,

          -against-

NEW YORK CITY POLICE DEPARTMENT,

                              Respondent.
....x

NOTICE OF PETITION

Index No. _____

To the above-named Respondent:

      PLEASE TAKE NOTICE, that on the annexed Petition verified on July 18, 2020, and on the accompanying Exhibits and Memorandum of Law, Petitioner Surveillance Technology Oversight Project, Inc. will move this Court, at the Motion Submission Part Courtroom (Room 130) at 60 Centre Street, New York, N.Y., 10007, on August 28, 2020, or as soon thereafter as counsel can be heard, for a judgment against Respondent pursuant to Article 78 of the Civil Practice Law and Rules, directing Respondent to disclose, pursuant to the Freedom of Information Law ("FOIL"), certain records in its possession, and granting such other and further relief as this Court deems just and proper.

      PLEASE TAKE FURTHER NOTICE that you are hereby summoned and required to serve upon the undersigned an answer and supporting affidavits, if any, at least five (5) days prior to the aforesaid date of hearing.

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NYSCEF DOC. NO. 1 RECEIVED NYSCEF: 07/18/2020

Dated: New York, New York
        July 18, 2020

                              Respectfully submitted,

                              /s/ John A. Nathanson
                              John A. Nathanson
                              Luke Taeschler
                              Samuel P. Vitello
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                              Albert Fox Cahn
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                              Email: edmund.saw@shearman.com

                              Attorneys for Petitioner

To: Clerk, Supreme Court, Civil Term
        County of New York
        60 Centre Street
        New York, NY 10007

        New York City Police Department
        One Police Plaza
        Madison Street
        New York, N.Y. 10038

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
....x
In the Matter of the Application of

SURVEILLANCE TECHNOLOGY OVERSIGHT
PROJECT, INC.,

VERIFIED PETITION

For a Judgment Pursuant to Article 78 of the
New York Civil Practice Law and Rules,

Index No. _____

Petitioner,

-against-

NEW YORK CITY POLICE DEPARTMENT,

Respondent.
....x

Petitioner Surveillance Technology Oversight Project, Inc. ("STOP"), for its verified petition for judgement pursuant to Article 78 of the New York Civil Practice Law and Rules ("CPLR"), by its attorneys John Nathanson, Luke Taeschler, Samuel Vitello, Edmund Saw (from Shearman & Sterling LLP) and Albert Fox Cahn (from STOP), alleges as follows:

PRELIMINARY STATEMENT

1.   This Petition, filed pursuant to Article 78 of the CPLR, seeks an order to compel the New York City Police Department ("NYPD") to comply with its mandatory duty under the Freedom of Information Law ("FOIL"), N.Y. Pub. Off. Law §§86, 87, to produce certain records concerning the NYPD's use of Facial Recognition Technology ("FRT").

2.   FRT is an intrusive technology, one that gives police previously unimaginable powers to surveil political protestors and anyone else who enters the public square. It is also a flawed technology with well-documented biases that more frequently misidentifies Black and

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Latin/X individuals, women, and trans individuals than white men. [1] Despite lawmakers' expressions of concern,[2] widespread calls for regulation,[3] and bans by a growing list of cities,[4] the NYPD asks for the public's blind trust in how it uses this error-prone technology. Even worse, where the NYPD has been forced to disclose information about its use of FRT in the past, the disclosures have revealed a haphazard array of unreliable procedures, which have only served to underscore the need for public accountability. The secrecy with which the NYPD treats its FRT program is part-and-parcel with the agency's posture towards public accountability and FOIL in general. Rather than treat FOIL requests forthrightly, the NYPD frequently forces the public to seek the court's assistance to obtain information to which the public is clearly entitled under the law. The present dispute is only one example of this pattern of conduct.

3.   Today, there is an ongoing national conversation on policing in the United States. The NYPD's use of previously unimaginable surveillance technologies like FRT is an integral part of that conversation. Time will tell what reforms are required at the NYPD. Yet, we know that misconduct flourishes in the darkness and that sunlight is the best disinfectant. This Petition is filed so that the public can better understand the NYPD's use of FRT and can consider this information as part of the larger conversation on American policing and reform. With the requested information, members of the public will be able to judge for themselves the

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[1] Ex. A, Joy Buolamwini and Timnit Gebru, *Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification*, 81 PROCEEDINGS OF MACHINE LEARNING RESEARCH 1, 1-15 (2018), Conference on Fairness, Accountability, and Transparency.

[2] *See, e.g.,* Rep. Zoe Lofgren (D-Calif.) made a statement to the Washington Post that the facial-recognition searches marked "a massive, unwarranted intrusion into the privacy rights of Americans by the federal government, done secretly and without authorization by law." Sen. Patrick J. Leahy (D-Vt.) has tweeted "Americans don't expect — and certainly don't consent — to be surveilled just because they get a license or ID card … This has to stop." Drew Harwell, *Facial-recognition use by federal agencies draws lawmakers' anger*, WASHINGTON POST, July 9, 2019, https://www.washingtonpost.com/technology/2019/07/09/facial-recognition-use-by-federal-agencies-draws-lawmakers-anger/.

[3] *See, e.g., Coalition Letter Calling for a Federal Moratorium on Facial Recognition*, ACLU, June 3, 2019, urging federal moratorium on face recognition for law enforcement and immigration enforcement purposes, https://www.aclu.org/letter/coalition-letter-calling-federal-moratorium-face-recognition.

[4] *See* Ally Jarmanning, *Boston Bans Use Of Facial Recognition Technology. It's The 2nd-Largest City To Do So*, WBUR NEWS, June 24, 2020, https://www.wbur.org/news/2020/06/23/boston-facial-recognition-ban.

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effectiveness of the NYPD's FRT program and will be able to say whether the NYPD's policies, reflecting an insular agency culture, are permitting unacceptable conduct to go unchecked.

BACKGROUND

4. On October 8, 2019, STOP submitted FOIL Request 2019-056-17831 (the "Initial Request") to the NYPD Records Access Officer ("RAO"), seeking records relating to the NYPD's acquisition and use of FRT, including purchase and use records, contracts, policies, and agreements with other agencies. On October 19, 2019, the RAO denied the Initial Request in its entirety with a blanket statement that STOP did not "reasonably describe" records in a manner that would enable the NYPD to conduct a search.

5. On November 18, 2019, at 8:23 PM, STOP timely filed an administrative appeal of the NYPD's decision, arguing that the Initial Request had reasonably described the records sought. Also on November 18, 2019, STOP submitted FOIL Request 2019-056-20622 (the "Revised Request"), which tracked the Initial Request but also specified twenty-seven categories of responsive documents. STOP attached the Revised Request to its administrative appeal and offered to meet and confer with the NYPD to discuss the parties' dispute.

6. On November 19, 2019, at 10:20 AM, less than a single day after STOP submitted its appeal, the NYPD issued its denial. The NYPD decision repeated its contention that the Initial Request had not reasonably described records in a manner that would enable a search under FOIL. The NYPD did not reference the Revised Request or STOP's offer to discuss the matter.

7. On February 6, 2020, STOP's counsel reached out to counsel for the NYPD and informed them of STOP's intention to bring an Article 78 action against the NYPD. STOP raised

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both the Initial Request and the Revised Request and reaffirmed its desire to discuss a resolution with the NYPD.

8.   On March 3, 2020, counsel for the NYPD indicated that the NYPD would be willing to discuss a resolution with STOP. On March 18, 2020, STOP and the NYPD entered into a tolling agreement, which would give STOP until July 19, 2020 to bring an Article 78 challenge to the NYPD's denials of the Initial Request and the Revised Request, both of which were then presently under discussion.

9.   Despite numerous emails by STOP's counsel, the NYPD has not been willing to engage in discussions since executing the tolling agreement on March 18, 2020. On April 3, 2020, the NYPD formally responded to the Revised Request with a single policy document and otherwise denied the request. Though the Revised Request had previously been a topic of discussion between STOP and the NYPD, this was the first formal response STOP received after filing the Revised Request on November 18, 2019.

10.   STOP has exhausted its administrative remedies and now requires judicial relief to compel the NYPD to comply with its legal obligation under FOIL to diligently search for and produce the records requested by STOP.

11.   Accordingly, for the following reasons, STOP seeks an Order from this Court directing the NYPD to turn over all of the documents responsive to the Initial Request, as clarified by the Revised Request, which are not exempt from disclosure under FOIL.

VENUE

12.   Venue lies appropriately in the County of New York because material events in this case took place in New York County, namely: the NYPD's receipt of the relevant FOIL

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requests and the NYPD's initial and final responses to those requests. *See* CPLR §§7804(b),

506(b).

PARTIES

13.   STOP is a 501(c)(3) nonprofit organization based in the County of New York

whose mission is to end invasive and discriminatory government surveillance. Through its

litigation, education, grassroots organizing, and advocacy, STOP seeks to inform the public on

how surveillance technology injures individuals' privacy and civil rights and how it fuels racial

and other forms of discrimination. It actively campaigns to outlaw surveillance technologies,

including FRT.

14.   The NYPD is a law-enforcement agency administered under New York

Administrative Code, Title 14. The NYPD is a public agency subject to the requirements of

FOIL, P.O.L. §87; *see also* P.O.L. §86(3).

FACTS

I. Facial Recognition Technology and Modern Policing

15.   FRT identifies individuals from video or digital images of their facial features.

Generally, FRT uses specialized software to create a "template" of a person's face, which tracks

the geometric points, measurements, and in some cases, texture of the face and compares this

"template" against pre-existing records "obtained from various sources, including databases of

arrest photos, juvenile arrest photos of children as young as 11, and photos connected to pistol

permits, among others."[5] However, the technology is flawed and prone to mistakes. In a 2018

study, researchers at the MIT Media Lab found that FRT more frequently misidentified dark

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[5] Ángel Díaz, *New York City Police Department Surveillance Technology*, BRENNAN CENTER FOR JUSTICE, Oct. 7, 2019, https://www.brennancenter.org/our-work/research-reports/new-york-city-police-department-surveillance-technology#footnote2_yhlfwxu.

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skinned and female subjects than it misidentified light skinned and male subjects.[6] Another study by The National Institute of Standards and Technology ("NIST") found that Americans of Asian and African descent were up to 100 times more likely to be misidentified by FRT than white men were, depending on the particular algorithm and type of search.[7]

16.   The NYPD began publicly using FRT in 2011.[8] Since then, the NYPD has systematically withheld information about its use of the technology that would allow the public and their elected representatives to evaluate the program's dangers. Most of what is known about the NYPD's use of FRT is information that was either selectively released by the NYPD to favored media outlets or that was disclosed following FOIL requests and related litigation.

17.   The NYPD has publicly touted certain aspects of its FRT program while omitting other critical facts. For instance, former NYPD Commissioner James O'Neill has written that in 2018, NYPD detectives "made 7,024 requests to the Facial Identification Section, and in 1,851 cases possible matches were returned, leading to 998 arrests."[9] In 2019, the NYPD selectively revealed that it used FRT to generate leads in connection with "68 murders, 66 rapes, 277 felony assaults, 386 robberies, and 525 grand larcenies."[10] In March 2020, the NYPD revealed a high-level policy document concerning its use of FRT.[11] But the NYPD has never provided

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[6] Ex. A, Joy Buolamwini and Timnit Gebru, *Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification*, 81 PROCEEDINGS OF MACHINE LEARNING RESEARCH 1, 1-15 (2018), Conference on Fairness, Accountability, and Transparency.

[7] Patrick Grother, Mei Ngan, and Kayee Hanaoka, *Face Recognition Vendor Test (FRVT), Part 3: Demographic Effects*, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, https://nvlpubs.nist.gov/nistpubs/ir/2019/NIST.IR.8280.pdf; Drew Harwell, *Federal study confirms racial bias of many facial-recognition systems, casts doubt on their expanding use*, WASHINGTON POST, Dec. 19, 2019, https://www.washingtonpost.com/technology/2019/12/19/federal-study-confirms-racial-bias-many-facial-recognition-systems-casts-doubt-their-expanding-use/.

[8] James O'Neil, How Facial Recognition Makes You Safer, NEW YORK TIMES, June 9, 2019, https://www.nytimes.com/2019/06/09/opinion/facial-recognition-police-new-york-city.html.

[9] *Id.*

[10] NYPD, *NYPD Questions and Answers Facial Recognition*, https://www1.nyc.gov/site/nypd/about/about-nypd/equipment-tech/facial-recognition.page (accessed July 16, 2020).

[11] Press Release, NYPD, *NYPD Announces Facial Recognition Policy*, March 13, 2020, https://www1.nyc.gov/site/nypd/news/pr0313/press-release---nypd-facial-recognition-policy.

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information on how frequently FRT leads to wrongful arrests or what percentage of those arrests target Black New Yorkers and other New Yorkers of color.

18.   In *Center on Privacy & Technology v. New York City Police Department*, the Georgetown University Law Center brought an Article 78 action against the NYPD, demanding documentation concerning the agency's acquisition of FRT systems and information sufficient to evaluate the program's processes and failure rate. 154060/2017 (N.Y. Sup. Ct. 2016). Notably, the documents produced through the litigation revealed that the NYPD's Facial Identification Section ("FIS") had a policy of artificially modifying low quality FRT data to help the system generate results.[12] For instance, where a security video did not picture a suspect's chin, the NYPD would alter the picture, append a stock image of a chin, and then feed the modified image into the FRT system at FIS. This practice has been compared to filling in an incomplete fingerprint.[13] The litigation also revealed that the NYPD had used FRT in connection with 2,878 arrests in the first five and a half years of the program's history.[14]

19.   While the Georgetown Law Center's FOIL request was limited to the FRT tools used in the NYPD's FIS unit, STOP's FOIL request seeks documents on how FRT is used in other parts of the NYPD. The public currently lacks visibility into the extent to which the NYPD uses FRT outside of FIS, much less whether other NYPD units comply with FIS's guidelines. The need for increased transparency is even more apparent because investigative media outlets have reported NYPD officers are using unauthorized FRT tools outside of FIS's formal

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[12] Russell Brandom, *The NYPD uses altered images in its facial recognition system, new documents show*, THE VERGE, May 16, 2019, https://www.theverge.com/2019/5/16/18627548/nypd-facial-recognition-altered-faces-privacy.

[13] Clare Garvie, *Garbage In, Garbage Out: Face Recognition on Flawed Data*, GEORGETOWN LAW CENTER ON PRIVACY & TECHNOLOGY, May 16, 2019, https://www.flawedfacedata.com/#footnoteref5_zra6fu8.

[14] *Id.*

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arrangement with DataWorks Plus software.[15] Stated differently, STOP's request furthers the public's interest, beyond what has already been made public, in knowing what safeguards—or lack thereof—the NYPD places on its use of FRT outside of FIS.

20. Further reporting has shed light on the scope of the data source that the NYPD draws upon to use in its FRT program. Contrary to the NYPD's initial denials, reporting by BuzzFeed News revealed that NYPD employees ran 11,000 searches on Clearview AI's platform. Clearview is a FRT start-up that claims to have a database of more than 3 billion photos extracted from Facebook, Instagram, YouTube, and other social media websites. The NYPD later clarified that its "established practices did not authorize the use of services such as Clearview AI nor did they specifically prohibit it" and that it was "in the process of updating the NYPD's policy on Facial Recognition practices to address emerging issues."[16] Reporting by the New York Times revealed that the NYPD retains the images of juveniles in their FRT database for years after they are taken.[17]

21. These issues are not academic. New York State court records indicate numerous instances where FRT has led to New Yorkers' arrests and criminal convictions. For example, in *People v. Jones*, 102 N.Y.S.3d 265, 267 (2d Dep't. 2019), an NYPD detective used a facial recognition software program to prepare a photo array for the victim of a robbery. In *N.Y. Civ. Liberties Union v. N.Y.C. Police Dep't*, the court recognized that the NYPD modeled a security system that would use "thousands of government and private cameras to capture vehicle license plates, suspicious behavior and the faces of pedestrians using facial recognition technology, all

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[15] Ryan Mac, Caroline Haskins, and Logan McDonald, *Clearview's Facial Recognition App Has Been Used by The Justice Department, ICE, Macy's, Walmart, and the NBA*, BUZZFEED NEWS, Feb. 27, 2020, https://www.buzzfeednews.com/article/ryanmac/clearview-ai-fbi-ice-global-law-enforcement.
[16] *Id.*
[17] Joseph Goldstein and Ali Watkins, *She Was Arrested at 14. Then Her Photo Went to a Facial Recognition Database*, NEW YORK TIMES, Aug. 1, 2019, https://www.nytimes.com/2019/08/01/nyregion/nypd-facial-recognition-children-teenagers.html.

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of which would be fed into a central database maintained at an NYPD command center...." 112145/08, at *1 (N.Y. Sup. Ct., June 26, 2009).

22.   Moreover, current events have further illustrated the critical need to understand the NYPD's use of FRT. Indeed, in the wake of George Floyd's death in Minneapolis on May 25, 2020, the debate in New York about police techniques and surveillance has taken on a new urgency. FRT is integral to this discussion because the technology has been shown to have racially disparate error rates.

23.   In addition, litigation has also brought to light the NYPD's practice of using FRT while overseeing peaceful protests. For instance, in 2019, the NYPD produced documents revealing 400 instances in which it sent photographers to peaceful protests between 2011 and 2016.[18] The public is in the dark as to how widespread this type of surveillance continues to be.

24.   As the Ninth Circuit explained in *Patel v. Facebook Inc.*, the leading case on FRT, "technology now permits the wholesale collection and storage of an individual's unique biometric identifiers—identifiers that cannot be changed if compromised or misused." 290 F. Supp. 3d 948, 954 (9th Cir. 2018). It is for precisely this reason that the public is entitled to understand the contours of the NYPD's FRT program.

25.   Partially in response to recent protests, New York City enacted the Public Oversight of Surveillance Technology ("POST") Act on July 15, 2020. The act "does not prevent the police department from employing high-tech surveillance, but it will force it to reveal what kinds of surveillance tools they use and what kinds of data it collects on New Yorkers."[19] New

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[18] George Joseph, *NYPD sent video teams to record Occupy and BLM protests over 400 times, documents reveal*, THE VERGE, March 22, 2017, https://www.theverge.com/2017/3/22/15016984/nypd-video-surveillance-protests-occupy-black-lives-matter.

[19] Alan Feuer, *Council Forces N.Y.P.D. to Disclose Use of Drones and Other Spy Tech*, NEW YORK TIMES, June 18, 2020, https://www.nytimes.com/2020/06/18/nyregion/nypd-police-surveillance-technology-vote.html.

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York City has expressed a strong public policy that records of the type requested should be disclosed to the public.

II. STOP's FOIL Request

26.   On October 8, 2019, STOP submitted the Initial Request to the NYPD, requesting all memoranda, correspondence, analyses, interview notes, logs, charts, and written records in the NYPD's possession pertaining to the agency's use of FRT in the Times Square area for the prior three years.

27.   Specifically, the Initial Request sought:

> Any and all records relating to facial recognition in the Times Square area during the last three years. The forgoing does not include records related to the NYPD's Facial Identification Section's use of DataWorks Plus software or the collection of images exclusively for use therewith.

Ex. B.

28.   On October 19, 2019, the NYPD denied the Initial Request, claiming that STOP had failed to reasonably describe the records it sought. The NYPD cited no provision of FOIL for its denial of the Initial Request. Ex. C.

29.   On November 18, 2019, at 8:23 PM, STOP filed a timely administrative appeal of the NYPD's determination, arguing that the Initial Request did in fact reasonably describe the requested records. Ex. D.

30.   Also on November 18, 2019, STOP submitted the Revised Request, which tracked the Initial Request but also specified twenty-seven categories of responsive documents. Ex. E. STOP attached the Revised Request to its administrative appeal and offered to meet and confer with the NYPD. Ex. D.

31.   The Revised Request clarified that the following categories of documents would be responsive to the Initial Request: (i) documents reflecting the NYPD's use of FRT in the

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Times Square area of Manhattan; (ii) data, statistics, and factual tabulations concerning the NYPD's use of FRT; (iii) external audits, including but not limited to audits performed by the department comptroller and the federal government; (iv) non-deliberative inter- and intra-agency communications; (v) instructions to staff that affect the public/final agency policies or determinations. Within each of these categories, STOP provided additional details on the types of documents that it was requesting. Ex. E.

32.   On November 19, 2019, at 10:20 AM, less than a single day later, the NYPD denied STOP's appeal, stating in pertinent part:

> To the extent that you seek "any and all records" related to the Facial Identification Section's use of Facial Recognition technology, please note that that Public Officers Law Section 89(3) requires that a FOIL request describe the records it seeks in a manner that can reasonably lead to the retrieval of records maintained by the entity to which the request was directed; however, your request for "any and all records" does not reasonably describe any actual records maintained by this agency.

The NYPD further claimed that (i) the NYPD does not maintain a database that shows the location of each Facial Identification Section search; (ii) the NYPD does not index or file records in a manner that would allow it to locate responsive records without a review of every case investigated by NYPD detectives; (iii) the NYPD could not narrow its search to cases within the geographic area provided by STOP without a manual review of every case record; and (iv) the NYPD may not retain all records requested in an electronically searchable format. Ex. F.

33.   On February 6, 2020, STOP's counsel reached out to counsel for the NYPD and informed them of STOP's intention to bring an Article 78 action against the NYPD. STOP raised both the Initial Request and the Revised Request and reaffirmed its desire to discuss a resolution with the NYPD. Ex. G at 11.

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34.   On March 3, 2020, counsel for the NYPD indicated that the NYPD would be willing to negotiate a resolution with STOP regarding both the Initial Request and the Revised Request. Ex. G at 9.

35.   On March 18, 2020, STOP and the NYPD entered into a tolling agreement, which gave STOP until July 19, 2020, to bring an Article 78 challenge to the NYPD's denials of the Initial Request and the Revised Request, which were then under discussion. Ex. H. The NYPD has not been willing to engage in discussions since that time. Ex. G at 1-3.

36.   On April 3, 2020, the NYPD formally responded to the Revised Request, providing a single policy document and otherwise denying the request. Ex. I. The denial listed five bases for denying the Revised Request, including: (i) it did not reasonably describe certain records; (ii) certain records would reveal non-routine techniques and procedures; (iii) certain records would reveal inter-agency and intra-agency materials; (iv) the request would require extraordinary efforts not required by FOIL; and (v) certain records are protected by attorney-client privilege. *Id.*

37.   STOP has exhausted all available remedies as required by CPLR § 7801(1). Attorneys for STOP now bring this action to seek an Order from the Court directing the NYPD to produce its records forthwith in accordance with FOIL.

CAUSE OF ACTION UNDER ARTICLE 78

38.   Article 78 is the appropriate method for review of agency determinations concerning FOIL requests.

39.   STOP has a clear right to the records responsive to the Initial Request, as clarified by the Revised Request.

40.   There is no basis in law or fact for the NYPD to withhold the requested records.

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41.   The NYPD acted in an arbitrary and capricious manner by denying the Initial Request, as clarified by the Revised Request.

42.   Publicly available information demonstrates that requested records exist, and as a consequence, it can be concluded that the NYPD has not conducted a diligent search for the records requested.

43.   The NYPD's obligation under FOIL to conduct a diligent search, produce documents, and to respond to requests with particularized, specific reasons for any denials or redactions is mandatory, not discretionary.

44.   STOP exhausted its administrative remedies with the NYPD when it appealed the NYPD's denial of the Initial Request and received a final denial of that appeal. STOP has no other remedy at law.

45.   It would be futile for STOP to seek further agency action from the NYPD.

46.   The Petition is timely under CPLR §217 as it is filed within the duration of the tolling agreement between STOP and the NYPD. Ex. H.

<u>**REQUEST FOR RELIEF**</u>

WHEREFORE, Petitioner now requests that a judgment be entered:

Ordering, adjudging, and directing that the Respondent immediately grant access to all the records previously requested by Petitioner under FOIL by Petitioner's Initial Request, as clarified by the Revised Request.

Declaring that the Respondent's decision to deny access to the requested records was a violation of its legal duty, arbitrary and capricious, an abuse of discretion and erroneous as a matter of law, and should be annulled; and,

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Directing the Respondent to produce all requested records; awarding reasonable attorney's fees and costs under P.O.L. § 89 (4)(c); and all other relief that the Court deems just and proper.

Dated: New York, New York
   July 18, 2020

            Respectfully submitted,

            /s/ John A. Nathanson
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CAUTION: THIS DOCUMENT HAS NOT YET BEEN REVIEWED BY THE COUNTY CLERK. (See below.)

NYSCEF DOC. NO. 1

INDEX NO. UNASSIGNED

RECEIVED NYSCEF: 07/18/2020

VERIFICATION

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss:

I, Albert Cahn, Executive Director of the Surveillance Technology Oversight

Project, Inc., Petitioner, do solemnly swear and affirm under penalty of law that I have

read the foregoing Petition and know the contents thereof and that the Petition is true to
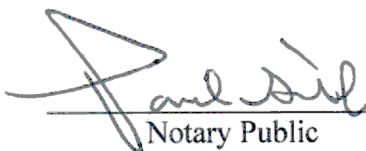
the best of my knowledge, information, and belief.

Dated: Carmel, New York
July 18, 2020

_____
ALBERT CAHN
Signed in PUTNAM COUNTY, New york

Sworn before me this 18th day of July, 2020

_____
Notary Public

Notarized under Executive
order 202.7

PAUL GIL
Notary Public, State of New York
No. 01GI6210266
Qualified in New York County
Commission Expires August 10, 2021

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