

May 13, 2024

NYPD Commissioner Caban  
New York Police Department  
One Police Plaza  
New York, NY 10038  
*Via Email*

Re: S.T.O.P. Comment on NYPD's Draft Electromagnetic Weapons Detection System Impact & Use Policy

Dear Commissioner Caban:

The Surveillance Technology Oversight Project (“S.T.O.P.”)<sup>1</sup> hereby submits our comment in response to the Draft Electromagnetic Weapons Detection System Impact and Use Policy (“Policy”) published by the New York City Police Department (“NYPD”) on March 28, 2024, pursuant to the Public Oversight of Surveillance Technology Act (“POST Act”).

These systems are not necessary, are ineffective,<sup>2</sup> and are used to disproportionately target Black and Brown communities.<sup>3</sup> Companies tout these products with misleading claims about them,<sup>4</sup> but even their CEOs admit that they have no place in the subway, where train signals can interfere with the technology’s electro-magnetic waves and vice-versa.<sup>5</sup> Rather than only upgrading existing security systems, a danger is that these systems could be deployed in many additional locations turning our spaces into a series of checkpoints with constant searches.<sup>6</sup>

So-called smart or AI-based security screening uses gateway screening and sensors to detect concealed weapons or other security threats (e.g. guns, bombs, or knives). But these systems are not smart at all– they work poorly, and they both miss weapons that pass through the screening device and send alerts for non-weapons such as umbrellas or school lunch boxes.<sup>7</sup>

Multiple investigations have accused Evolv, Mayor Adams’ proposed vendor of gun detection technology, of engaging in misleading claims about the efficacy of their system. “A BBC special

<sup>1</sup> S.T.O.P. is a non-profit organization that advocates and litigates for New Yorkers’ privacy rights, fighting discriminatory surveillance. For more information see <https://www.stopspying.org/>.

<sup>2</sup> <https://theintercept.com/2023/05/07/ai-gun-weapons-detection-schools-evolv/>

<sup>3</sup> <https://www.theatlantic.com/education/archive/2016/09/when-school-feels-like-prison/499556/>

<sup>4</sup> <https://ipvm.com/reports/bbc-evolv>

<sup>5</sup> <https://www.wired.com/story/evolv-gun-detection-nyc-subways-emails/> see also,

<https://www.washingtonpost.com/technology/2022/05/20/evolv-metal-detectors-gun-detection/>.

<sup>6</sup> <https://www.aclu.org/news/privacy-technology/are-gun-detectors-the-answer-to-mass-shootings>

<sup>7</sup> <https://theintercept.com/2023/05/07/ai-gun-weapons-detection-schools-evolv/>

report based on 1,000+ pages of documents obtained by IPVM has exposed security screening manufacturer Evolv for deceptive marketing and colluding with NCS, a public entity, to hide test results showing failures at weapons screening.”<sup>8</sup>

Evolv is also facing investigations from the [Federal Trade Commission](#) and [Securities and Exchange Commission](#), and a lawsuit by a [New York student who claims he was attacked with a weapon Evolv failed to detect](#). Things are so dire for the firm that just days before the mayor’s new announcement, they were [sued by their own shareholders for fraud](#).

The problems with weapons detection technology are not unique to Evolv, with other companies exhibiting similar shortcomings. ZeroEyes, another vendor of AI-based gun detection video analytics, has failed to prevent crime. The Southern Pennsylvania Transportation Authority ended its pilot program with ZeroEyes early, after multiple violent incidents were not prevented despite the tech’s deployment.<sup>9</sup> Deployment of the error-prone technologies will dramatically slow-down entry to the subway system and pose potential crowd control concerns.

Regardless of which technology vendor is selected, we believe an undue burden of this surveillance will fall on people of color. Because screening of individuals is done at the discretion of a checkpoint supervisor, we remain concerned that the system will be deployed primarily on Black and brown subway riders. The NYPD has an undeniable history of racial bias when it comes to such stops as evident from policies such as “Stop, Question, and Frisk,” which disproportionately subjected Black and Latinx individuals to undue surveillance.<sup>10</sup> In addition to people of color, this technology will exacerbate the difficulty of using the subway for disabled individuals and those with implanted medical devices who will be subjected to additional invasive frisking and screening techniques.

The Electromagnetic Weapons Detection System technology the NYPD seeks to deploy in the subway system is not only ineffective, but also dangerous, infringes on civil liberties, and invades the daily lives of New Yorkers.

Sincerely,

/s/ \_\_\_\_\_

Nina Loshkajian  
Staff Attorney

/s/ \_\_\_\_\_

Corinne Worthington  
Research & Advocacy Manager

<sup>8</sup> <https://ipvm.com/reports/bbc-evolv>

<sup>9</sup> <https://www.thetrace.org/2024/03/philadelphia-public-transit-gun-illegal/>

<sup>10</sup> [https://www.nyclu.org/data/stop-and-frisk-data#:~:text=In%202022%2C%2015%2C102%20stops%20were%20recorded.&text=8%2C863%20were%20Black%20\(59%20percent.were%20white%20\(7%20percent\).](https://www.nyclu.org/data/stop-and-frisk-data#:~:text=In%202022%2C%2015%2C102%20stops%20were%20recorded.&text=8%2C863%20were%20Black%20(59%20percent.were%20white%20(7%20percent).)