

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of the Application of

**SURVEILLANCE TECHNOLOGY
OVERSIGHT PROJECT,**

Petitioner,

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

Index No. 156442/21

Hon. Carol R. Edmead
Part 35

-against-

Motion Sequence No. 1

Oral Argument Requested

NEW YORK CITY POLICE DEPARTMENT

Respondent.
-----X

**REPLY TO RESPONDENT'S CROSS-MOTION TO DISMISS AND IN FURTHER
SUPPORT OF PETITIONER'S VERIFIED ARTICLE 78 PETITION**

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Petitioner Surveillance Technology Oversight Project, Inc. (“S.T.O.P.”), by and through its attorneys, Weil, Gotshal & Manges LLP, hereby replies to the Affirmation in Support of Cross Motion to Dismiss, filed by Respondent New York City Police Department (“NYPD” or “Respondent”) on September 10, 2021 (Dkt. 16, the “Motion”).

INTRODUCTION

In its initial denial of S.T.O.P.’s FOIL Request¹ for records “relating to the Accuracy and Bias of the New York City Police Department’s Facial Recognition,” the NYPD made no attempt whatsoever to certify a diligent search, as FOIL requires, instead vaguely asserting that it was “unable to locate” responsive records “based on the information [S.T.O.P.] provided.” Upon appeal, the NYPD stated, for the first time and without a shred of evidence or explanation, that the (fruitless) search it conducted was “diligent.”

In apparent recognition of these prior deficiencies, the NYPD now attempts (for a third time) to certify that it conducted a diligent search through the say-so of its counsel and the affidavit of NYPD Inspector Janice Holmes (Dkt. 22, the “Holmes Affidavit”), which describes the purportedly diligent search process. What the Motion and Holmes Affidavit actually expose, however, is that the NYPD’s search could not have been “diligent” because it was undermined by two fundamental failings. First, the NYPD appears to have concocted a constrained and indefensible construction of the Request, as evidenced by its untenable claims that the documents attached to S.T.O.P.’s Petition are somehow not responsive. Second, and part and parcel of the NYPD’s view of responsiveness, the NYPD apparently did *not* search for records “based on the information [S.T.O.P.] provided,” but instead searched only for “formal or informal studies,”

¹ Capitalized terms not defined herein have the meaning ascribed in S.T.O.P.’s Verified Petition (Dkt. 1, the “Petition”).

even though S.T.O.P.'s unambiguous Request sought "*any and all records*" "relating" to the "Accuracy" and "Bias" of "Facial Recognition" (and never even used the word "studies").

S.T.O.P.'s Petition attached three publicly available documents created by the NYPD that are undeniably responsive to the Request and highly suggestive of the existence of additional responsive documents. Yet, even though these documents are as on-point as can be—*e.g.*, they explicitly discuss whether facial recognition software "is less accurate in analyzing the faces of [women and minorities] than of white men"—the NYPD conclusorily and repeatedly claims in its Motion that the documents somehow "do not relate to the accuracy and bias of facial recognition software."

Though the NYPD fails to offer any argument in support of these claims (or wrestle with how documents replete with the Request's exact terminology could be non-responsive), the Holmes Affidavit offers a clue: the "Department does not conduct or take part in any formal or informal studies relating to the accuracy and bias of the Department's facial recognition technology. *Accordingly*, no accuracy or bias records were located" (emphasis added). Holmes Affidavit ¶ 8. The NYPD's core contention thus appears to be that because the documents attached to S.T.O.P.'s Petition are not "formal or informal studies," they, and the untold number of other similarly responsive documents in the NYPD's possession, need not be disclosed. This theory of responsiveness finds no supports in the language of S.T.O.P.'s Request (which was *not* limited to studies), the law, or logic, and clearly evinces that the NYPD's search was fatally flawed, not diligent.

The documents attached to S.T.O.P.'s Petition (which are highly suggestive of many others) incontrovertibly establish a "demonstrable factual basis" to conclude that the NYPD has responsive documents in its possession. S.T.O.P. is therefore entitled to receive those

documents, and to a hearing to determine whether the NYPD improperly withheld any additional documents.

ARGUMENT

I. S.T.O.P. Has Articulated a Demonstrable Factual Basis And Is Therefore Entitled to A Hearing

A. S.T.O.P.'s FOIL Request Was Unambiguous And Purposefully Inclusive

As S.T.O.P. explained in its Petition, the NYPD's longstanding use of facial recognition technology, its acknowledgement of that technology's propensity towards racial and gender bias, and its own publicly available documents all compel the conclusion that the NYPD possesses records "relating to the Accuracy and Bias of the New York City Police Department's Facial Recognition." Petition ¶¶ 3, 13, 24-25, 31. In S.T.O.P.'s November 23, 2020 Request seeking "any and all records"—including, *inter alia*, "memoranda, correspondence, analyses, interview notes, logs, [and] charts" rendered in any format—S.T.O.P. carefully defined all three terms of the Request: "Accuracy," "Bias" and "Facial Recognition." Petition ¶ 13. "Accuracy" was defined to encompass "any metrics or other indicators regarding defects, patches, the error rate, the precision, and/or the exactness of facial recognition." Petition ¶ 13. "Bias" was defined as "any difference in outcome based on a protected characteristic, as defined in N.Y.C. Admin. Code § 8-101, including but not limited to heightened or diminished rates of false-positive and false-negative results." *Id.* And "Facial Recognition" was defined as "computer vision software capable of identifying [a] person from a static image or a video source." *Id.* Thus, under the plain and unambiguous language of S.T.O.P.'s FOIL Request, any documents, memorialized in any medium, examining, discussing, considering, or in any manner "relating" to the "Accuracy" or "Bias" of "Facial Recognition" are clearly responsive. Petition ¶ 3.

It is well-settled law that “[e]ven where an entity properly certifies that it was unable to locate requested documents after performing a diligent search, the person requesting the documents may nevertheless be entitled to a hearing on the issue where he or she can articulate a demonstrable factual basis to support [the] contention that the requested documents existed and were within the [entity’s] control.” *Oddone v. Suffolk Cnty. Police Dep’t*, 96 A.D.3d 758, 761 (2d Dep’t 2012) (internal quotation marks omitted). The documents attached to S.T.O.P.’s Petition, all publicly available on the NYPD’s website, are clearly encompassed by the plain language of the Request and irrefutably establish a “demonstrable factual basis” for the falsity of the NYPD’s claim that it do not possess any responsive records.

B. The Documents Attached To S.T.O.P.’s Petition Are Irrefutably Responsive To Its Request

The documents attached to S.T.O.P.’s Petition (Exs. A-C) are all plainly responsive to S.T.O.P.’s FOIL Request, as they all expressly discuss facial recognition technology’s potential for inaccuracy and bias. For example, Exhibit A to the Petition, the NYPD Facial Recognition FAQs,² explains that studies documenting the technology’s “variations in accuracy” among marginalized groups led the NYPD to develop protocols that allegedly “prevent misidentification.” Ex. A at 2. Exhibit B to the Petition, the NYPD Impact & Use Policy, explains these protocols, which include many manual “visual comparison[s] of the facial characteristics of each candidate against the probe image.” Ex. B at 4-6.³ *See also* Ex. B. at 11

² This document also clarifies that facial recognition matches cannot form the sole basis of an arrest, that the NYPD “knows of no case in New York City in which a person was falsely arrested on the basis of a facial recognition match,” and that it is not used for routine street surveillance. These contentions all implicitly reflect the NYPD’s understanding of facial recognition technology’s demonstrated bias and inaccuracy. Ex. A. at 2-3.

³ The Policy also states that visual comparison disagreements generate a “report of negative results,” and that all information “resulting from use of facial recognition technology is retained within NYPD computer and case management systems.” Ex. B. at 5-6. Such documents are

(explaining that facial recognition algorithms are “periodically updated as necessary” to achieve “efficiency and accuracy.”). *See also* Petition ¶¶ 24-25, 31 (discussing responsiveness of Exhibits A-C).

These documents also strongly suggest the existence of other responsive documents discussing, commenting upon, or analyzing their contents—*i.e.*, examining alternative safeguards. Additionally, they document the vast paper trail that facial recognition inquiries generate—for instance, training materials, visual comparison disagreements, and discussions around manipulating the operative algorithm. Ex. B at 6. All such documents would clearly relate to the “Accuracy” and “Bias” of “Facial Recognition.”

Accordingly, as courts have found “in a wide variety of situations,” the Court should find here that a sufficient factual basis exists to support S.T.O.P.’s entitlement to a hearing and to the receipt of any documents improperly withheld by the NYPD. *See LatinoJustice PRLDEF v. S. Country Cent. Sch. Dist.*, 2018 NY Slip Op 51440(U), at 4-5 (Sup. Ct. Suffolk Cnty. 2018) (finding it “inconceivable, and at the very least highly improbable,” that a school district did not have additional records related to its efforts to address gang-related activity when several documents “amply demonstrate[d]” its importance to the school). *See also Wagstaffe v. David*, 2010 NY Slip Op 50311 (U), at 5-6 (Sup. Ct. N.Y. Cnty. 2010) (remitting for reconsideration when petitioner documented the maintenance of 911 tapes, the existence of which the NYPD denied); *Freewheels Bicycle Defense Grp., Inc. v. N.Y.C. Police Dep’t*, 2008 N.Y. Slip Op. 33763(U), at 2-3 (Sup. Ct. N.Y. Cnty. 2008) (ordering a hearing where the NYPD released a video of police offers at a protest but denied possessing identifying information).

within the scope of the Request.

The NYPD has never suggested that the Request was unclear or somehow too broad (it is not). Nor has the NYPD cited any statutory exemption in support of its denial of S.T.O.P.'s Request. Instead, the NYPD stonewalled S.T.O.P. (and now this Court) by insisting in its FOIL Denial, its FOIL Appeal Denial, and again in its Motion that it could not locate records responsive to S.T.O.P.'s Request based on the information provided, and that as a result the Petition is somehow "moot and academic." Motion ¶ 2. But the NYPD's intransigence cannot relieve it of its legal obligations under FOIL to produce the aforementioned responsive documents (and all others like them). S.T.O.P. is entitled to a hearing to probe the NYPD's highly improbable contentions.

II. The NYPD Failed To Conduct A Diligent Search Because It Failed To Look For The Actual Documents Requested By S.T.O.P.

A. The NYPD Did Not Search For The Documents Actually Requested By S.T.O.P.

The NYPD attempts for the third time in the Motion to certify that it conducted a diligent search in response to S.T.O.P.'s Request and that no responsive documents could be located.⁴

⁴ The NYPD's initial FOIL denial stated only "[T]his unit is unable to locate records responsive to your request based on the information you provided." But Public Offers Law § 89(3) requires the agency to "certify that it *does not have possession* of [a requested] record or *that such record cannot be found after a diligent search*" (emphasis added). See *NYCLU v. Erie Cty. Sheriff's Office*, 2015 N.Y. Slip Op. 50353(U), at 7 (Sup. Ct. Erie Cnty. 2015) (finding the statement that respondent is "not in possession of [the] item...requested" non-compliant because it "expresses nothing about the diligence of the search."). The FOIL Appeal Denial was also improper, because it asserted, for the first time and "not based on any evidence in the record," that a "diligent search" had been conducted, thus failing to "conclusively demonstrate that the determination was not arbitrary and capricious." *Oddone*, 96 A.D.3d at 761; see also *Riley-James v. Vance*, 2013 N.Y. Slip Op. 50621(U), at 3 (Sup. Ct. N.Y. Cnty. 2013) ("Something more than a bare-faced allegation is necessary" to so certify, such as "an affidavit averring that a 'diligent search' of the agency's files was conducted and that the requested documents were not found"). Though the NYPD now argues that the Appeals Officer's determination "was based on evidence" because "the NYPD's FOIL Unit contacted" the appropriate unit and was "informed that no [responsive] documents exist," that information was not included in the Appeal Denial, which was and remains arbitrary and capricious. Motion ¶ 21. The NYPD also does not include, even at this late stage, any affidavit supporting counsel's contention that, upon receipt of

What its Motion actually lays bare, however, is that the NYPD did not conduct a diligent search, as the search was apparently constrained by an entirely unreasonable interpretation of responsiveness. This failure is perfectly encapsulated by the Holmes Affidavit, which states: “The Department does not conduct or take part in any formal or informal studies relating to the accuracy and bias of the Department’s facial recognition technology. *Accordingly*, no accuracy or bias records were located” (emphasis added). Affidavit ¶ 8; *see also* Motion ¶ 16. As evidenced by the plain language of S.T.O.P.’s Request, S.T.O.P. did not only seek “formal or informal studies” “conducted by” the NYPD or in which the NYPD “took part”—in fact, the Request does not even use the word “studies.” Petition ¶ 13. The Request clearly sought a much larger set of documents—anything “relating” to the “Accuracy” and “Bias” of “Facial Recognition.”

The NYPD has not contested the propriety or scope of S.T.O.P.’s Request, or asserted any statutory exemptions that might provide a basis for the nondisclosure of responsive documents. Instead, the NYPD has created a straw man by unilaterally redrawing the bounds of the Request and then claiming that it does not possess any records fitting within its artificially constructed parameters. Such a response is clearly inappropriate and antithetical to the animating principles behind FOIL.

B. The NYPD’s Discussion Of The Responsive Documents Attached To S.T.O.P.’s Petition Further Supports The Conclusion That The NYPD Adopted An Unreasonably Constrained Interpretation of the Request

As described *supra* at 7-8 and throughout the Petition, the three publicly available NYPD documents attached to S.T.O.P.’s Petition are clearly responsive to S.T.O.P.’s FOIL Request.

Petitioner’s FOIL Request, “Sergeant Eric Dargenio of FIS, informed Detective Halk that the Department does not have [responsive] records.” Motion ¶ 12.

The NYPD's arguments that they are not responsive (*see* Motion at 8-10)—presumably because they are not “formal or informal studies”—are entirely without merit, necessitate the conclusion that its search was inappropriately constrained, and support S.T.O.P.'s entitlement to a hearing and to the production of any improperly withheld documents. S.T.O.P. responds to the NYPD's arguments regarding these three documents in turn.

1. Impact and Use Policy

The NYPD first discusses the Impact & Use Policy (*see* Petition at Ex. B),⁵ which is undeniably responsive to S.T.O.P.'s Request because it explains Department protocols explicitly intended to mitigate facial recognition technology's potential for bias and inaccuracy. *See* Petition at Ex. B at 3 (“[t]he facial recognition used by the NYPD is routinely evaluated...for efficiency and accuracy.”). The NYPD, however, argues that the Policy is not responsive because it references studies “not...undertaken by the Department, but those of outside entities who make their findings publicly available on the internet,” and because the Department “did not participate in or prepare these reports.” Motion ¶¶ 25-27. First, the NYPD's discussion of the responsiveness of studies referenced in this document overlooks the fact that *the document itself is plainly responsive*. *See, e.g.*, Petition at Ex. B at 11 (“The NYPD only uses facial recognition

⁵ While the NYPD argues that the April 11, 2021 Impact & Use Policy did not exist and therefore could not have been produced at the time of the January 29, 2021 FOIL Denial, or the March 10, 2021 FOIL Appeal Denial, the NYPD conveniently overlooks the fact that it published a first draft of the same responsive document on January 11, 2021, which it could and should have produced in January (at the time of the FOIL Denial) or in March (at the time of the FOIL Appeal Denial, when the NYPD incorrectly claimed (again) that no responsive records could be located). *See Public Comments in Response to the NYPD's Initial Disclosures Under the Public Oversight of Surveillance Technology (POST) Act* (Mar. 5, 2021), <https://www.brennancenter.org/our-work/research-reports/public-comments-response-nypds-initial-disclosures-under-public-oversight> (noting the January 11, 2021 release); *see also Policies*, <https://www1.nyc.gov/site/nypd/about/about-nypd/public-comment.page> (last visited Oct. 14, 2021) (stating that a draft policy was previously available for public view).

algorithms” of which “an evaluation of the accuracy of the algorithm across demographics” has been conducted). The NYPD does not deign to attempt to explain why the fact that this document references other documents that it (wrongly) believes to be non-responsive negates the document’s own responsiveness, which is manifest and undeniable.

Second, the NYPD’s argument evinces its core and unsupportable contention that only “studies” in which it “took part” concerning the bias or accuracy of facial recognition technology would be responsive to S.T.O.P.’s Request and, accordingly, that the NYPD had no obligation to search for or produce anything else. Again, the Request neither specifically requests “studies” nor makes any distinction between responsive documents created by the NYPD and responsive documents originating with a third party but in the NYPD’s possession, custody, and control. The “very broad definition” of records subject to disclosure under FOIL “is not limited by the purpose for which a document was originated or the function to which it relates.” *Encore Coll. Bookstores, Inc. v. Auxiliary Serv. Corp. of SUNY at Farmingdale*, 87 N.Y.2d 410, 417 (1995) (internal citations omitted). The NYPD’s position is thus entirely devoid of any factual or legal basis.

Further, while the NYPD is correct that it “is not required to print out or make an agency document for every webpage of another entity that is viewed by employees of the agency,” Motion ¶ 27 (citing *McGee v. Bishop*, 192 A.D.3d 1446, 1450–51 (2021)), it must produce responsive documents in its possession. And the NYPD admits that “[r]eviewing these publicly available studies assists the Department in coming up with protocols for managing facial recognition,” strongly suggesting that the Department has responsive documents addressing their formulation. Motion ¶ 27.

2. NYPD Questions and Answers Facial Recognition

The NYPD Facial Recognition FAQs (*see* Petition at Ex. A) is also clearly responsive to S.T.O.P.'s Request, despite the NYPD's contrary assertions. In the FAQs, the NYPD discusses common concerns regarding the efficacy of its facial recognition software, particularly in light of studies documenting the software's diminished accuracy in analyzing the faces of various marginalized groups. Motion ¶¶ 28- 30. Even though this document concerns the exact subject matter of S.T.O.P.'s Request, the NYPD argues that because the FAQs references studies "completed by outside entities," it somehow "does not relate to the accuracy and bias of facial recognition software." *Id.* But, again, the NYPD's argument is a red-herring, as its fixation on the referenced studies overlooks the fact that the FAQs is itself responsive. Further, the NYPD freely admits that those studies, which concern the accuracy and bias of facial recognition software, "help shape Department [facial recognition] protocols," thus conceding that the studies are also responsive, and suggesting that additional responsive documents reflecting the NYPD's "shaping" of official protocols based on those studies also exist. Motion ¶ 30.

3. Patrol Guide 212-129, *Facial Recognition Technology*

Lastly, the NYPD states that the Patrol Guide on Facial Recognition Technology (*see* Petition at Ex. C) is not responsive to S.T.O.P.'s Request because "at no point in the procedure does it discuss the 'accuracy and bias' of the Department's facial recognition technology." Motion. ¶ 31. But this claim is undermined by the NYPD's own description of the Patrol Guide, which it admits "outlines the process for NYPD personnel utilizing facial recognition technology, and reflects the safeguards that the Department has put in place to avoid the risk of impartial and biased law enforcement." *Id.* (emphasis added). This document is facially responsive, as it clearly "relat[es]" to the "Bias" of "Racial Recognition."

C. Given The NYPD's Unjustifiably Narrow View Of Responsiveness, The Search Process Described in the Motion and Affidavit Could Not Possibly Have Been "Diligent"

In addition to exposing the NYPD's fundamental misconception of the nature and scope of S.TO.P.'s Request, the Motion also describes, for the first time, the process that the NYPD allegedly undertook "to determine whether documents responsive to Petitioner's request exist." *Id.* at ¶ 13. But even if the NYPD did contact the appropriate individuals and departments, and even if it did "diligently" search for some subset of documents (doubtful given its prior failures to properly certify a diligent search), the Motion and Holmes Affidavit make clear that it was not "diligently" searching for the full set of documents actually sought by S.TO.P.'s Request.

A FOIL request must be given "the widest, most inclusive possible interpretation," and responsive documents shall be made available, unless they are subject to statutory exclusion, in keeping with FOIL's goal of "liberal disclosure." *Daily Racing Form v. State Racing & Wagering Bd.*, 2003 NYLJ LEXIS 247, at *10, *13 (Sup. Ct. N.Y. Cnty. Nov. 20, 2003); *see also Reclaim the Records v. N.Y.S. Dep't of Health*, 185 A.D.3d 1268, 1271-1272 (3d Dep't 2020) (rejecting a construction of a FOIL request when "nothing in the language of the original request...supports such a [narrow] interpretation."). Courts have explained that respondent agencies "engag[ing] in a unilateral prescreening" of documents and deeming them to be "outside the scope" of "records" as defined by FOIL would allow an agency to "simply remove documents which, in its opinion" were not subject to disclosure, "thereby obviating the need to articulate a specific exemption and avoiding review of its action" and inviting abuse by "uncooperative" and "obdurate" public officials or agencies. *Cap. Newspapers v. Whalen*, 69 N.Y.2d 246, 253-254 (1987). The same is true of respondent agencies deciding for themselves, without any grounding in the text of a FOIL request, what documents the request is actually

seeking and denying on that basis the production of other documents actually encompassed by the request.

The arguments advanced by the NYPD demonstrate that the search described by Inspector Holmes was deficient, because the NYPD's view of responsiveness guiding the search was unjustifiably limited. Thus, even if the NYPD's (third) attempt to certify through counsel that a diligent search was conducted is procedurally proper, the substantive contents of the Holmes Affidavit "contradicts NYPD's certification" and compels a finding that the search was *not* diligent. *Grabell v. N.Y.C. Police Dep't*, 139 A.D.3d 477, 479 (1st Dep't 2016) (finding that respondent's certification of a diligent search was proper because, unlike here, "nothing in [respondent's] affidavit contradicts NYPD's certification"). Counsel's certification and the Holmes Affidavit are not the panacea that the NYPD hopes them to be, but are instead its most glaring failures. Ultimately, the NYPD has not substantively refuted S.T.O.P.'s position that it has established a demonstrable factual basis entitling it to a hearing and to the receipt of any documents found to have been improperly withheld.

III. S.T.O.P. Is Entitled to Reasonable Attorneys' Fees

S.T.O.P. is entitled to recover reasonable attorneys' fees incurred as a result of the NYPD's noncompliance with FOIL, including fees incurred by being forced to file its Petition. Pursuant to Public Offer Law § 89, a court may award reasonable attorney's fees where a petitioner has "substantially prevailed." N.Y. Pub. Off. Law § 89(4)(c). *See Legal Aid Soc'y v. N.Y.S. Dep't of Corr. & Cmty. Supervision*, 105 A.D.3d 1120, 1122 (3d Dep't 2013) (attorneys' fees are available "to create a clear deterrent to unreasonable...denials of access... [and thereby] encourage...a good faith effort to comply with the requirements of FOIL.") (internal quotation marks omitted). A petitioner "substantially prevails" when it is "only through the use of the judicial process that petitioner [is] able to obtain" the information to which it is entitled under

FOIL. *NYCLU v. City of Saratoga Springs*, 87 A.D.3d 336, 339–40 (3d Dep’t 2011) (rejecting notion that “only a petitioner who fully litigated a matter to a successful conclusion could ever expect an award of counsel fees,” particularly where a respondent’s “position was meritless” and “evinced a clear disregard of the public’s right to open government”). “The fact that full compliance with the statute” may be “achieved in the form of a certification that the requested record could not be found after a diligent search, as opposed to the production of responsive documents, does not preclude a petitioner from being found to have substantially prevailed.” *Legal Aid*, 105 A.D.3d at 1122.

As explained, *see supra* at 9-10, 14-15, the NYPD’s three failed attempts to properly certify a diligent search underscore the appropriateness of awarding S.T.O.P. its reasonable attorneys’ fees and costs. *See Competitive Enter. Inst. v. Atty. Gen. of N.Y.*, 56 Misc. 3d 569, 574 (Sup. Ct. Albany Cnty. 2017) (granting attorneys’ fees given “respondent’s continued failure ‘to proffer more than conclusory assertions’” as a basis for nondisclosure). Even were the NYPD correct in its assertion that, despite producing nothing, it has now completely fulfilled its obligations under FOIL, S.T.O.P. would nonetheless have “substantially prevailed” within the meaning of the statute, because it was not until S.T.O.P. filed its Petition that it received anything even approximating the certification of a diligent search under FOIL.

CONCLUSION

Based on the foregoing, S.TO.P. requests that this Court issue an Order:

- a. Ordering a hearing to determine whether the NYPD has failed to abide by its FOIL obligations by improperly withholding documents responsive to Petitioner’s November 23, 2020 FOIL Request;
- b. Directing Respondent to provide Petitioner with all documents responsive to its November 23, 2020 FOIL Request for “all records from 1/1/2005 to 11/23/2020 relating to the Accuracy and Bias of the New York City Police Department’s Facial Recognition”;
- c. Awarding reasonable attorneys’ fees in favor of Petitioner and against Respondent in an amount to be determined at the conclusion of this proceeding; and
- d. Granting Petitioner such other and further relief as this Court may deem just and proper.

Dated: New York, New York
October 18, 2021

Respectfully Submitted,

By: /s/ David J. Lender
David J. Lender
Jeremy P. Auster
Rachel M. Kaplowitz
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Tel: (212) 310-8029
Fax: (212) 310-8007