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NEWS RELEASE

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New York Lawyers for the Public Interest Seeks Bodycam Footage and 911 Call Tapes From NYPD Fatal Shooting

New York, NY, August 16, 2019—In a key test for New York’s Freedom of Information Law (FOIL), civil rights group New York Lawyers for the Public Interest (NYLPI) is suing the New York Police Department (NYPD) for the body-worn camera footage and 911 call tapes from the NYPD’s fatal shooting of Susan Muller.

Ruth Lowenkron, Director of the Disability Justice Program at New York Lawyers for the Public Interest, along with former NYPD Assistant Commissioner Stuart Parker volunteering his services with NYLPI, as well as pro bono counsel at Milbank, have filed the suit to obtain the critical records.

NYPD shot and killed Ms. Muller, 54, on September 17, 2018, after she called the police to report a burglary in her home in Queens. She was known to the NYPD—the police had responded to nine 911 calls to her home since 2000—but she was dead 50 seconds after four officers arrived at her home.

Police shot Ms. Muller three times and declared her dead at the scene after she reportedly approached an officer with a knife. Earlier in the day, Ms. Muller reportedly had been unable to fill her prescription for an antidepressant and had used alcohol. Even though officers who arrived at Ms. Muller’s home were wearing body-worn cameras (BWCs), no video or audio footage of the incident was released to the public.

Following public reports of the shooting, NYLPI made a FOIL request for the unedited audio and video files from all of the BWCs of every officer involved in the fatal incident. NYLPI additionally requested unedited audio files from the 911 calls placed by Ms. Muller that day. The NYPD provided a blanket denial to NYLPI’s FOIL request, refusing to provide even redacted portions of audio and video files on the basis of a host of asserted FOIL exemptions.

NYLPI recently won a landmark ruling against the NYPD in a similar case, in which the New York State Supreme Court ordered the Department to turn over unredacted body-worn camera footage in the fatal police shooting of Miguel Richards, an individual who experienced a mental health crisis.*

“We should not have to take the NYPD to court repeatedly to confirm the public’s right under New York’s Freedom of Information Law to view body-worn camera footage of tragic incidents where people with disabilities who call 911 are shot by police officers,” said Lowenkron. “How many more New Yorkers need to die before we reform the way we handle mental health crises?”

“As with Miguel Richards, the NYPD’s unwillingness to disclose body camera footage of the fatal shooting of Susan Muller undermines the vital purposes of both FOIL and the body camera program to promote transparency and accountability to the public,” said Milbank litigation associate Benjamin Reed. “It is important that the public have access to these records in order to learn from them and prevent tragic deaths like this in the future.”

Copies of the petition and memorandum of law filed in New York State Supreme Court, New York County, are available at www.nylpi.org.

Notes to editors

*More information on the July ruling against NYPD in the Miguel Richards case is available here: <https://nylpi.org/judge-grants-nylpi-unedited-bodycam-footage-of-nypd-shooting-of-man-experiencing-mental-health-crisis/>

About New York Lawyers for the Public Interest (NYLPI)

Founded more than 40 years ago by leaders of the bar, New York Lawyers for the Public Interest pursues equality and justice for all New Yorkers. NYLPI works toward a New York where all people can thrive in their communities, with quality healthcare and housing, safe jobs, good schools, and healthy neighborhoods. In NYLPI’s vision, all New Yorkers live with dignity and independence, with the resources they need to succeed. NYLPI’s community-driven approach powers its commitments to civil rights and to disability, health, immigrant, and environmental justice. NYLPI seeks lasting change through litigation, community organizing, policy advocacy, pro bono service, and education.

NYLPI has a long history of fighting for New Yorkers with disabilities since its founding, including for an equitable criminal justice system. NYLPI brought and won the first case under the Americans with Disabilities Act (ADA) in 1992, enabling people with disabilities to gain access to the observation deck of the Empire State Building. Recent successes include a landmark suit which resulted in improved access to paratransit services for people with disabilities who are limited English proficient. For more information, please visit www.nylpi.org.

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