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**ACTIVIST SEEKING RECORDS ABOUT THE NYPD'S USES OF LONG RANGE ACOUSTIC DEVICES SUES TO MAKE NYPD ACCEPT AND RESPOND TO FREEDOM OF INFORMATION LAW REQUESTS BY E-MAIL**

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On August 11, 2016, activist, journalist, and law student Keegan Stephan filed a lawsuit in New York State Supreme Court to compel the NYPD to disclose records about its uses and policies related to Long Range Acoustic Devices (LRADs) and to accept and respond to records access requests made under New York's Freedom of Information Law in the future by e-mail. A copy of the lawsuit and exhibits can be found here: [keegan.nyc/stephan-v-nypd](http://keegan.nyc/stephan-v-nypd). Stephan is represented by Gideon Orion Oliver and Elena L. Cohen, both past presidents of the NYC Chapter of the National Lawyers Guild (<http://www.nlgny.org>). Stephan is one of several people who were injured when the NYPD fired an LRAD at anti-police brutality protesters in December of 2014. On December 12, 2014, their lawyers made a FOIL request to the NYPD principally seeking records about the NYPD's training, written policies, procedures, and guidelines related to LRADs, as well as documents about the NYPD's uses of LRADs.

Stephan and his lawyers are seeking an order compelling the NYPD to turn over the LRAD documents – and directing the NYPD to accept and respond to FOIL requests by the email in the future. According to the lawsuit filed yesterday, New York State law requires state agencies that have “reasonable means available” to accept and respond to Freedom of Information Law electronically, but the NYPD refuses to comply with the law. Before filing suit, Stephan's lawyers sought guidance from the New York State Committee on Open Government, the State agency overseeing and implementing the FOIL, which provided them an advisory letter that they say supports their position.

In response to the 2014 FOIL request, after nearly a year of claiming it was searching for responsive records and needed more time, the NYPD produced only a few pages of publicly available pages of its Patrol Guide relating generally to use of force and the like. Keegan's lawyers then produced to the NYPD copies of a previous FOIL the New York Civil Liberties Union had made on his behalf about LRADs, and responsive documents, as a result of which the NYPD then re-produced those documents as part of its response, but refused to produce any others. Keegan's lawyers had to make five administrative appeals over the course of almost a year and a half before the NYPD finally determined that it would not disclose any further records, claiming that doing so would interfere with ongoing investigations or judicial proceedings, or reveal non-routine

law enforcement techniques and procedures. The next steps in the case will happen in September.

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