

**NYPD MUST ACCEPT AND RESPOND TO FREEDOM OF INFORMATION  
LAW REQUESTS AND APPEALS BY E-MAIL, UPDATE RECORDS ACCESS  
INFORMATION ON NYPD WEBSITE, PRODUCE “LRAD”-RELATED  
RECORDS, AND PAY FEES TO SETTLE ACTIVIST’S LAWSUIT**

**WHAT:** Press Conference with Keegan Stephan and Attorneys  
**WHERE:** NYS Supreme Court steps (bottom) – 60 Centre St. - NY, NY  
**WHEN:** June 30, 2017 at 1:15 p.m.  
**CONTACTS:** Gideon Orion Oliver – 646-263-3495 – [Gideon@GideonLaw.com](mailto:Gideon@GideonLaw.com)  
Elena L. Cohen – 413-329-3238 – [Elenacohenesq@gmail.com](mailto:Elenacohenesq@gmail.com)  
Keegan Stephan – 907-244-6426 – [contact@keegan.nyc](mailto:contact@keegan.nyc)

In settlement of a lawsuit brought in August of 2016 by activist Keegan Stephan to reform the NYPD’s Freedom of Information Law (“FOIL”) policies, and seeking records regarding the NYPD’s uses of, and training related to, Long Range Acoustic Devices (“LRADs”), the NYPD has agreed to a Stipulation and Order requiring sweeping changes to the way it handles FOIL requests, as well as disclosure of documents related to its LRAD uses. New York State Supreme Court Justice Manuel Mendez signed the Stipulation and Order of Settlement and Discontinuance (which can be found here: <http://keegan.nyc/wp-content/uploads/2017/06/stipulation-and-order.pdf>) on June 29, 2017.

Stephan and his lawyers say that the Stipulation and Order will force the NYPD to comply with many Freedom of Information Law and NYS Committee on Open Government requirements that have been in place since 2006, and will result in long-overdue revisions to the NYPD’s website, around the NYPD’s “E-FOIL” practices. When the case was filed in August of 2016, the NYPD refused to accept or respond to FOIL requests by e-mail, publish any FOIL-related e-mail addresses on its website, or comply with other E-FOIL related requirements. Settlement talks began soon after. Then, in late 2016, the NYPD quietly updated its website to publish the [FOIL@NYPD.ORG](mailto:FOIL@NYPD.ORG) e-mail address. Between then and now, the parties have been in ongoing settlement talks around further reforms.

Under the Stipulation and Order, the NYPD must:

- Accept and respond to FOIL requests and appeals by e-mail;
- Provide electronic versions of responsive records, when requested, if possible;
- Create and publish written procedures to cover its new E-FOIL practices; and
- Update the FOIL section of its website to publish the related e-mail addresses and procedures, a link to the New York State Committee on Open Government and the Freedom of Information Law itself, a list of records maintained by the NYPD, and other records access-related information.

“Being forced to print, scan, and physically mail documents has derailed countless Freedom of Information requests upon the NYPD by myself and others,” said Stephan. “I’m thrilled with the outcome of this settlement, which I hope will empower the public to make the NYPD more transparent and accountable.”

Stephan – who is currently a law student and independent journalist – is also a plaintiff in a pending federal civil rights lawsuit challenging the NYPD’s December 5, 2014 use of an LRAD against himself and others at the large-scale protest over the non-indictment of the NYPD officer who killed Eric Garner.

Under the settlement, the NYPD must also disclose records about the NYPD’s LRAD uses on a rolling basis. Those documents include:

- Recordings of police communications around NYPD LRAD uses on December 4-5, 2014;
- A chart reflecting dates and times that LRADs have been deployed, may have been deployed, or were requested to be deployed between September 1, 2011 through December 12, 2014;
- A chart listing instances of LRAD use during November and December 2014 protests regarding the police killings of Michael Brown and Eric Garner;
- Documents styled as a training materials regarding LRADs; and
- Certain e-mails containing the keyword “LRAD”.

The NYPD must also pay Mr. Stephan’s attorneys, Gideon Orion Oliver and Elena Cohen, at least \$24,000 in attorney’s fees. Oliver and Cohen are past Presidents of the National Lawyers Guild – NYC Chapter (<http://www.nlgny.org>) and current members of the NLG’s National Police Accountability Project (<https://www.nlg-npap.org/>).

“This settlement makes requesting public documents more accessible and affordable for the public, recognizing that our right to be aware of governmental actions should not be thwarted by shrouding it with the cloak of secrecy or confidentiality- or the needless expense and time of paper mailing in our digital age,” said Cohen.

Oliver said that he and Ms. Cohen were “dedicated to ensuring that the NYPD complies with records access requirements” going forward. He urged users of the new system to report violations of E-FOIL requirements. He added: “E-FOIL requesters should rest assured that further NYPD breaches of E-FOIL requirements may be treated as violations of a judicial order potentially punishable as a contempt of court.”

Documents in the case can be found here: <http://keegan.nyc/stephan-v-nypd-documents>.

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