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Contact:

Genevieve Friedman 212 784 5709
gfriedman@groupgordon.com

Jocelyn De Carvalho 212 530 5509
jdecarvalho@milbank.com

New York Lawyers for the Public Interest and Milbank Win Court Order Mandating NYPD to Turn Over Bodycam Footage in Fatal Shooting

New York, NY – June 11, 2020 — In an important victory toward ending police abuse, New York Lawyers for the Public Interest (NYLPI) and Milbank LLP today announced the New York Supreme Court’s decision mandating that the New York Police Department (NYPD) turn over body-worn camera footage capturing the fatal police shooting of Susan Muller, who was experiencing a mental health crisis in her home. The decision confirms the public’s right to obtain police footage and emphasizes the crucial role such footage plays in promoting police transparency and accountability. Moreover, it reaffirms for the NYPD that the public has a right to access these materials, including footage of the NYPD’s current response to protestors challenging police abuse and discrimination.

On September 17, 2018, Ms. Muller reported a burglary. Within one minute of the four responding police officers entering her Queens home, Ms. Muller was shot three times and killed. At the time, Ms. Muller was experiencing a mental health crisis, and the NYPD alleged that she approached an officer with a knife. This was the tenth time that police had responded to 911 calls at Ms. Muller’s house, and on the most recent occasion the police had transported Ms. Muller to the hospital for mental health treatment.

After Ms. Muller’s shooting became public, NYLPI requested unedited body-worn camera footage and audio of the incident, as well as 911 call files. The NYPD refused to release even redacted footage and audio, alleging exemptions under New York’s Freedom of Information Law. After repeated denials, NYLPI and Milbank, on a pro bono basis, jointly filed an Article 78 lawsuit in the Supreme Court of New York, New York County.

On June 1, 2020, the NYPD was ordered to provide NYLPI, Milbank and the public with unredacted footage and 911 call audio within 20 days. In granting NYLPI’s petition, the court found that “releasing body-worn camera footage promotes transparency, accountability, and public trust-building.”

“It is imperative that we continue to expose and challenge the use of force, especially lethal force, by the NYPD against people experiencing mental health crises,” said Marinda van Dalen, Senior Staff

Attorney in NYLPI's Disability Justice Program. "The killing must stop and the police must be replaced with health care workers as the City's first responders to individuals experiencing mental health crises. While this victory is a major advancement for justice in New York, including disability civil rights, we still have more work to do."

This lawsuit is part of a series of challenges by NYLPI and Milbank to compel the NYPD to release body-worn camera footage of community members, largely Black people and other persons of color, shot by police. The team previously secured [a significant ruling](#) in June 2019 compelling the NYPD to turn over unredacted footage of the fatal shooting of Miguel Richards, the first person the police killed after the NYPD's court-ordered pilot program for the cameras began. Mr. Richards, a foreign exchange student from Jamaica, was also experiencing a mental health crisis when police shot him 16 times and killed him, following a 15-minute confrontation.

NYLPI and Milbank are currently petitioning for the release of footage for the March 2019 shooting of Michael Cordero and the April 2019 fatal shooting of Kawaski Trawick. Both individuals were experiencing mental health crises at the time of their violent encounters with the NYPD.

"The Court's decision ordering full disclosure of the body-worn camera footage in this case furthers both the public's and law enforcement's important interest in transparency by the police concerning its use of force," said Attorney Stuart Parker, former NYPD Assistant Commissioner, who participated as pro bono co-counsel.

The Milbank team included Litigation partner Jed Schwartz with associates Benjamin Reed, Marion Burke, Marguerite O'Brien, and Jasper Perkins. Along with Van Dalen and Parker, the NYLPI team included Ruth Lowenkron, director of NYLPI's Disability Justice Program.

"Full access to body-worn camera footage from these repeated tragedies is crucial to ensuring civilian oversight of the NYPD, especially as we continue to see widespread protests against police brutality and use of excessive – and often deadly – force," added Milbank associate Benjamin Reed. "So much more work needs to be done, but victories like this help us hold those in power accountable and can lead to real change."

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ABOUT NEW YORK LAWYERS FOR THE PUBLIC INTEREST

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 legal 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. Working in coalition with mental health advocates across the city, NYLPI seeks to transform how the City responds to mental health crises, by eliminating the police from the equation entirely, and substituting health care workers and individuals with lived mental health experience. For more information, please visit www.nylpi.org.

ABOUT MILBANK

Milbank LLP is a leading international law firm that provides innovative legal services to clients around the world. Founded in New York over 150 years ago, Milbank has offices in Beijing, Frankfurt, Hong Kong, London, Los Angeles, Munich, São Paulo, Seoul, Singapore, Tokyo and Washington, DC.

With a longstanding track record of pro bono service, Milbank has dedicated hundreds of thousands of pro bono hours to supporting legal aid and pro bono organizations such as the Equal Justice Initiative, the Center for Appellate Litigation, New York Lawyers for the Public Interest and the Office of the Appellate Defender, and advocating for organizations like The Legal Aid Society and Legal Services Corp., which are some of the largest providers of legal aid in the United States. In the last year, the firm has worked on nearly 700 pro bono matters worldwide, providing over 62,000 pro bono hours towards citizenship and immigration matters, parole eligibility matters and criminal appeals.

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