

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

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In the Matter of the Application of

LANGSTON HUGHES TENANT ASSOCIATION;
SAMUEL J. TILDEN HOUSES TENANT
ASSOCIATION,

Index No.
_____/2026

Petitioners,

For a judgment under Article 78 of the Civil Practice
Law and Rules

VERIFIED PETITION

- against -

THE CITY OF NEW YORK; THE NEW YORK CITY
POLICE DEPARTMENT; JESSICA S. TISCH, as Police
Commissioner for the City of New York; LISA BOVA-
HIATT, as Chief Executive Officer of the New York City
Housing Authority,

Respondents.

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Petitioners, by their attorneys, Brooklyn Defender Services and Beldock Levine & Hoffman
LLP, allege:

PRELIMINARY STATEMENT

1. Operating under the guise of providing of free internet service to low-income New Yorkers, the City of New York (the “City”) and officials acting on its behalf surreptitiously implemented a system of live video surveillance that indefinitely penetrates into and records the homes of public housing residents, in violation of core constitutional protections and liberties, as well as the City’s own Administrative Code.

2. Touted as “the nation’s largest municipally subsidized broadband program,”¹ the Big

¹ Press Release, Office of the Mayor, N.Y.C., Mayor Adams Extends 'Big Apple Connect' Program, Continues to Provide Free Internet, Cable to 330,000 New Yorkers at 220 NYCHA Sites (Sept. 29, 2025),

Apple Connect (“BAC”) program was meant to provide residents of New York City Housing Authority (“NYCHA”) “access to free, fast, reliable, and secure internet.”² The stated intention of BAC was to expand access to critical digital infrastructure to New Yorkers who might otherwise be left behind in the increasingly digitized social and economic world.³ As of September of 2025, BAC was available in 220 NYCHA sites across the city.⁴

3. Using the bandwidth from Big Apple Connect Wi-Fi, the New York City Police Department (“NYPD”) then linked NYCHA closed-circuit television (“CCTV”) cameras to its Domain Awareness System (“DAS”), a vast repository of data collected from and about New Yorkers.⁵ Through DAS, the NYPD can develop comprehensive profiles of individual New Yorkers, tracking their movements, habits, and routines. Public housing residents’ daily lives—when they leave for and return from work, who they invite into their apartments, when they take their children to school—will be monitored, catalogued, and analyzed by the NYPD through this surveillance expansion.

4. This program was implemented with the approval of the City's Office of Technology and Innovation (“OTI”) under a veil of secrecy. The procurement process lacked transparency, the contracts relating to BAC were withheld from public view, and the Memorandum of Understanding between the NYPD and NYCHA that established the program has never been made

<https://www.nyc.gov/mayors-office/news/2025/09/mayor-adams-extends--big-apple-connect--program--continues-to-pr>.

² Big Apple Connect, N.Y.C. Off. of Tech. & Innovation, <https://www.nyc.gov/assets/bigappleconnect>.

³ Transcript, Office of the Mayor, N.Y.C., Mayor Eric Adams Announces the Full Rollout of the Big Apple Connect Program (Sept. 19, 2022), <https://www.nyc.gov/mayors-office/news/2022/09/transcript-mayor-eric-adams-the-full-rollout-the-big-apple-connect-program>. (“A 21st century city, like New York, deserves a 21st century infrastructure. And the reality is that that infrastructure has often passed NYCHA residents.”).

⁴ Mayor Adams Extends ‘Big Apple Connect,’ *supra* note 1.

⁵ Zachary Groz, *Adams Locks In Big Apple Connect Through 2028, One Day Before Council Grills Him on NYPD Surveillance*, N.Y. Focus (Sept. 29, 2025), <https://nysfocus.com/2025/09/29/adams-big-apple-connect-renewal>.

public.⁶ The details of NYPD's new livestream CCTV surveillance through BAC Wi-Fi—its impact on New Yorkers; what data it collects; what, if any, safeguards are put in place—have never been shared publicly.

5. New York City enacted surveillance transparency laws, in particular the POST Act, recognizing that government surveillance deployed without public scrutiny and democratic accountability poses an acute risk of abuse. The NYPD failed to create the required Impact and Use Policy ("IUP") for this surveillance technology and failed to provide the public with the opportunity to review and comment before deployment, as required by the POST Act. By secretly implementing this program, the City and NYPD skirted the oversight of City Council, NYCHA residents, and the public at large.

6. Beyond the democratic harms of secrecy, the NYPD's use of BAC entrenches a two-tiered system of privacy in New York City. With the expansion of live video surveillance within NYCHA, the NYPD is now able to create dossiers on NYCHA residents with a higher level of granularity and volume of information than is available for any other residents of New York City. Indeed, the only other population subject to such totalizing state surveillance are those housed within the City's jails.

7. The permeation of constant supervision into the intimate lives of public housing residents is both unlawfully discriminatory and an unreasonable intrusion on the privacy of low-income New Yorkers.

8. Therefore, Petitioners bring this proceeding pursuant to Article 78 of the New York State Civil Practice Law and Rules (the "C.P.L.R."), complaining that Respondents have failed or refused to perform duties by failing to publish a surveillance technology Impact and Use Policy

⁶ Zachary Groz, *Adams Quietly Uses Free Internet at NYCHA to Expand Police Surveillance*, NY Focus (Aug. 11, 2025), <https://nysfocus.com/2025/08/11/eric-adams-nycha-nypd-cameras-surveillance>.

(“STIUP”) concerning the use of BAC to expand NYPD’s surveillance reach and by failing to publish contracts or other memoranda of understanding among the City’s agencies concerning the use of BAC to expand NYPD surveillance, as required by New York City Administrative Code (“N.Y.C. Admin. Code”) §§ 14-188 and 3-113.1, respectively. Further, Respondents created a web of near constant surveillance of the homes of New Yorkers who reside in public housing, in violation of N.Y.C. Admin. Code 14-151; the New York State Constitution art. I, § 12 and art. I, § 9; and the First, Fourth, and Fourteenth Amendments of the United States Constitution.

9. Accordingly, Petitioner seeks a judgement and order, pursuant to Article 78 of the New York Civil Practice Law and Rules (“C.P.L.R.”):

- a. Prohibiting Respondents continued use of this new or enhanced surveillance technology unless and until Respondent NYPD conducts and posts a thorough surveillance impact and use policy at least 90 days prior to its use and allows for a public comment period pursuant to the Public Oversight of Surveillance Technology (“POST”) Act;
- b. Compelling Respondents to publish the relevant Memorandum of Understanding between the New York City Police Department (“NYPD”) and the New York City Housing Authority (“NYCHA”) on the City website as required by Chapter 1, Title 3, Section 3-113 of the New York City Administrative Code;
- c. Declaring pursuant to C.P.L.R. § 3001 that expansion of law enforcement surveillance targeted only at New York City Housing Authority (“NYCHA”) properties is a violation of the prohibition on biased-based profiling under New York City Administrative Code Section 14-151;
- d. Declaring pursuant to C.P.L.R. § 3001 that a program of law enforcement access to constant movement-tracking video surveillance with no judicial oversight is unlawful and violates the First, Fourth, and Fourteenth Amendments;
- e. Permanently enjoining Respondents from continuing this surveillance expansion program, or any successor, replacement, or substantially equivalent mechanism, as unlawful and in violation of New York City Administrative Code Section 14-151, N.Y.C. Admin Code § 8-801, et. seq., and the First, Fourth, and Fourteenth Amendments;
- f. Permanently enjoining Respondent NYPD from accessing, querying, analyzing, or making use of any data previously collected through NYCHA CCTV and the Big

Apple Connect infrastructure, and from sharing, transferring, or disclosing said data;

- g. Compelling Respondents to destroy, delete, or otherwise dispose of all footage, images, records, logs, and other data generated by the unlawful CCTV surveillance program and provide affirmative proof of destruction;
- h. Pursuant to N.Y.C. Admin. Code § 8-801 et. seq., awarding compensatory and punitive damages, costs and disbursements and awarding to Petitioner's attorneys reasonable attorney's fees; and
- i. Granting further relief as this Court deems just and proper.

PARTIES

10. Petitioner LANGSTON HUGHES TENANT ASSOCIATION ("Hughes Houses") is an unincorporated association representing tenants who reside in the Langston Hughes Housing Development of the New York City Housing Authority located in the Brownsville neighborhood of Brooklyn, New York. Most residents are low-income and Black or Latino.

11. Petitioner SAMUEL J. TILDEN HOUSES TENANT ASSOCIATION ("Tilden Houses") is an unincorporated association representing tenants who reside in the Tilden Houses Development of the New York City Housing Authority located in the Brownsville neighborhood of Brooklyn, New York. Most residents are low-income and Black or Latino.

12. The CITY OF NEW YORK (the "City") is a municipal corporation duly incorporated in New York State. Defendant City has established, maintains, and operates a police department, the New York City Police Department (the "NYPD"), as a constituent department or agency. Defendant City is responsible for the policies, customs, practices, hiring, training, and supervision of Defendant NYPD and for ensuring that Defendant NYPD personnel obey the laws and constitutions of the United States, the State of New York, and the City of New York.

13. The New York City Police Department ("NYPD") is a body corporate and politic established by the City of New York through its charter. NYC Charter Section 431. It is mainly

responsible for crime prevention and law enforcement within the City of New York. Through the Rules of the City of New York and its own internal Patrol Guide, the NYPD has promulgated standards and procedures governing the use of surveillance technology and is responsible for the adherence to these standards and procedures by its employees, agents, officers, and other officials. The NYPD maintains its principal place of business at One Police Plaza, New York, NY 10038.

14. Defendant Jessica S. Tisch is the Police Commissioner of the City of New York (“Defendant Commissioner Tisch”). As Commissioner, Defendant Tisch has final authority to promulgate and implement administrative and managerial policies and procedures, including policies and procedures as to personnel hiring, training, supervision, and discipline with respect to Defendant NYPD officers’ performance of their duties. Defendant Commissioner Tisch is a City policymaker for whom Defendant City is liable with respect to the NYPD. She is sued in her official capacity.

15. Defendant Lisa Bova-Hiatt is the Chief Executive Officer of NYCHA (“Defendant CEO Bova-Hiatt”). As CEO, Defendant Bova-Hiatt has final authority to promulgate and implement administrative and managerial policies and procedures for NYCHA, including policies and procedures governing security and surveillance at NYCHA developments, and agreements with Defendant NYPD and other city agencies for the coordination of law enforcement activity at NYCHA developments, as well as the hiring, training, and supervision of NYCHA personnel with respect to those policies. Defendant CEO Bova-Hiatt is a NYCHA policymaker for whom Defendant NYCHA is liable. She is sued in her official capacity.

VENUE

16. Based upon the foregoing, venue is proper in New York County pursuant to C.P.L.R. § 506(b) and § 7804(b).

JURISDICTION

17. This court has jurisdiction pursuant to 18 N.Y.C.P.L.R. § 7800 et. seq., C.P.L.R § 301 and has jurisdiction over Respondents pursuant to C.P.L.R § 302.

STATUTORY AND REGULATORY SCHEME

a. Municipal Oversight Regulations

18. The City of New York passed N.Y.C. Admin. Code § 14-188—also known as the Public Oversight of Surveillance Technology (“POST”) Act—in 2020 for the purpose of creating comprehensive reporting and oversight of NYPD surveillance technologies.

19. For the purposes of the POST Act, the term “surveillance technology” means equipment, software, or system capable of, or used or designed for, collecting, retaining, processing, or sharing audio, video, location, thermal, biometric, or similar information, that is operated by or at the direction of the department. N.Y.C. Admin. Code § 14-188(a).

20. Under the provision, the “department shall propose a surveillance technology impact and use policy and post such proposal on the department’s website, at least 90 days prior to the use of new surveillance technology.” § 14-188(b).

21. The law provides that surveillance technologies “shall be considered distinct for the purposes of this section where they differ in function.” § 14-188(b)(1). City Council provided illustrative “examples of distinct surveillance technologies,” which “shall include but not be limited to remote-controlled aerial cameras, cameras attached to autonomous robots, fixed cameras, and cameras equipped with facial recognition.” *Id.*

22. If a particular surveillance technology product is included in more than one STIUP, “the department shall provide a public particularized explanation of why the department takes the position that such product is not a distinct surveillance technology that requires the proposal of a

new impact and use policy.” § 14-188(b)(1).

23. NYPD is required to “update an existing impact and use policy to describe a new, but not distinct, surveillance technology, which has the same function but substantially differs in form or has a different manufacturer or product name.” § 14-188(b)(2).

24. Moreover, “[w]hen the department seeks to acquire or acquires enhancements to surveillance technology or uses such surveillance technology for a purpose or manner not previously disclosed through a surveillance technology impact and use policy, the department shall provide an addendum to the existing surveillance technology impact and use policy describing such enhancement or additional use.” § 14-188(d).

25. Where there is a routine change—such as patches, firmware or software updates, and hardware lifecycle replacements—that does not materially alter surveillance functions or capabilities, the law “do[es] not require an addendum to or new surveillance technology impact and use policy.” *Id.*

26. Once a proposed STIUP is published, “the public shall have 45 days to submit comments on such policy to the commissioner.” § 14-188(e). The law provides that “[t]he commissioner shall consider public comments and provide the final surveillance technology impact and use policy to the council and the mayor, and shall post it to the department’s website at most 45 days after the close of the public comment period, pursuant to subdivision d of this section.” § 14-188(f).

27. Under N.Y.C. Admin. Code § 3-113.1—also known as Local Law 40 of 2011— “[a]ll memoranda of understanding or similar agreements entered into between city agencies that materially affect the rights of or procedures available to the public and could not be withheld from disclosure under article six of the public officers law shall be posted on the city’s website within thirty days after taking effect and thereafter during the period that they are in effect, unless their

disclosure would impair law enforcement or emergency response operations.” N.Y.C. Admin. Code § 3-113.1(b)(1).

28. The law also provides that “[a]ll memoranda of understanding or similar agreements entered into between city agencies and non-city governmental agencies that materially affect the rights of or procedures available to the public and could not be withheld from disclosure under article six of the public officers law shall be posted on the city’s website within thirty days after taking effect and thereafter during the period that they are in effect, unless their disclosure would impair the ability of the city to enter into such memoranda or agreements with such non-city agencies or impair law enforcement or emergency response operations.” § 3-113.1(2).

29. The law permits that “[t]he posting requirements set forth in this subdivision shall not apply if posting could reasonably result in material adverse consequences for city agency operations.” § 3-113.1(3).

b. Prohibition Against Bias-Based and Discriminatory Profiling

30. Bolstering the federal and New York constitutional guarantees against discriminatory practices on the parts of the state, the N.Y.C. Admin. Code § 14-151 mandates that “[e]very member of the police department or other law enforcement officer shall be prohibited from engaging in bias-based profiling,” § 14-151(b)(1), and that “[t]he department shall be prohibited from engaging in bias-based profiling,” § 14-151(b)(2).

31. The provision defines “bias-based profiling” as “an act of a member of the force of the police department or other law enforcement officer that relies on actual or perceived race, national origin, color, creed, age, immigration or citizenship status, gender, sexual orientation, disability, or housing status as the determinative factor in initiating law enforcement action against an individual, rather than an individual's behavior or other information or circumstances that links a

person or persons to suspected unlawful activity.” § 14-151(a)(1).

32. Included among the protected classes under N.Y.C. Admin. Code § 14-151 is “housing status,” which is defined as “the character of an individual's residence or lack thereof, whether publicly or privately owned, whether on a temporary or permanent basis, and shall include but not be limited to: (i) an individual's ownership status with regard to the individual's residence; (ii) the status of having or not having a fixed residence; (iii) an individual's use of publicly assisted housing; (iv) an individual's use of the shelter system; and (v) an individual's actual or perceived homelessness.” § 14-151(a)(4).

33. A person who has been subjected to bias-based profiling may establish a claim under two subsections of the statute: N.Y.C. Admin. Code §§ 14-151(c)(1) and (c)(2).

34. Under N.Y.C. Admin. Code § 14-151(c)(1), a claim can be established by “demonstrating that:

- (i) The governmental body has engaged in intentional bias-based profiling of one or more individuals and the governmental body fails to prove that such bias-based profiling (A) is necessary to achieve a compelling governmental interest and (B) was narrowly tailored to achieve that compelling governmental interest; or
- (ii) One or more law enforcement officers have intentionally engaged in bias-based profiling of one or more individuals; and the law enforcement officer(s) against whom such action is brought fail(s) to prove that the law enforcement action at issue was justified by a factor(s) unrelated to unlawful discrimination.” N.Y.C. Admin. Code § 14-151(c)(1).

35. A claim of bias-based profiling under N.Y.C. Admin. Code § 14-151(c)(2) is established when:

- (i) A policy or practice within the police department or a group of policies or practices within the police department regarding the initiation of law enforcement action has had a disparate impact on the subjects of law enforcement action on the basis of characteristics delineated in paragraph 1 of subdivision a of this section, such that the policy or practice on the subjects of law enforcement action has the effect of bias-based profiling; and
- (ii) The police department fails to plead and prove as an affirmative defense that each

such policy or practice bears a significant relationship to advancing a significant law enforcement objective or does not contribute to the disparate impact; provided, however, that if such person who may bring an action demonstrates that a group of policies or practices results in a disparate impact, such person shall not be required to demonstrate which specific policies or practices within the group results in such disparate impact; provided further, that a policy or practice or group of policies or practices demonstrated to result in a disparate impact shall be unlawful where such person who may bring an action produces substantial evidence that an alternative policy or practice with less disparate impact is available and the police department fails to prove that such alternative policy or practice would not serve the law enforcement objective as well.” N.Y.C. Admin. Code § 14-151(c)(2).

36. For purposes of claims brought pursuant to § 14-151(c)(2), “the mere existence of a statistical imbalance between the demographic composition of the subjects of the challenged law enforcement action and the general population is not alone sufficient to establish a prima facie case of disparate impact violation unless the general population is shown to be the relevant pool for comparison, the imbalance is shown to be statistically significant and there is an identifiable policy or practice or group of policies or practices that allegedly causes the imbalance.” N.Y.C. Admin. Code § 14-151(c)(2)(iii).

37. If someone is subjected to bias-based profiling as defined under N.Y.C. Admin. Code § 14-151, they may either “file a complaint with the New York City Commission on Human Rights, pursuant to Title 8 of the Administrative Code of the City of New York,” or “bring a civil action against (i) any governmental body that employs any law enforcement officer who has engaged, is engaging, or continues to engage in bias-based profiling, (ii) any law enforcement officer who has engaged, is engaging, or continues to engage in bias-based profiling, and (iii) the police department where it has engaged, is engaging, or continues to engage in bias-based profiling or policies or practices that have the effect of bias-based profiling.” § 14-151(d)(1).

38. If a civil action or administrative proceeding is undertaken, the remedy is “limited to injunctive and declaratory relief.” § 14-151(d)(2). However, “the court may allow a prevailing plaintiff reasonable attorney’s fees as part of the costs.” § 14-151(d)(3).

39. Pursuing relief under this provision does not foreclose any remedies provided under other authorities. *See* § 14-151(e) (“This section shall be in addition to all rights, procedures, and remedies available under the United States Constitution, 42 U.S.C. § 1983, the Constitution of the State of New York and all other federal law, state law, law of the City of New York or the New York City Administrative Code, and all pre-existing civil remedies, including monetary damages, created by statute, ordinance, regulation or common law.”).

c. Statutory Protection Against Unreasonable Searches and Seizures, Including Unreasonably Intrusive Surveillance

40. Section 8 of the New York Civil Rights Law mimics the guarantees of the Fourth Amendment and N.Y. Const. art. I, § 12, providing that “[t]he right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants can issue but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” C.V.R. § 8.

41. Title VIII, Chapter 8 of the N.Y.C. Admin. Code creates a civil cause of action for violation of such guarantee. N.Y.C. Admin. Code §§ 8-801 *et seq.*

42. Under the N.Y.C. Admin. Code, “[t]he right of natural persons to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and to be secure against the use of excessive force regardless of whether such force is used in connection with a search or seizure, shall not be violated; and no warrants shall be issued but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” N.Y.C. Admin. Code § 8-802.

43. The provision provides for vicarious liability under a theory of *respondeat superior*. *See* § 8-803(b) (“The employer of a covered individual who, under color of any law, ordinance, rule,

regulation, custom or usage, subjects or causes to be subjected, including through failure to intervene, any other natural person to the deprivation of any right that is created, granted or protected by § 8-802 is liable, based upon the conduct of such covered individual, to the person aggrieved for legal or equitable relief or any other appropriate relief.”).

44. Pursuing relief under this provision does not foreclose any remedies provided under other authorities, nor does the availability of other remedies foreclose relief under this provision. *See* § 8-803(d) (“This section does not limit or abrogate any claim or cause of action a person aggrieved has under common law or pursuant to any other law or rule. Despite the availability of an alternative remedy under common law or pursuant to any other law or rule, the person aggrieved has and maintains a private right of action pursuant to this section [. . .] The remedies provided by this chapter are in addition to any other remedies that may be provided for under common law or pursuant to any other law or rule.”).

45. Further, there are no exhaustion requirements for bringing a civil action under this provision. *Id.* (“Exhaustion of any administrative remedies is not required for a person aggrieved to commence a civil action pursuant to this section.”).

46. The law also eliminates qualified immunity as a defense to liability in an action made pursuant to it. § 8-804 (“It is not a defense to liability pursuant to this chapter that a covered individual has qualified immunity or any other substantially equivalent immunity.”).

47. In a civil action that includes a claim under this section of the code, a court must award, “in addition to awarding any other relief, including injunctive or other equitable relief, as such court determines to be appropriate: (1) Award to a prevailing plaintiff on such claim (i) compensatory damages and, in such court's discretion, punitive damages or (ii) at the election of such plaintiff, damages of \$1,000; (2) Award to such plaintiff reasonable attorney's fees and court

costs; and (3) Issue an order restraining such covered individual from engaging in further conduct in violation of such section.” N.Y.C. Admin. Code § 8-805. The law also provides for the award of attorneys’ fees. *Id.* (“The court shall apply the hourly rate charged by attorneys of similar skill and experience litigating similar cases when it chooses to factor the hourly rate into an attorney’s fee award.”).

FACTS

I. *The NYPD Will Soon Gain Live Access to All NYCHA CCTV Cameras Through Big Apple Connect.*

48. NYPD has begun work to use the residential internet connections installed under BAC to link NYCHA-operated CCTV cameras directly to the Domain Awareness System (“DAS”), its city-wide surveillance system and database. Halder Aff. ¶¶ 8, 12.

49. BAC refers to the program to provide free residential Wi-Fi to approximately 125,000 NYCHA households. Halder Aff. ¶ 5.

50. Enabled by new modems and routers placed in NYCHA common spaces, BAC connections now allow NYPD to stream live footage from NYCHA cameras, pull video without notifying NYCHA, and retrieve footage dating back approximately 14–21 days. Halder Aff. ¶¶ 6, 11.

51. Previously, NYPD could largely only access NYCHA video by physically visiting a NYCHA camera control room or by requesting that NYCHA burn footage onto a DVD or thumb drive.⁷

52. At a City Council oversight hearing on September 30, 2025, NYPD IT Bureau Chief Anthony Mascia testified that BAC had already been used to connect 68 cameras at one NYCHA development to DAS, and that the Department planned to integrate approximately 1,900 more

⁷ N.Y.C. Council, Joint Comm. on Pub. Safety, Tech., Oversight & Investigations, and Pub. Hous., *Oversight Hearing on the Use of Surveillance in NYCHA Developments*, 21:22–25, 22:2 (Sept. 30, 2025) (statement of Anthony Mascia, Inspector, NYPD) (hereinafter *Mascia Testimony*).

cameras across 19 additional developments by the end of 2025.⁸

53. NYPD further testified that in its next phase of expansion they plan to connect 17,897 CCTV cameras across 119 NYCHA developments.⁹

54. NYCHA operates roughly 20,000 cameras across its portfolio. Thus, the planned expansion will allow NYPD to feed nearly the entire NYCHA CCTV network directly into DAS in real time. Halder Aff. ¶ 18.

II. NYPD Used the BAC Program to Expand Its Surveillance Technology Portfolio Without Public Disclosure.

55. For the last ten years, NYPD's remote live access to NYCHA cameras was limited to a set of 37 developments to which the NYPD and NYCHA installed high-bandwidth fiber optic cables. Halder Aff. ¶ 16.

56. Those fiber sites supported roughly 7,118 cameras. The footage was stored locally on NYCHA hard drives. *Id.*

57. Outside of those fiber locations, detectives must request footage from NYCHA. NYCHA maintains an emergency after-hours unit to respond to these requests at all times. Halder Aff. ¶¶ 13–14.

58. During BAC contract negotiations in 2023, NYCHA was informed that NYPD sought to access the network of modems and routers installed for BAC to serve as the Department's internet service provider to stream NYCHA CCTV feeds into DAS.¹⁰

59. Repurposing BAC for this expanded surveillance infrastructure required new hardware, including the installation of additional modems and routers at BAC sites. Halder Aff. ¶¶ 6–8.

⁸ *Id.* at 23:11–15.

⁹ *Id.* at 57:21–24.

¹⁰ *Oversight – Surveillance Technology in New York City*: Hearing Before the Comm. on Tech. et al., N.Y.C. Council, at 32:20–25; 33:2–3 (Sept. 30, 2025) (statement of Eva Trimble, Chief Operating Officer, NYCHA) (hereinafter *Trimble Testimony*).

Thus, connecting the cameras through BAC required the installation of new technology. Halder Aff. ¶¶ 9–10.

60. Expansion also required site surveys and electrical work to accommodate the high bandwidth video streaming. Halder Aff. ¶ 10.

61. NYPD turned to BAC to avoid the “protracted [and] expensive” process of constructing new fiber infrastructure.¹¹

62. NYPD has acknowledged that BAC integration “changed the method” and constitutes “a different level of access.”¹²

63. The BAC integration required the installation of new technology, triggering the obligation to publish an independent STIUP before implementation. The NYPD failed to publish an independent STIUP, thereby depriving the public of the opportunity to comment as required. § 14-188(e).

64. This plan to provide NYPD Wi-Fi and camera access was negotiated in 2023 and began implementation in 2025 with no prior public disclosure of any kind through the POST Act process, neither through its own STIUP, the DAS STIUP, nor the CCTV STIUP.¹³

65. The POST Act requires the agency to prepare an addendum for any additional uses of DAS, but no addendum was prepared to the DAS IUP to reflect the BAC integration.¹⁴

66. The CCTV STIUP was originally published on January 11, 2021, and NYPD published

¹¹ *Oversight – Surveillance Technology in New York City*: Hearing Before the Comm. on Tech. et al., N.Y.C. Council, at 86:10–14 (Sept. 30, 2025) (statement of Brett Sikoff, Exec. Dir., N.Y.C. Office of Tech. & Innovation) (hereinafter *Sikoff Testimony*).

¹² See *Mascia Testimony* at 87:4–5; 141:9–12.

¹³ *Sikoff Testimony* at 33:11–17; 34:8–9; 35:14–21.

¹⁴ NYPD, *Domain Awareness System: Impact and Use Policy* (updated Feb. 4, 2026) at 5, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/Domain-Awareness-System-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf

an addendum on October 26, 2023.¹⁵ That addendum made no mention of the massive expansion of CCTV live stream into DAS that was being planned and made possible through BAC Wi-Fi at the time.

67. Per testimony at a City Council hearing, neither NYCHA nor NYPD ever planned to disclose the BAC integration.¹⁶

68. In fact, they actively misled the public. In June of 2025, after BAC had already been used to connect 68 cameras,¹⁷ NYCHA affirmatively and publicly stated that BAC was not meant to support CCTV cameras. In July, OTI, an agency of Respondent City of New York, described BAC changes as improvements to “security infrastructure” but insisted NYPD did not have live feeds, while live feeds were already active.¹⁸ By August, NYPD finally admitted that one development was already connected.¹⁹

69. On February 4, 2026, months after the New York Focus investigation and subsequent City Council oversight hearing had already exposed the BAC integration publicly, the NYPD published a revision to its CCTV STIUP.²⁰ The CCTV STIUP now states that “NYPD personnel can access CCTV systems that are owned by the NYPD or owned by external entities” and that “[e]xternal entities must provide the NYPD with access rights to the system before NYPD personnel can view the CCTV video.”²¹

¹⁵ NYPD, *Closed-Circuit Television (CCTV) Systems: Impact & Use Policy* (Oct. 26, 2023) https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/cctv-systems-nypd-Impact-and-use-policy_10.26.23.pdf.

¹⁶ *Sikoff Testimony* at 33:11–17; 34:8–9; 35:14–21.

¹⁷ *Mascia Testimony* at 23:11–15.

¹⁸ *Sikoff Testimony* at 25:3–7; 27:9–12.

¹⁹ *Id.*

²⁰ NYPD, *Closed-Circuit Television (CCTV) Systems: Impact and Use Policy* (updated Feb. 4, 2026), https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/CCTV%20-Systems-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf

²¹ *Id.*

70. This revision was made after Local Law 56 of 2025 passed, which amended the POST Act to require the NYPD to report more transparently on disparate impacts of their surveillance technology on protected classes and to identify intergovernmental data sharing. City Council passed these amendments after a Department of Investigation audit found that the NYPD had failed to comply with the POST Act's existing reporting requirements.²²

71. However, the revision does not identify NYCHA, or any other external entity that grants NYPD access rights to their camera systems, thus it remains deficient.

72. The February 2026 CCTV STIUP states that the NYPD "does not believe that [CCTV] is being used in a manner that disparately impacts any protected groups," and asserts that because CCTV cameras "only monitor areas open and available to the public," any theoretical risks "are effectively mitigated and do not result in disparate impacts."²³

73. This is inaccurate to the CCTV network monitoring NYCHA, as those CCTV cameras do monitor lobbies, hallways, and stairwells not open to the public. Boatright Aff. ¶ 3; Noel Aff. ¶¶ 3–4; Clark Aff. ¶¶ 9–10; Vazquez Aff. ¶ 7.

74. Additionally, the disparate impact analysis does not report that this new surveillance mechanism would apply to a population that is approximately 87% Black and Latino.

75. Finally, Respondents have yet to publicly produce the NYPD-NYCHA Memorandum of Understanding ("MOU"), negotiated in 2023 and implemented in 2025, as required by law, or any other relevant MOUs between NYCHA and NYPD planning this surveillance connection.

²² N.Y.C. Dep't of Investigation, Off. of the Inspector Gen. for the N.Y.C. Police Dep't, *An Assessment of NYPD's Compliance with the POST Act* (Dec. 2024), <https://www.nyc.gov/assets/doi/reports/pdf/2024/49PostActRelease.Rpt.12.18.2024.pdf>. See also Press Release, N.Y.C. Council Member Amanda Farias, *City Council Passes Expanded POST Act Legislative Package to Strengthen Transparency and Oversight of NYPD Surveillance Technology* (Apr. 15, 2025), <https://council.nyc.gov/amanda-farias/2025/04/15/city-council-passes-expanded-post-act-legislative-package-to-strengthen-transparency-and-oversight-of-nypd-surveillance-technology/>.

²³ NYPD CCTV IUP at 10 (February 4, 2026).

76. Members of the Tenant Association at Tilden Houses report that the NYPD attends their meetings often, as do NYCHA management personnel, but no one mentioned this new surveillance system to them. Clark Aff. ¶¶ 4–6; Vazquez ¶ 5.

77. Even when the Tilden Tenant Association President asked NYCHA senior management directly, she was told they knew nothing about it. Boatright Aff. ¶ 5.

78. Had they been asked, they would have voiced their concerns against it. Clark Aff. ¶ 5. Some would have submitted a public comment themselves. Boatright Aff. ¶ 8.

79. The members of the Tenant Associations feel like they have a good relationship with the NYPD and are having trouble understanding why this was concealed from them. Boatright ¶ 6; See Noel Aff. ¶¶ 5–8.

III. *This New Surveillance System Is Highly Vulnerable to Abuse and Misconduct, Presenting a Threat to Residents' Constitutional Rights.*

80. This surveillance mechanism gives the NYPD the ability to access live camera feeds from every NYCHA development, for any reason or no reason at all, at any time, with no known limits on how long an officer can watch, and the ability to view footage retroactively for up to 21 days—all without a warrant.

81. Even more pervasive, NYPD accesses these live camera feeds through DAS. Halder Aff. ¶ 11.

82. DAS fuses expansive data on New Yorkers' physical movements, digital activity, biographical information, and law enforcement interactions into a centralized repository, which the NYPD can harness to create intelligence files on individual New Yorkers, including many who have never interacted with the Police Department. In addition, DAS data streams support facial recognition analysis and predictive policing algorithms that use pattern recognition to decide where and how to allocate police resources. Halder Aff. ¶ 12.

83. DAS CCTV access is widely available within the NYPD: the CCTV system may be used by “authorized NYPD personnel for legitimate law enforcement purposes or other official business.” NYPD personnel with the rank of Lieutenant or higher have city-wide CCTV system access. Additional NYPD personnel may be granted access to view live video feed from NYPD CCTV systems based on assignment needs.²⁴

84. Officers may access live NYCHA feeds from desktop computers and mobile phones, and no system prompts officers to justify access in advance. Halder Aff. ¶ 19.

85. NYPD testified that the benefit of live stream CCTV footage was to cut down on the “painstaking work” of “reconstructing events...particularly if someone is moving about.”²⁵

86. They subsequently recognized that tracking resident movement over an unspecified period of time without a warrant would constitute an “improper” use of the technology while also admitting that there are no safeguards in place to prevent this “improper” use of the 24/7 monitoring system.²⁶

87. Under a section titled “Court Authorization,” the CCTV IUP states, “the NYPD will only agree to access an external entity’s CCTV cameras that monitor areas that are open and accessible to the public. The field-of-view of all CCTV cameras accessible to NYPD personnel is strictly limited to public areas and locations.”²⁷

88. This is false. Many NYCHA CCTV cameras which the NYPD now has access to or will soon have access to are in hallways, locked lobbies for tenants only, and other areas on NYCHA grounds not open and accessible to the public. Noel Aff. ¶¶ 3–4; Boatright Aff. ¶ 3; Vazquez Aff. ¶ 7; Clark Aff. ¶ 9.

²⁴ NYPD CCTV IUP at 5 (February 4, 2026).

²⁵ *Mascia Testimony* at 21:12–14.

²⁶ *Id.* at 137:2–20; 141:7–12.

²⁷ CCTV IUP at 5 (February 4, 2026).

89. NYPD testified that access to live NYCHA camera feeds is only audited if a complaint is filed, meaning the Department conducts no routine or proactive oversight of who views resident activity, for what reason, or for how long.²⁸

90. NYPD also acknowledged at the hearing that no policies or safeguards have been put in place to prevent officers from using their monitoring access to surveil First Amendment-protected activity.²⁹

91. Residents report that they feel like their privacy is being invaded, and like the NYPD is playing “eye-spy” with their lives. Clark Aff. ¶ 8; Noel Aff. ¶ 8; Vazquez Aff. ¶ 5.

92. They fear this unrestricted camera access will leave residents vulnerable to harassment and even fear for the lives of some residents being subjected to this level of surveillance and potential harassment. Boatright Aff. ¶¶ 12, 15.

93. Other tenants are working hard to build bridges between community members and the NYPD and worry that unrestricted surveillance programs like these destroy those bridges. Noel Aff. ¶ 13.

IV. *The BAC Surveillance System Is Directed Exclusively at a Predominantly Black and Latino Population with a Documented History of Racially Targeted Policing.*

94. As of January 2025, 87.85% of families living in NYCHA were Black or Latino.³⁰

95. NYCHA residents have historically been subjected to racially discriminatory policing practices. In *Davis v. City of New York*, 959 F. Supp. 2d 324, 340–46 (S.D.N.Y. 2013), the Southern District of New York found that the NYPD’s “vertical patrol” program, which applied exclusively to NYCHA developments, disproportionately and unlawfully targeted Black and

²⁸ *Mascia Testimony* at 102–104; 137–40.

²⁹ *Id.* at 102–104.

³⁰ N.Y.C. Hous. Auth., NYCHA Resident Data Book Summary, NYC Open Data, <https://data.cityofnewyork.us/Housing-Development/NYCHA-Resident-Data-Book-Summary/5r5y-pvs3>.

Latino residents and their guests based on race.

96. The City and NYCHA agreed as a binding mutual principle that “NYCHA residents and their authorized visitors have the same legal rights as the residents and authorized visitors of any other residential building in New York City.” *Davis v. City of New York*, No. 10-cv-00699, ECF No. 322-1, §§ C.1, C.6 (S.D.N.Y. Jan. 7, 2015). That settlement remains in force.

97. The BAC surveillance system applies exclusively to NYCHA developments. No comparable system of live, warrantless, continuous camera surveillance operates in any privately owned residential building in New York City. NYPD confirmed that if a NYCHA property were to become privately managed, the NYPD would have to request access to video footage “just like any other nonpublic housing site.”³¹

98. As a result of live-streaming NYCHA CCTV into DAS, NYCHA residents face a higher likelihood of having still images of their faces captured and added to the NYPD’s facial recognition repository. There are no known safeguards in place to prevent this from including the biometric data of children or other vulnerable populations as well. Facial recognition systems have been shown to exhibit significantly higher error rates for people of color. Halder Aff. ¶ 20.

99. NYPD has acknowledged that no safeguards are in place to prevent that abuse.³²

100. NYCHA residency is conditioned on income eligibility, meaning the entire population subject to the new livestream surveillance program is, by definition, low-income. Public housing residents specifically have long been subject to heightened and disproportionate police surveillance.³³

³¹ *Trimble Testimony* at 68:13–18.

³² *Mascia Testimony* at 137:2–20; 141:7–12.

³³ See J. Holder et al., *Concentrated incarceration and the public-housing-to-prison pipeline in New York City neighborhoods*, 119 *Proc. Natl. Acad. Sci.* e2123201119 (2022), <https://doi.org/10.1073/pnas.2123201119> (finding that incarceration rates in census tracts containing public housing developments are approximately 4.6 times higher

101. The cumulative effect of these disproportionate police surveillance and monitoring activities has been to place public housing residents, who are majority people of color, at a distinct and enduring socioeconomic disadvantage by making these residents hyper-visible to the NYPD.³⁴

102. Residents feel like they are being targeted because they do not pay as much rent as other people, and question why the same surveillance is not being implemented at private residences across the street. They feel watched rather than supported. Clark Aff. ¶¶ 15–16; Boatright Aff. ¶ 16.

103. Some tenants are concerned this surveillance program will be used to facilitate evictions. Boatright Aff. ¶ 17.

104. Residents feel discriminated against and that they are being taken advantage of because their landlord is a government agency. Boatright Aff. ¶ 11; Noel Aff. ¶ 9.

105. Petitioners therefore have no recourse but to ask this court to compel the NYPD to follow the POST Act, to compel the relevant City agencies to release any applicable MOUs as required by law, and to enjoin Respondents from continuing this unlawful massive surveillance system targeting only low-income New Yorkers and declaring it unconstitutional and in violation of local law.

STATEMENT OF CLAIMS

FIRST CAUSE OF ACTION: RESPONDENTS ACTED, AND CONTINUE TO ACT, IN EXCESS OF THEIR AUTHORITY AND JURISDICTION BY USING SURVEILLANCE TECHNOLOGY BEFORE PUBLISHING AN IMPACT AND USE POLICY AND ALLOWING FOR PUBLIC COMMENT, IN VIOLATION OF THE POST ACT.

106. Plaintiff realleges and incorporates by reference the allegations set forth in the foregoing

than in non-public-housing tracts with comparable demographic and socioeconomic characteristics, and identifying concentrated policing and surveillance practices as key structural contributors to this disparity).

³⁴ *Id.*

paragraphs as if fully set forth herein.

107. C.P.L.R. § 7803(1) entitles Petitioner to bring a claim when “the body or officer failed to perform a duty enjoined upon it by law.” C.P.L.R. § 7803(1). Likewise, C.P.L.R. § 7803(2) entitles Petitioner to bring a claim when “the body or officer proceeded, is proceeding or is about to proceed without or in excess of jurisdiction.” C.P.L.R. § 7803(2).

108. N.Y.C. Admin. Code § 14-188(d) imposes a non-discretionary duty on Respondent NYPD to publish impact and use policies on surveillance technologies at least 90 days prior to its use and requires a public comment period.

109. Respondent NYPD’s BAC-supported CCTV surveillance mechanism is a novel and previously undisclosed surveillance technology—it has not previously accessed CCTV surveillance technology via a residential Wi-Fi network—for which no STIUP was published.

110. Accordingly, Respondent NYPD has failed to comply with its duty under N.Y.C. Admin. Code § 14-188(d) in the implementation, expansion, and use of the BAC-enabled surveillance technology.

111. As a result of Respondents’ failure to comply with N.Y.C. Admin Code § 14-188, Petitioner is therefore entitled to an order prohibiting Respondent NYPD from the use of this surveillance technology until such time as the procedures required under that provision—including the publication of a STIUP and the requisite 45-day public comment period—have been satisfied.

SECOND CAUSE OF ACTION: RESPONDENT NYPD IS FAILING TO PERFORM A NON-DISCRETIONARY DUTY BY NOT PUBLISHING THEIR MEMORANDUM OF UNDERSTANDING WITH NYCHA.

112. Plaintiff realleges and incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

113. Pursuant to N.Y.C. Admin. Code § 3-113, all MOUs or similar agreements entered into

between city agencies that materially affect the rights of or procedures available to the public and that are not exempt from disclosure under Article 6 of the Public Officers Law shall be posted on the City's website within thirty days after taking effect and thereafter during the period that they are in effect.

114. At the aforementioned City Council hearing on September 30, 2025, Respondents NYCHA and NYPD testified that an MOU was entered into several years ago that established the BAC surveillance program, which materially affects the constitutional and statutory rights of the public. Nonetheless, this MOU has yet to be posted on the City's website.

115. Instead, Respondents NYPD and NYCHA implemented the program covertly, in violation of City laws designed to ensure transparency and democratic oversight.

116. Petitioner is therefore entitled to an order, pursuant to C.P.L.R. § 7803(1), compelling Respondents to make the MOU planning this expansion, and any other relevant MOU, available to the public.

THIRD CAUSE OF ACTION: RESPONDENTS ARE INFRINGING PETITIONERS' REASONABLE RIGHT TO BE FREE FROM UNREASONABLE SEARCH IN VIOLATION OF THE FOURTH AMENDMENT AND ARTICLE I SECTION 12 OF THE NEW YORK CONSTITUTION.

117. Plaintiff realleges and incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

118. The Fourth Amendment, as also incorporated into the Constitution of the State of New York, provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated" U.S. Const., amend. XIV, § 1; N.Y. Const., art. I, § 12.

119. Respondent NYPD's livestream access to NYCHA CCTV cameras violates Petitioners' Fourth Amendment right to be free from unreasonable searches by giving law enforcement the

ability to reconstruct every move made by every individual who lives in, visits, or passes by a NYCHA development for an indefinite period of time.

120. Respondents have implemented no procedures or protections to protect the long-term privacy interests of public housing residents, whose every movement in the vicinity of their homes is captured, catalogued, and stored for future use or misuse.

121. This constant surveillance of public housing residents is not supported by individualized suspicion, nor has it received judicial approval. This warrantless activity constitutes an unlawful search.

122. Petitioners are therefore entitled to a judgment declaring this limitless video surveillance system a violation of the Fourth Amendment, N.Y. Constitution, Article I, Section 12, and are entitled to a prohibition of this violation of their constitutional protections.

FOURTH CAUSE OF ACTION: RESPONDENTS ARE VIOLATING PETITIONERS' FIRST AMENDMENT RIGHTS TO FREE ASSOCIATION AND EXPRESSION THROUGH CONSTANT SURVEILLANCE.

123. Plaintiff realleges and incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

124. The First Amendment of the United States Constitution protects the right to free expression and the right to peaceably assemble. Courts have long recognized that inherent in those freedoms is a correlative right to free association.

125. Similarly, Article 1, § 9 of the New York Constitution mandates that “No law shall be passed abridging the rights of the people peaceably to assemble and to petition the government, or any department thereof.”

126. Respondent NYPD’s warrantless CCTV surveillance system would inevitably include surveillance of First Amendment protected activity. Perpetual monitoring deters and prevents

NYCHA residents and visitors from exercising their rights to free association and assembly.

127. The First Amendment necessarily includes a right to privacy in one's associations, such that one can engage in protected First Amendment activity free from the chilling specter of government oversight. The BAC surveillance system obliterates the privacy of public housing residents' associations, providing the police with visibility into when and with whom they associate.

128. Respondents have failed to tailor the BAC surveillance system to the needs of a compelling state interest.

129. Respondent NYPD admitted that no policies are in place to ensure that officers are not using their access to NYCHA cameras to monitor or investigate First Amendment protected activity.

130. Petitioners are therefore entitled to a declaration that their First Amendment constitutional protections have been violated and a prohibition of this surveillance system.

FIFTH CAUSE OF ACTION: RESPONDENTS HAVE IMPLEMENTED THIS SURVEILLANCE SYSTEM TARGETED AT PUBLIC HOUSING RESIDENTS BASED ON THEIR RACE, ETHNICITY, AND/OR NATIONAL ORIGIN, IN VIOLATION OF THE FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION AND ARTICLE 1, SECTION 11 OF THE NEW YORK CONSTITUTION.

131. Plaintiff realleges and incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

132. The Fourteenth Amendment of the United States Constitution prohibits states from denying to any person equal protection of the laws.

133. Article 1, § 11 of the New York State Constitution is even more specific, mandating that, "No person shall, because of race, color, creed or religion, be subjected to any discrimination in his or her civil rights by any other person or by any firm, corporation, or institution, or by the state

or any agency or subdivision of the state.”

134. Almost ninety percent of families living in NYCHA are Black or Latino. *See* NYCHA Resident Data Books (2025).

135. Petitioner implemented the BAC surveillance system targeted exclusively at NYCHA developments based on the racial composition of public housing residents, in violation of the Equal Protection clauses of the U.S. and New York Constitutions. The surveillance evinces a discriminatory intent against Black and Latino families, producing a foreseeable disparate impact on these communities.

136. The BAC surveillance program cannot survive strict scrutiny. There is no compelling state interest that can justify constant livestream surveillance of over 17,000 cameras targeted largely at Black and Latino communities.

137. Defendants have therefore violated the Equal Protection rights of Petitioners, who are entitled to an order declaring the same and permanently prohibiting this discrimination.

SIXTH CAUSE OF ACTION: RESPONDENTS HAVE VIOLATED THE PROHIBITION ON BIASED BASED PROFILING UNDER N.Y.C. ADMIN. CODE § 14-151.

138. Plaintiff realleges and incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

139. N.Y.C. Admin. Code § 14-151 prohibits members of Respondent NYPD or any other law enforcement officer from engaging in bias-based profiling.

140. The provision creates a private right of action to enjoin police policies or practices that have a disparate impact on individuals based on protected characteristics, such as race, color, or housing status.

141. The CCTV surveillance mechanism targets public-housing residents in clear violation of

N.Y.C. Admin. Code § 14-151, as the initiative relies upon race, color, and housing status as the determinative factor for deploying surveillance technology.

142. Respondent NYPD conceded that it conducts markedly different CCTV surveillance of public-housing residents compared to residents of non-public housing, a practice that plainly violates the ban on bias-based profiling.

143. Respondent NYPD's actions therefore have violated and continue to violate the rights of the Petitioners under the N.Y.C. Admin. Code § 14-151.

144. Accordingly, Petitioners are entitled to an order, pursuant to N.Y.C. Admin. Code §§ 14-151(c)(2)(1) & (d)(2), enjoining Petitioners from continuing the use of the CCTV surveillance mechanism through BAC provided Wi-Fi and from expanding it to other NYCHA developments and a declaratory judgment declaring surveillance systems specifically targeting NYCHA residents a violation of this code.

SEVENTH CAUSE OF ACTION: RESPONDENTS VIOLATED PETITIONERS' RIGHT AGAINST UNREASONABLE SEARCH AND SEIZURE IN VIOLATION OF N.Y.C. ADMIN. CODE §§ 8-801 TO 8-807.

145. Plaintiff realleges and incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

146. Plaintiff's right to be secure in their persons, houses, papers and effects against unreasonable searches and seizures is being violated by this all-encompassing surveillance system.

147. The employer of a covered individual who, under color of any law, ordinance, rule, regulation, custom or usage, subjects or causes to be subjected, including through failure to intervene, any other natural person to the deprivation of any right that is created, granted or protected by section 8-802 is liable, based upon the conduct of such covered individual, to the

person aggrieved for legal or equitable relief or any other appropriate relief. New York City Administrative Code § 8-803(b).

148. As a result of the above unconstitutional conduct, Respondent is liable for compensatory damages, punitive damages, and an order restraining such covered individual from engaging in further conduct in violation. N.Y.C. Admin. Code § 8-805.

PRAYER FOR RELIEF

A prior application has not been made for the relief now requested.

WHEREFORE, petitioner respectfully requests the Court to issue a judgment and order:

- a) Prohibiting Respondents continued use of this new or enhanced surveillance technology unless and until Respondent NYPD conducts and posts a thorough surveillance impact and use policy at least 90 days prior to its use and allows for a public comment period pursuant to the Public Oversight of Surveillance Technology (“POST”) Act;
- b) Compelling Respondents to publish the relevant Memorandum of Understanding between the New York City Police Department (“NYPD”) and the New York City Housing Authority (“NYCHA”) on the City website as required by Chapter 1, Title 3, Section 3-113 of the New York City Administrative Code;
- c) Declaring pursuant to C.P.L.R. § 3001 that expansion of law enforcement surveillance targeted only at New York City Housing Authority (“NYCHA”) properties is a violation of the prohibition on biased-based profiling under New York City Administrative Code Section 14-151;
- d) Declaring pursuant to C.P.L.R. § 3001 that a program of law enforcement access to constant movement-tracking video surveillance with no judicial oversight is unlawful and violates the First, Fourth, and Fourteenth Amendments;
- e) Permanently enjoining Respondents from continuing this surveillance expansion program, or any successor, replacement, or substantially equivalent mechanism, as unlawful and in violation of New York City Administrative Code Section 14-151, N.Y.C. Admin Code § 8-801, et. seq., and the First, Fourth, and Fourteenth Amendments;
- f) Permanently enjoining Respondent NYPD from accessing, querying, analyzing, or making use of any data previously collected through NYCHA CCTV and the Big

Apple Connect infrastructure, and from sharing, transferring, or disclosing said data;

- g) Compelling Respondents to destroy, delete, or otherwise dispose of all footage, images, records, logs, and other data generated by the unlawful CCTV surveillance program and provide affirmative proof of destruction;
- h) Pursuant to N.Y.C. Admin. Code § 8-801 et. seq., awarding compensatory and punitive damages, costs and disbursements and awarding to Petitioner's attorneys reasonable attorney's fees; and
- i) Granting further relief as this Court deems just and proper.

Dated: August 6, 2026
New York, New York

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VERIFICATION

The undersigned attorney has knowledge of the material facts in this proceeding as required by CPLR 3020(d)(3) based on personal knowledge and review of the appended affirmations provided by experts and Petitioners. In addition, the undersigned has read the foregoing petition and knows the contents thereof that the same are true to her own knowledge except as to matters stated to be upon information and belief; and as to those matters, she believes them to be true.

Dated: Brooklyn, New York
August 6, 2026


ANCA GRIGORE, ESQ.