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# Attorneys Sue to Secure Body Cam Footage in Fatal Shooting of Mentally Ill Woman

A team of lawyers has sued the New York Police Department in an effort to secure body-camera footage from the shooting of a mentally ill woman last year in Queens, saying video and audio from the incident would shed light on police interactions with people undergoing mental health crises.

By **Tom McParland** (https://www.law.com/newyorklawjournal/author/profile/Tom-McParland/) | August 19, 2019 at 02:41 PM

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A police officer with a body camera. Photo: Diego M. Radzinski/ALM

A team of lawyers has sued the New York Police Department in an effort to secure body-camera footage from the fatal shooting of a mentally ill woman last year in Queens, saying video and audio from the incident would shed light on police interactions with people undergoing mental health crises.

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New York Lawyers for the Public Interest, along with pro bono counsel from Milbank, Tweed, Hadley & McCloy, filed the lawsuit in Manhattan Supreme Court on Friday, after the NYPD declined to turn over footage of the deadly encounter involving 54-year-old Susan Muller in her home last September.

In an 18-page filing, the group said NYPD was obligated to produce 911 calls and unedited video and audio files under New York's Freedom of Information Law, but instead issued a "blanket denial," without explaining why it wasn't eligible for public release. According to the lawsuit, the NYPD said it did not plan to revisit its decision, and "due to several pending investigations, the records are exempt from disclosure in their entirety."

"The NYPD's refusal to release any record of this controversial encounter keeps valuable records shrouded by a cloak of secrecy that undermines the purposes that both FOIL and the NYPD's [body-worn camera] program serve: namely, fostering transparency and accountability between the government and the public," attorneys for the group wrote in the complaint.

"As interactions between police officers and the public, particularly those resulting in the use of deadly force, have featured prominently in our local and national conversation, the public's right to access contemporaneous records has never been more paramount," the lawsuit said.

According to the filing, police shot Muller three times within 50 seconds of responding to her call reporting that a woman with a knife had broken into her home. The attorneys said police had responded to similar calls at Muller's home nine times since 2000 and were aware of her history of mental health issues.

The day of the shooting, the complaint said, Muller had been unable to fill her antidepressant prescription, had used alcohol, and was acting erratically. Police accounts of the incident indicated that Muller met officers at her front door and identified herself as the 911 caller. A search of the home, however, found no signs of a burglary.

When police asked her if she had actually seen an intruder, Muller allegedly approached an officer with a kitchen knife and was shot three times in the torso, the NYPD said. She was pronounced dead at the scene.

The lawsuit comes as NYPD interactions with mentally ill people are on the rise. According to the filing, 14 individuals with mental illness were killed by the police between March 2016 and March 2019, and training for situations involving the mentally ill have reached far fewer officers than intended.

It also comes after the NYLPI successfully petitioned a New York State Supreme Court judge to order the release of unredacted body-camera footage of the fatal police shooting of Miguel Richards, another person who had been experiencing mental health crisis when he was killed by police in 2017.

"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

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police officers,” said Ruth Lowenkron, director of the Disability Justice Program at NYLPI. “How many more New Yorkers need to die before we reform the way we handle mental health crises?”

The NYPD did not immediately respond Monday to an email seeking comment on the lawsuit.

The NYLPI is represented by Lowenkron and Stuart Parker. Jed M. Schwartz, Benjamin J. Reed and Marion C. Burke of milbank are also acting as counsel in the case.

The case is captioned *New York Lawyers for the Public Interest v. New York City Police Department*.

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