EXHIBIT 6

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
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In the Matter of the Application of
SURVEILLANCE TECHNOLOGY OVERSIGHT PROJECT,

Petitioner,

-against-

NEW YORK CITY POLICE DEPARTMENT,

Respondent.
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AFFIDAVIT OF JANICE HOLMES IN SUPPORT OF RESPONDENT'S CROSS-MOTION

Index No. 156442/2021
(Edmead, J.)

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

JANICE HOLMES, being duly sworn, declares under penalty of perjury as follows:

1. I have been employed by the New York City Police Department ("NYPD" or "Department") as an Inspector assigned as Commanding Officer of the Real Time Crime Center ("RTCC"). I have been employed by the NYPD since March 3, 1994. I have been assigned as the Commanding Officer of RTCC since January 24, 2020. As part of my duties, I oversee the Facial Identification Section ("FIS"), a sub-unit of RTCC.

2. I submit this affidavit, which is based on my personal knowledge of the standard operating procedures of the FIS, discussions with other employees of the City of New York and records of the NYPD maintained in the ordinary course of business by FIS, which I believe to be true and accurate, in support of Respondent's cross-motion to dismiss.

3. Facial recognition technology ("FRT") is a highly specialized investigative tool

which utilizes algorithms in order to identify possible match candidates to a probe image. Presently, the Department utilizes FRT software and algorithms which the High Intensity Drug Trafficking Areas ("HIDTA") program shares with the Department. HIDTA has a license agreement with DataWorks Inc. to utilize the FRT Software. Additionally, DataWorks Inc.'s FRT software utilizes two FRT search algorithms, Rank One Computing and NEC Corporation.

Audits and Safeguards.

4. The National Institute of Standards and Technology ("NIST") routinely conducts independent evaluations of FRT algorithms, including those utilized by the Department. These evaluations are known as Facial Recognition Vendors Tests, and check for efficiency and accuracy across demographics. Rank One Computing and NEC are responsible for updating their algorithms based on their evaluations. The results of the Facial Recognition Vendors Tests are published on NIST's public facing website.

5. The Department understands that the use of FRT alone is not sufficient to identify potential suspects. Accordingly, the Department has built in the safeguard of requiring FIS investigators to manually review and analyze each FRT match, to quickly remove any erroneous software matches. To further ensure accuracy, all possible facial recognition matches undergo a supplementary review by a separate facial recognition investigator. Moreover, each FRT match is provided to the Detective Bureau investigator with a written reminder that a match is only a potential lead and does not establish probable cause to arrest.

FOIL Request

6. On December 3, 2020, Detective Steve Halk of the NYPD FOIL Unit, contacted FIS in response to a FOIL request they receive from the Surveillance Technology Oversight Project ("STOP"). Specifically, STOP requested documents related to the accuracy and bias of

the Department's facial recognition technology ("FRT").

7. No records were located by the FIS in response to the FOIL request from STOP including no memoranda, correspondence, analyses, interview notes, logs, charts, other written records, computer records, electronic communications, videotapes or audio recordings.

8. The Department does not conduct or take part in any formal or informal studies relating to the accuracy and bias of the Department's facial recognition technology. Accordingly, no accuracy or bias records were located.

JANICE HOLMES

Sworn to before me this

9th day of September 2021

Lesa Moore
NOTARY PUBLIC

LESA MOORE
Notary Public, State of New York
No. 02MO6174796
Qualified in Bronx County
Commission Expires 09/24/2023