

October 31, 2019

NYC Council Speaker Corey Johnson
City Hall Office
New York, NY 10007
via U.S. Mail and Email

Re: Passage of POST Act, Int. No. 0487-2018.

Dear Speaker Johnson,

We, the undersigned civil rights and community-based organizations, write to urge you to support passage of The Public Oversight of Surveillance Technology (“POST”) Act – Int. No. 0487-2018.

The POST Act addresses the long-unmet need for civilian oversight of NYPD surveillance practices, particularly the acquisition and deployment of novel, highly-invasive technologies. For years, the NYPD has built up an arsenal of spy tools on the public tab while trying to block public notice and debate. These tools not only include the so-called “gang database,” but also items like facial recognition, IMSI catchers (so-called “stingrays”), and automated license plate readers that can monitor a vehicle’s location throughout the city.

These tools pose a privacy threat to all New Yorkers, but they pose a particularly potent threat to our immigrant communities and New Yorkers of color. Unchecked, the growing use of surveillance technology threatens to obscure and automate racial inequalities under the guise of unbiased computer systems. And too often, these systems create a risk of information sharing with federal agencies, including Immigrations and Customs Enforcement (“ICE”).

For example, the NYPD has contracted for years with the private firm Vigilant Solutions, which operates a national database of over 5 billion license plate data points.¹ Shockingly, in recent years, we learned that Vigilant Solutions was not just contracting with local police departments, it was also contracting with ICE.² This is the vendor that the NYPD uses to record countless New Yorkers’ license plates per day, and we do not have an accurate understanding of how the NYPD may be sharing license plate data with ICE.³

Even worse, the NYPD relies on Vigilant Solutions’ artificial intelligence to map out social networks, label New Yorkers as “criminal associates,” and create databases based on the company’s

¹ See Rocco Parascondola, *Exclusive: NYPD will be able to track fugitives who drive past license plate readers across the U.S.*, N.Y. Daily News, Mar. 02, 2015, <https://www.nydailynews.com/new-york/nypd-track-fugitives-drive-license-plate-readers-article-1.2133879>.

² Russell Brandom, “*Exclusive: ICE is about to start tracking license plates across the US*,” The Verge, January 26, 2018, <https://www.theverge.com/2018/1/26/16932350/ice-immigration-customs-license-plate-recognition-contract-vigilant-solutions>.

³ See Mariko Hirose, *Documents Uncover NYPD’s Vast License Plate Reader Database*, ACLU, Jan. 25, 2016, <https://www.aclu.org/blog/privacy-technology/location-tracking/documents-uncover-nypds-vast-license-plate-reader-database>.

unproven algorithms.⁴ This is just one example of countless surveillance tools that requires a systematic solution.

The POST Act is not just a comprehensive response, but also a modest one. The NYPD can continue using these tools by complying with limited protections against waste, discrimination, and misuse. In fact, the POST Act would be one of the most limited surveillance reform bills in the country,⁵ especially when viewed in comparison to San Francisco's⁶ and Oakland's⁷ oversight legislation, which also contain outright bans on facial recognition technology or to Massachusetts's state-wide moratorium on facial recognition.⁸ Additionally, many of the jurisdictions require legislators to approve each and every surveillance system their municipality buys, unlike the POST Act, which only requires public notice.

The measure is not just widely supported by your City Council colleagues, it's even endorsed by the New York Times.⁹ The message is clear: civilian oversight of surveillance enhances the public's trust in police departments and public safety.¹⁰ Now, with twenty-seven city council members and the Public Advocate signed on as POST Act cosponsors, the time is long overdue for a hearing before the Public Safety Committee and a vote of the full City Council.

As the leader of the Council, you've constantly acted as a champion for communities in need. We urge you to do so once again and join this growing, national movement. With your support, we know the POST Act can be enacted before the end of the year. We look forward to your reply and assistance.

Cc: Chair Donovan Richards

Sincerely,

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|---|---|
| 1. A New PATH | 6. American-Arab Anti-Discrimination Committee |
| 2. ACLU | 7. Arab American Institute |
| 3. African Communities Together | 8. Asian American Federation |
| 4. AI Now Institute | 9. Asian American Legal Defense and Education Fund (AALDEF) |
| 5. Albuquerque Center for Peace and Justice | |

⁴ See *id.*

⁵ See ACLU, Community Control Over Police Surveillance, <https://www.aclu.org/issues/privacytechnology/surveillance-technologies/community-control-over-police-surveillance>.

⁶ See Kate Conger, San Francisco Bans Facial Recognition Technology, N.Y. TIMES, May 14, 2019, <https://www.nytimes.com/2019/05/14/us/facial-recognition-ban-san-francisco.html>

⁷ Sarah Ravani, Oakland bans use of facial recognition technology, citing bias concerns, San Francisco Chronicle, July 17, 2019, <https://www.sfchronicle.com/bayarea/article/Oakland-bans-use-of-facial-recognition-14101253.php>

⁸ See Editorial Board, San Francisco Banned Facial Recognition. New York Isn't Even Close. N.Y. Times, May 18, 2019, <https://www.nytimes.com/2019/05/18/opinion/nypd-post-act-surveillance.html>.

⁹ See Massachusetts Senate, Bill S.1385, <https://malegislature.gov/Bills/191/S1385>.

¹⁰ Oakland, California and Seattle, Washington have enacted similar police oversight laws without deteriorating public safety. See *id.*

10. Brennan Center for Justice at NYU School of Law
11. Brooklyn College - Policing and Social Justice Project
12. Brooklyn Community Bail Fund
13. Brooklyn Defender Services
14. Center for Human Rights and Privacy
15. College and Community Fellowship
16. Color Of Change
17. Columbia Journal of History
18. Constitutional Alliance
19. Council on American-Islamic Relations New York Chapter
20. Cryptoparty Ann Arbor
21. Data Law Society, Benjamin N. Cardozo School of Law
22. Defending Rights & Dissent
23. Demand Progress
24. Dignity and Power Now
25. DRUM- Desis Rising Up and Moving
26. Empire State Indivisible
27. Families for Freedom/ Familias por la Libertad
28. Families Rally for Emancipation and Empowerment
29. Fight for the Future
30. Free Press Action
31. Hacking//Hustling
32. Immigrant Defense Project
33. Inner-City Muslim Action Network
34. Jewish Voice for Peace-New York City
35. JustLeadershipUSA
36. Legal Aid Society of NYC
37. Lucy Parsons Labs
38. Martinez Street Women's Center
39. Media Alliance
40. MediaJustice
41. Million Hoodies Movement for Justice
42. MinKwon Center for Community Action
43. mother's against wrongful convictions
44. NAACP Legal Defense and Educational Fund, Inc.
45. National Lawyers Guild - NYC Chapter
46. Nevius Legal
47. New York Civil Liberties Union
48. New York Communities for Change
49. New York Immigration Coalition
50. Northern New Jersey Jewish Voice for Peace
51. NYC Privacy Board Advocates
52. Oakland Privacy
53. PDX Privacy
54. Restore The Fourth
55. Revolutionary Love Project
56. Rhode Island Rights
57. S.T.O.P. - The Surveillance Technology Oversight Project
58. Secure Justice
59. TAKE ON HATE – NY
60. Temple Beth El
61. Tenth Amendment Center
62. The Bronx Freedom Fund
63. The Calyx Institute
64. The Cypurr Collective
65. The Interfaith Center of New York
66. The National Action Network
67. Urban Justice Center
68. Urban Justice Center Mental Health Project
69. WITNESS
70. X-Lab