June 30, 2020

Brad Smith
President of Microsoft
1 Microsoft Way
Redmond, WA 98052

Re: Domain Awareness System – New York City Contract

Dear Mr. Smith,

We, the undersigned civil rights and community-based organizations, call on Microsoft to end its surveillance partnership with the NYPD on the Domain Awareness System (DAS). Your company has worked with the NYPD for more than a decade to track New Yorkers with warrantless spying, including thousands of cameras, automated license plate readers, transit data, and far more.[1]

Microsoft sought public accolades for refusing to sell facial-recognition to police departments, but you never profited from that technology to begin with.[2] The DAS may be even more biased, invasive, and destructive than facial recognition, but the NYPD is set to spend $31.4 million on the DAS this year alone.[3] Mr. Smith, given your recent statements on police surveillance, the question is clear: will you put your money where your mouth is?

The DAS is the backbone of the NYPD's surveillance of communities of color, putting countless New Yorkers at risk of police encounters, false arrests, and even police violence. The DAS also threatens democratic accountability, making private companies like Goldman Sachs, Pfizer, and Citigroup[4] "partners" in mass surveillance.[5] The DAS not only has real-time tracking capabilities but can keep our information indefinitely. [6] Such a system is a threat to democracy in anyone's hands, but it's especially dangerous when used by the NYPD, with its damning history of spying on communities of color. Even worse, audits found that unapproved users have access to the DAS.[7]

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[1] *See* ADAM MARTIN, *NYPD, Microsoft Hope to Make a Mint off New Surveillance System*, THE ATLANTIC, Aug. 8, 2012, https://www.theatlantic.com/national/archive/2012/08/nypd-microsoft-hope-make-mint-new-surveillance-system/324924/.

[2] *See* JAY GREENE, *Microsoft won't sell police its facial recognition technology, following moves by Amazon and IBM,* THE WASHINGTON POST, June 11, 2020, https://www.washingtonpost.com/technology/2020/06/11/microsoft-facial-recognition/

[3] *See* The Council of the City of New York Committee on Finance and the Committee on Public Safety on the Fiscal 2021 Executive Budget for the New York Police Department https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/05/FY21-NYPD-Executive-Report-1.pdf

[4] *See* NYPD, NYPD Public Security Privacy Guidelines, http://www.nyc.gov/html/nypd/downloads/pdf/crime_prevention/public_security_privacy_guidelines.pdf.

[5] *See* NEAL UNGERLEIDER*, NYPD, Microsoft Launch All-Seeing "Domain Awareness System" With Real-Time CCTV, License Plate Monitoring*, FAST COMPANY, Aug. 8, 2012, https://www.fastcompany.com/3000272/nypd-microsoft-launch-all-seeing-domain-awareness-system-real-time-cctv-license-plate-monito.

[6] *See* NYPD, NYPD Public Security Privacy Guidelines, http://www.nyc.gov/html/nypd/downloads/pdf/crime_prevention/public_security_privacy_guidelines.pdf.

[7] *See* SCOTT M. STRINGER*, NEW YORK CITY COMPTROLLER,* Audit report on the information system controls of theh Domain Awareness System Administered by the New York Police Department, June 26, 2015 https://comptroller.nyc.gov/reports/audit-report-on-the-information-system-controls-of-the-domain-awareness-system-administered-by-the-new-york-city-police-department/

Microsoft can't ask to be applauded for its values while it still profits off the surveillance-to-prison pipeline. Please join us in saying that no city should be surveilled the way the DAS tracks New York and end your sale and support of this product.

Sincerely,

1. S.T.O.P. - The Surveillance Technology Oversight Project
2. Access Now
3. Aspiration
4. Council on American-Islamic Relations, New York (CAIR-NY)
5. Cryptoparty Ann Arbor
6. Ethics in Technology a 501c3
7. Fight for the Future
8. Immigrant Defense Project
9. Liberty Coaltion
10. May First Movement Technology
11. MediaJustice
12. National Action Network
13. Oakland Privacy
14. OVEC-Ohio Valley Environmental Coalition
15. PDX Privacy
16. Red Canary Song
17. SouthWest Organizing Project
18. TechActivist.Org