

MEMORANDUM

Date: June 15, 2022

To: Hon. Council Member Keith Powers, District 4

From: Surveillance Technology Oversight Project (“S.T.O.P.”)

Re: Surveillance Technology Oversight Project Memo in Opposition to Int. 452-2022

The Surveillance Technology Oversight Project (“S.T.O.P.”) is a community-based civil rights group that advocates and litigates against discriminatory surveillance. Our work highlights the discriminatory impact of surveillance on Muslim Americans, immigrants, the LGBTQ+ community, Indigenous peoples, and communities of color, particularly the unique trauma of anti-Black policing. We write to express opposition to Int. 452-2022, introduced by Council Member Keith Powers, which would require the Department of Buildings (DOB) to establish a pilot program for the use of drones to inspect building façades. New Yorkers should not fear that government drones will glimpse their most intimate moments.

Uncritical trust in technology endangers New Yorkers. Intro 452-2022 would waste New Yorkers’ money on drones the DOB itself found are simply no substitute for the human eye. As one DOB report states, “High resolution images can still mask the extent of defects by flattening the viewpoint, and even videos may miss critical angles that an inspector may need to determine whether there is a significant defect and its extent or underlying cause.”¹

Intro 452-2022 would initiate the collection of data, including some of the most intimate details of New Yorkers’ lives. Since DOB is a city agency, any data it collects may be accessible by the New York City Police Department (NYPD), effectively making the drone data a policing tool. Anytime a drone observes something supposedly suspicious, the cops will get a copy, and DOB could be effectively commandeered by the NYPD anytime they want someone surveilled.

Drones are remotely operated aerial vehicles that can, and for the purposes specified by Intro 452-2022 would, be equipped with high definition, live-feed video cameras, and perhaps even other types of heat sensors or radar.² When used to inspect building façades, drones could be recording images inside the homes of anyone who does not have their blinds sufficiently opaque and sufficiently closed.

¹ Jill Hrubecky & Wendy Wan, N.Y.C. Dept. of Buildings, *Using Drones to Conduct Façade Inspections*, Nov. 2021, at 62, <https://www1.nyc.gov/assets/buildings/pdf/LL102of2020-DroneReport.pdf>.

² Electronic Frontier Foundation, *Drones/Unmanned Aerial Vehicles*, <https://www.eff.org/pages/dronesunmanned-aerial-vehicles>.

Surveillance tools pose a privacy threat to all of us, but they pose a particularly potent threat to members of our immigrant communities. All too often, these systems create a risk of information sharing with federal agencies, including ICE. For example, the NYPD for years has contracted with the private firm Vigilant Solutions, which operates a nationwide database of over two billion license-plate data points.³ Shockingly, in 2016 we learned that Vigilant Solutions was not just contracting with local police departments, but also with ICE.⁴ Perhaps most disturbingly, the NYPD relies on Vigilant Solution's artificial intelligence to map out social networks, label New Yorkers as "criminal associates," and create databases based on the company's unproven algorithms.⁵ This is just one example of the governmental abuse of surveillance technology that is already happening in our city. Intro 452-2022 would exponentially increase the amount of data collected and processed by our local government by using drones to inspect the façades of buildings, including private residences.

Intro 452-2022 is a classic boondoggle. It is an expensive proposal, put forward at the behest of a corporate lobbying machine, in order to strong-arm New York City into spending millions of dollars on technology that does not work and actively harms our citizens. The legislation would capture extensive video of New Yorkers in their homes and on the street, and would put immigrants at risk, all to pay a few corporations extravagantly for technology that would not meaningfully improve the reliability of our infrastructure. It could also put recordings of our most intimate moments one hack away from public release. We urge you to oppose this legislation.

Thank you for your consideration of our concerns.

Respectfully submitted,

/s/ David Siffert
David Siffert
Legal Director

³ 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. 2, 2015), <https://www.nydailynews.com/new-york/nypd-track-fugitivesdrive-license-platereadersarticle-1.2133879>.

⁴ The Domain Awareness System collects the license plate data scanned by the approximately 500 license plate readers operated by the NYPD and combines it with footage from cameras and other surveillance devices around the city. The NYPD holds on to the license plate data for at least five years regardless of whether a car triggers any suspicion. See Mariko Hirose, *Documents Uncover NYPD's Vast License Plate Reader Database*, ACLU (Jan. 25, 2016, 10:30 AM) <https://www.aclu.org/blog/privacy-technology/location-tracking/documents-uncover-nypds-vast-license-plate-readerdatabase>.

⁵ See *id.*