



40 Rector Street, 9th Floor
New York, New York 10006
www.StopSpying.org | (212) 518-7573

**STATEMENT OF
CORINNE WORTHINGTON, RESEARCH AND ADVOCACY MANAGER
SURVEILLANCE TECHNOLOGY OVERSIGHT PROJECT (“S.T.O.P.”)**

**BEFORE THE COMMITTEE ON PUBLIC SAFETY,
NEW YORK CITY COUNCIL**

**FOR AN OVERSIGHT HEARING
ON SURVEILLANCE TECHNOLOGY SPENDING
IN THE PRELIMINARY BUDGET FOR FISCAL YEAR 2025**

**PRESENTED
March 20th, 2023**

Good afternoon, Chair Salaam and members of the Committee on Public Safety. My name is Corinne Worthington, and I am the Research & Advocacy Manager at the Surveillance Technology Oversight Project (“S.T.O.P.”), a New York-based privacy and civil rights group. S.T.O.P. advocates and litigates for New Yorkers’ privacy, fighting discriminatory surveillance. I appreciate the opportunity to testify on the Preliminary Budget for Fiscal Year 2025, and specifically to speak about the NYPD’s overspending on surveillance technology.

Public Advocate Jumaane Williams said it this morning, we spend too much money on policing and not enough to social services. When it comes to surveillance technology, the New York Police Department (“NYPD”) has a track record of obscuring its spending, failing to comply with disclosure policies, and using technology in ways that threaten New Yorker’s constitutionally protected rights. While it is difficult to grasp the full extent to which the NYPD is overspending on and misusing unproven and dangerous technology, the tidbits of information we are able to glean from the budget confirm that our priorities are in the wrong place.

Commissioner Caban said this morning that “the NYPD will continue to push the envelope when it comes to technology” in reference to the \$2.6 million budgeted for drones in the FY 25 Preliminary Budget and the \$42 million budgeted for the Domain Awareness System. In the past year, the NYPD has used drones to police protests, neighborhood barbecues, and other events where they simply do not belong.¹

I. Domain Awareness System

The Domain Awareness System represents the worst of NYPD surveillance abuses, the secretive intelligence nerve center that pulls in data from 10 of thousands of cameras across the city and countless other data sources. With this multibillion-dollar boondoggle, the NYPD is able to turn countless innocuous data sources in a policing tool, whether its data from our subway trips, automated license plate readers tracking where we drive, or facial recognition systems that can watch where we walk. Alarming, the NYPD systematically circumvented laws like the POST Act to avoid even the most minimal oversight of this or well scheme, refusing to detail the capabilities of the system or how often it is being abused by individual officers. The NYPD likes to boast that they’ve put a intelligence agency in the pocket of every police officer, but they never confront how individual officers can abuse that power and I am terrified to think just how often officers are using these tools to track New Yorkers for things have nothing to do with NYPD’s mission, whether stalking romantic partners, surveilling their neighbors, or other unrelated personal uses.

These budgeted items are only the beginning of the NYPD’s surveillance technology spending. Two additional technology spending areas I would like to highlight are facial recognition and the gunshot detection software, ShotSpotter.

II. Facial Recognition

A look through the NYPD’s publicly available contracts reveals that it has a \$5.98 million contract with the biometric technology vendor, Idemia. Facial Recognition Technology is biased and error prone. Artificial intelligence (“A.I.”) is the aggregation of countless human decisions, codified into algorithms. A.I. can learn to be just like us, exacerbating structural discrimination against marginalized

¹ <https://gothamist.com/news/the-nypd-is-using-drones-3-times-more-than-it-did-last-year>

communities.² In the case of facial recognition, this leads to systems that can be 99% accurate for middle-aged white men under ideal lighting in laboratory conditions, but can be wrong more than 1 in 3 times for some women of color, even under similar conditions.³ The same exact software, the same exact hardware— but dramatically different outcomes for Black and brown New Yorkers. Numerous people, disproportionately Black, are wrongly arrested after being misidentified through facial recognition.⁴

III. ShotSpotter

In FY 24, the NYPD spent \$22 million on a contract with ShotSpotter.⁵ The system uses microphones to listen for gunshots, but it sometimes fails to differentiate between muzzle blasts, the bang of fireworks, cars backfiring, and New York City construction noise.⁶ Using inflated accuracy statistics, ShotSpotter courts police departments with misleading advertising.⁷ In reality, all available evidence suggests that ShotSpotter fails the public, a costly and inept system with no apparent impact on gun violence.⁸

ShotSpotter alerts bring police to neighborhoods looking for active shooters, increasing the risk of police shootings in overpoliced Black and Latinx communities where ShotSpotter installations are concentrated.⁹ The consequences can be deadly for residents caught in the crossfire.

Take the tragic story of Adam Toledo, for example.¹⁰ Adam, just 13 years old, was chased, shot and killed by Chicago police within five minutes of a ShotSpotter alert bringing officers to his neighborhood. Rochester police offers shot another young man dead¹¹ in a traffic stop following a ShotSpotter alert. No less than ten NYPD officers¹² fired on and killed a man following a ShotSpotter alert in Crown Heights.

IV. Surveillance Isn't Public Safety

The amount the NYPD spends on surveillance technology may seem like a drop in the bucket given its \$5.8 billion budget, but \$72 million (the minimum spending on the technologies I have discussed today) is not a small amount of money.

The reality is that surveillance technology isn't what keeps New Yorkers safe. Today, we've heard the NYPD talk about how they are the solution to shoplifting offences, transit crime, and the homelessness crisis, but this simply isn't true. When people steal basic necessities or hop the train

² Sarah Myers West, Meredith Whittaker, Kate Crawford, *Discriminating Systems: Gender Race and Power in AI*, AI NOW INSTITUTE, p 6.

³ Joy Buolamwini, Timnit Gebru, *Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification*, *Proceeds of Machine Learning Research*, vol 81, 1-15, 2018 p. 1.

⁴ Kashmir Hill, *Another Arrest, and Jail Time, Due to a Bad Facial Recognition Match*, N.Y. TIMES, Dec. 29, 2020, <https://www.nytimes.com/2020/12/29/technology/facial-recognition-misidentify-jail.html>.

⁵ https://www.checkbooknyc.com/smart_search/citywide?search_term=shotspotter!*domain=contracts

⁶ <https://www.thecity.nyc/2020/7/5/21312671/shotspotter-nyc-shootings-fireworks-nypd-civil-rights>

⁷ <https://www.eff.org/deeplinks/2021/07/its-time-police-stop-using-shotspotter>

⁸ Doucette, M.L., Green, C., Necci Dineen, J. et al. *Impact of ShotSpotter Technology on Firearm Homicides and Arrests Among Large Metropolitan Counties: a Longitudinal Analysis, 1999–2016*. *J Urban Health* 98, 609–621 (2021).

⁹ <https://www.vice.com/en/article/88nd3z/gunshot-detecting-tech-is-summoning-armed-police-to-black-neighborhoods>

¹⁰ <https://thehill.com/homenews/state-watch/549612-police-technology-under-scrutiny-following-chicago-shooting>

¹¹ <https://www.rochesterfirst.com/crime/police-investigation-underway-on-westside-of-rochester/>

¹² <https://www.nytimes.com/2020/06/03/nyregion/police-shooting-nypd-brooklyn.html>

turnstile, it's because they don't have the means to pay for these items any other way. What New Yorkers need is a safety net, and that starts with spending on social services, not surveillance technology.

Thank you for the opportunity to address these issues.