



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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LOWELL D. KERN
Chair

JESSE R. BODINE
District Manager

February 24th, 2021

Hon. Bill de Blasio
Mayor
City Hall
New York, New York 10007

Hon. Corey Johnson
Speaker, City Council
City Hall Office
New York, NY 10007

Dermot F. Shea
NYPD Commissioner
One Police Plaza Path
New York, NY 10038

Re: Recommendations on the Public Oversight of Surveillance Technology (POST) Act

Dear Mayor de Blasio, Speaker Johnson, and Commissioner Shea,

On February 16th 2021 Manhattan Community Board 4's (MCB4) Social and Racial Justice Task Force had a presentation by Robert Barrows, Director of the New York Police Department (NYPD) Legal Operations and Projects regarding surveillance technology and the Public Oversight of Surveillance Technology (POST) Act. MCB4 appreciates Mr. Barrows professionalism and thoughtful discussion throughout the meeting.

On the recommendation of the Task Force, MCB4's Executive Committee, at its regularly scheduled meeting on February 22, 2021, voted in support of (1) advocating for an Educational Public Awareness Campaign that will explain to New Yorkers how they are being surveilled on the streets of NYC and (2) create an independent Oversight Commission to periodically review the use of surveillance technology and its impact on the privacy of New Yorkers.¹

¹ Due to the City's deadline for comment of the POST Act this letter was approved by the Executive Committee and is subject to ratification at the March 3rd, 2021 Full Board Meeting

The MCB4 community and all New Yorkers deserve to know the type of surveillance technologies that are used by the NYPD, as well as how the data can be used and how long it is kept. MCB4 commends the New York City Council for passing the POST Act and requiring transparency into the use of surveillance technologies by the largest police department in the country and is pleased that the Public Oversight of Surveillance Technology (POST) Act was signed into law in July 2020, which requires the NYPD to explain how it uses surveillance technologies (including facial recognition, body cameras and other tools) to track New Yorkers. We also appreciate that the POST Act requires the NYPD to create “impact and use policies” about each of its surveillance technologies, and that it assigns responsibility for oversight to the NYPD Inspector General. However, this is not enough. There should also be safeguards in place to protect the privacy and civil liberties of New Yorkers and ensure that the use of surveillance technologies and policies are fair and equitable and do not target the communities of color indiscriminately in any manner.

The tools used by the NYPD to track New Yorkers include drones, body cameras, license-plate readers, GPS tracking devices, social network analysis tools, cell-site simulators, mobile x-ray technology, and an interconnected web of 18,000+ closed-circuit television (CCTV) systems. The NYPD has a multi-million-dollar surveillance infrastructure – Domain Awareness System (DAS) – that generates the collection of data, including billions of license plate readings and weeks of security footage from the thousands of linked CCTV cameras. This massive collection of personal data raises concerns about our community members’ right to privacy and freedom of movement. It also raises questions about whether surveillance is being done on an equitable basis, or if our Black and Brown neighbors are being surveilled more frequently and with less accuracy. We know that studies of surveillance software systems show that people with darker skin, women and young children are routinely misidentified. MCB4 acknowledges how difficult it can be to navigate the delicate balance between privacy concerns and public safety efforts, but that does not negate the importance of addressing the very real concerns about the NYPD’s use of surveillance technologies.

In January 2021, the NYPD released a series of draft surveillance technology “impact and use policies” for public comment. While we appreciate the public discussion of these policies, they are so long and densely-worded that only a small number of the public has a possibility of understanding all of the nuances and legalese of each policy.

Given that one goal of the POST Act is to foster transparency, we believe that it is imperative that the City Council design and launch an educational, public awareness campaign that will outline the surveillance technologies to which New Yorkers are regularly subjected and how and when such surveillance information can be used. This educational information needs to be shared widely and in a way that can be easily understood by all New Yorkers. MCB4 recommends that NYPD partner with educational institutions for developing a public awareness and educational campaign.

To ensure real transparency and compliance with the POST Act, the City Council should create an independent Oversight Commission to regularly review the use of surveillance

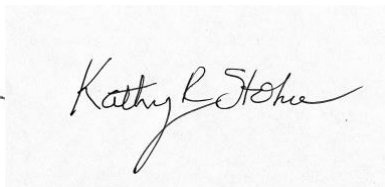
technology by the NYPD. There needs to be a mechanism in place to ensure accountability and to review the impact of the surveillance technology on our communities, especially our Black and Brown neighbors. Leaving oversight in the hands of the Inspector General of the NYPD is inadequate to ensure real transparency and accountability.

For the reasons listed above, MCB4 urges the City Council to (1) create an Educational Public Awareness Campaign to summarize the NYPD's surveillance technologies and how the collected data can be used; and (2) to create an Oversight Commission to regularly review the use of surveillance technology by the NYPD and periodically assess its use policies and impact on the privacy of New Yorkers.

Sincerely,



Lowell Kern
Chair
Manhattan Community Board 4



Katy Stokes
Co-Chair
Social and Racial Justice
Task Force



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Co-Chair
Social and Racial
Task Force

CC: Hon. Gale A. Brewer, Manhattan Borough President