ACCOUNTABILITY AND TRANSPARENCY FOR NYPD SURVEILLANCE TECHNOLOGY
COUNCIL MEMBER DAN GARODNICK AND COUNCIL MEMBER VANESSA L. GIBSON LEAD ADVOCATES IN RALLY TO SUPPORT THE POST ACT

POST Act establishes mechanism for public input and requires NYPD to issue an impact-and-use-policy prior to employing new surveillance technologies.

Legislation is necessary for New York City to truly be a sanctuary city.

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June 14, 2017 – Today, prior to a hearing of the City Council’s Public Safety Committee, Council Member Dan Garodnick and Council Member Vanessa L. Gibson led civil rights advocates and community groups in a rally to support the Public Oversight of Surveillance Technology (POST) Act. This legislation, introduced in March by Council Members Garodnick and Gibson, creates a way for New Yorkers to provide input on and requires the NYPD to supply basic guidelines relating to the surveillance tools the department employs.

"In this era of hacks and data breaches, we must assure New Yorkers that our city is safeguarding the sensitive data it collects on residents. Moreover, as the Trump administration moves to expand surveillance, New Yorkers deserve to know what, if any, information could be shared by the NYPD with the federal government. The POST Act accomplishes both of these goals, while also building trust between communities and our police department, strengthening our democratic and progressive values, and yes -- promoting public safety. For the NYPD to call this bill -- which parallels existing federal policies -- a ‘blueprint for harm’ is patently absurd. I urge the NYPD to engage with us seriously and stop the fear-mongering.” said Council Member Dan Garodnick.
“New Yorkers cannot abide by a system that forces us to choose between liberty and safety,” said **Council Member Vanessa L. Gibson**. “As Chair of the Committee on Public Safety, I strongly believe that public safety hinges on positive police/community relations. Under this Administration, the Police Department has made great strides in repairing fractured relationships between communities of color and the NYPD. I believe that the Public Oversight in Surveillance Technology Act will bring transparency to police technology and is the next logical step in this effort. Improving the community’s ability to trust, communicate, and work with the NYPD is paramount to our collective goal of keeping New Yorkers safe.”

The Public Oversight of Surveillance Technology (POST) Act requires the NYPD to issue an impact-and-use-policy for each piece of surveillance technology it employs. The policy would include important information about each surveillance tool, including, but not limited to, its description, capabilities, guidelines for use, security measures designed to protect any data it collects, and whether other entities have access to information it gathers. The NYPD would also need to evaluate and explain the possible impacts of the technology on New Yorkers’ privacy.

Upon publication of a draft surveillance impact and use policy, the public will have 45 days to submit comments. The Commissioner of the NYPD shall consider the comments and provide a final version of the surveillance impact and use policy to the City Council, the Mayor and the public. The bill would also empower the NYPD Inspector General to make sure the NYPD follows the policies and guidelines in place.

“The NYPD uses invasive surveillance technology on the streets of New York all the time, but the public has very little idea what their police department is doing with these devices,” said **Donna Lieberman**, **NYCLU Executive Director**. “It’s time to bring the NYPD out of the shadows by increasing transparency around these incredibly intrusive technologies.”

“At a time of fear and uncertainty about federal immigration policies and law enforcement priorities, New Yorkers deserve to know what information the NYPD is collecting and who they are sharing it with. The POST Act brings the kind of transparency and oversight to police surveillance technologies that befit a diverse, progressive city like New York,” said **Michael Price**, **Counsel, Liberty & National Security Program at the Brennan Center for Justice**.

The POST Act does not require the NYPD to disclose operational details (such as exact date, time, and location) for when it will employ a specific tool. The prescribed impact and use policy will simply detail the general policies and procedures for using the department’s surveillance technologies.

**POST Act Promotes Public Safety Goals.** Regular public engagement on the issue of surveillance, as mandated by this legislation, can help the NYPD more effectively apply new safety and security measures throughout the five boroughs. Community feedback can lead law enforcement, a somewhat insular institution, to uncover blind spots in their approach. Public awareness of the NYPD’s capabilities may also deter would-be terrorists and criminals in the same way as an officer’s physical presence on a street.

**POST Act Reinforces the City of New York’s Commitment to Sanctuary City Status.** Since the inauguration of President Trump, Immigrations and Customs Enforcement agents have stepped up raids on undocumented individuals. New York City, under Mayor de Blasio, remains a sanctuary city and does not coordinate with these raids or share information with the Department of Homeland Security on an individual’s immigration status. The POST Act requires, by law, the NYPD to detail whether outside entities (including the state or federal government) have access to data collected by local surveillance
technology. The NYPD would also have to detail any restrictions they have on another entity’s use of this data.

**POST Act Strengthens Data Privacy In Era of New Technology.** This spring, the NYPD began equipping approximately 1,200 officers with body-worn cameras. Hundreds of hours of additional street-level video is now stored on NYPD servers. Yet we live in an era of hacks and data breaches and the City of New York must make clear how it will manage the data it collects. The impact-and-use-policy required under the POST Act will provide a clear declaration as to how the police department will store and protect this information, including video as captured by the new body-worn cameras. This will go a long way in making our city government more accountable and sensitive data more safeguarded.

**POST Act Follows Precedent and Policy Established Under President Obama.** In May 2015, the Obama administration released the Final Report of the President’s Task Force on 21st Century Policing. This report specifically recommended that law enforcement agencies “encourage public engagement and collaboration...when developing a policy for the use of a new technology.” The United States Department of Justice has published on its use of surveillance drones. Likewise, the Department of Homeland Security has issued Privacy Impact Assessments for use of facial recognition technology and license plate reader data.

**POST Act Builds Upon Successful Legislative Efforts Nationwide.** In 2013, Seattle passed an ordinance providing for greater oversight of police department use of surveillance equipment. In 2016, Santa Clara County in California, passed a law requiring agencies to issue public notices before any surveillance tool was activated, as well as an annual report on the effectiveness and findings of the technology. In September 2016, 19 cities, representing diverse locales from Palo Alto, California to Hattiesburg, Mississippi, joined a coalition promoting local legislation to establish greater public oversight of their respective police department’s use of surveillance equipment. Oakland, California is on the verge of passing legislation similar to the POST Act.

Since 2001, there has been a massive expansion in the use of domestic surveillance. Federal grants have enabled local governments nationwide to purchase these new technologies and today, a vast amount of surveillance technology deployments and data collections occur on the local level. Despite this expansion, there is still little transparency on how these tools are used.

Historically, and through the present day, surveillance efforts have disproportionately targeted certain communities based on factors such as race, religion, ethnicity, and political ideology. In the City of New York, for example, there have been recent, well-documented instances of unconstitutional surveillance on Muslim individuals by the NYPD.

“The POST Act will move decisions about acquiring and using surveillance technologies out of the darkness and into the light. Most critically, it will undermine the Trump administration’s ability to secretly use NYPD surveillance technologies to target immigrants, Muslims, and other vulnerable communities. You want to know what the resistance looks like? The POST Act is what it looks like,” said Chad A. Marlow, ACLU Advocacy & Policy Counsel.

"The POST Act brings transparency and fairness to the NYPD surveillance technology implementation process,” said Council Member Daniel Dromm. “Lawmakers need to know how such technology would impact our constituents. Experts and private citizens whose tax dollars pay for the equipment should be given the opportunity to weigh in on surveillance technology before it is employed. The vast majority of New Yorkers are law-abiding. The city is responsible for protecting their privacy. This legislation empowers us to do just that while allowing the NYPD to do its job.”
“In an era of rapidly increasing surveillance capacity, New Yorkers must be made aware of the ways in which our police force uses technology to monitor residents. This awareness is essential to maintaining a free and open society. The POST Act will promote stronger public trust and accountability by establishing a line of communication between residents and the NYPD regarding surveillance, and by requiring regular reporting from the department about its use. Giving the public the opportunity to weigh in on the impact of surveillance is essential,” said Council Member Helen Rosenthal.

“By requiring the New York City Police Department report on its methods of surveillance and what it shares with the Trump administration the POST Act will serve to make sure the privacy rights of all New Yorkers are being respected, “said Council Member Ben Kallos. ”If New York City is going to live up to its promise of being a sanctuary city, we will need the POST Act to encourage community policing. Thank you to Council Members Garodnick and Gibson for their leadership on the issue of surveillance of our communities.”

“In this age of unprecedented technological capacity it is important that government oversight and transparency are as state of the art as the technology they oversee,” said Minister Kirsten John Foy, Northeast Regional Director of the National Action Network. “We must be vigilant in our data collection, maintenance and distribution always with an eye on the preservation of civil rights and liberties. The POST Act is a necessary step in advancing governing oversight and providing transparency and this is critical for. Holding and securing the public trust.”

“The Muslim Community Network for the last 10 years has worked with partners on police accountability from the Radicalization in the West: The Homegrown Threat Report, to the blanket surveillance of Muslims that was unearthed by the Associated Press and pending litigation, as well as stop and frisk. We welcome the introduction of City Council's accountability measures on the NYPD's surveillance technology,” said Dr. Debbie Almontaser, Board of Directors President, Muslim Community Network.

“For far too long, New Yorkers have been kept in the dark about how our city surveils its residents,” said CAIR-NY Legal Director Albert Fox Cahn. “The POST Act is an important step in the continuing campaign to curtail excessive and, at times, unconstitutional surveillance of Muslim New Yorkers. We expect that this information will only strengthen our call for further reforms.”

“We thank Council Members Dan Garodnick and Vanessa Gibson for pushing back on the rampant use of surveillance against immigrant communities, including the Muslim community and other communities of color,” said Steven Choi, Executive Director of New York Immigration Coalition. “The POST Act calls for accountability and transparency on the part of NYPD’s use of surveillance technologies. This is particularly important in today's political climate, when immigrant communities are even more fearful of interactions with law enforcement.”

“The NYPD continues to employ powerful surveillance technologies with few rules, procedures or guidelines raising serious concerns about privacy, constitutionality, and civil rights,” said Jerome Greco, Staff Attorney at The Legal Aid Society. “We need greater transparency and a concrete understanding of what these techniques are and when they are used. We applaud Council Members Garodnick and Gibson for introducing legislation to address these issues. We encourage the Council and the Administration to work expeditiously toward enacting these much needed safeguards into law.”

"As an organization that serves the Arab American and immigrant populations in Bay Ridge, Brooklyn— one of the most targeted neighborhoods by the NYPD’s Demographics Unit—AAANY has been at the forefront of civil rights campaigns, calling for an end to unwarranted surveillance of Muslim New Yorkers. Previous policies have fostered anxiety and mistrust towards the NYPD within our communities
and these apprehensions have been exacerbated by the current federal administration. Now more than ever, we need transparency and accountability from law enforcement. We see this bill as a critical step forward in ensuring New York City’s promise of protecting our communities and providing sanctuary to those most vulnerable," said Rama Issa-Ibrahim, Executive Director of the Arab American Association of New York.

"Overpolicing and surveillance are problems that have plagued low-income communities of color for some time now, particularly in urban spaces such as New York City. In order for black and brown people vulnerable to police violence and surveillance to assure their safety and well-being, it is essential for them not only to be aware of but also involved in all of the decisions that impact their communities. Part of Million Hoodies’ mission is to assist in the creation of conditions that ensure the security of such communities, thus creating systems of police accountability is part of that process. The passing of the POST Act would help us move in that direction. This is why we as an organization stand fully in support of this effort," said Jacqueline Bediako, Lead Organizer Million Hoodies Movement for Justice NYC Chapter.

"In a democracy, elected officials rule the police; the police don’t rule the officials. Whichever way this vote goes, the City Council will show who’s really in charge. We urge the City Council to cast a vote that will allow New Yorkers to understand and regain some power over the extent of police intrusion,” said Alex Marthews, National Chair, Restore the Fourth.

POST Act supported by 15 New York City Council Members and more than 34 groups including:

- ACLU
- NYCLU
- Brennan Center for Justice
- Muslim Community Network
- Legal Aid Society
- Council on American-Islamic Relations, NY (CAIR-NY)
- CAIR National
- New York Immigration Coalition (NYIC)
- Desis Rising Up & Moving (DRUM)
- National Action Network
- Urban Justice Center
- Electronic Frontier Foundation
- Common Cause/NY
- Access Now
- Legal Aid Society
- CryptoHarlem
- Tenth Amendment Center
- Asian American Legal Defense Fund
- The Bronx Defenders
- BMLP (Black Movement Law Project)
- Bill of Rights Defense Committee/Defending Dissent Foundation
- National Lawyers Guild – NYC Chapter
- Try Voices
- Citizens Union
- Arab American Association of New York
- Million Hoodies Movement for Justice NYC Chapter
- Restore the Fourth
- Campaign Zero
- South Asian Americans Leading Together (SAALT)
- Defending Rights and Dissent
- Open Technology Institute
- National Network of Arab American Communities
- Fight For The Future
- Center for Democracy & Technology

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