STATEMENT OF
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BEFORE THE
COMMITTEE ON PUBLIC SAFETY
NEW YORK CITY COUNCIL

FOR A HEARING CONCERNING,
CREATING COMPREHENSIVE REPORTING AND OVERSIGHT OF NYPD
SURVEILLANCE TECHNOLOGIES

PRESENTED
DECEMBER 18, 2019
Good Afternoon, my name is Liz O’Sullivan and I am the Technology Director for the Surveillance Technology Oversight Project (“S.T.O.P.”). S.T.O.P. fights to end discriminatory surveillance and challenges both individual misconduct and broader systemic failures. I am here today in support of the Public Oversight of Surveillance Technology (“POST”) Act because transparency is vital to ensure the safety and freedom of New Yorkers.

We rarely acknowledge it, but math and technology are subjective. Artificial intelligence (“A.I.”) is the aggregation of many human decisions, codified into an algorithm. In civil society, we call this effect “math-washing”, where A.I. systems give a dangerous illusion of objectivity. The public’s misguided trust of these automated decisions creates an “automation bias”, blinding us to the reality of when these systems are wrong.

Human decisions and human bias infect every automated system, including biometric surveillance tools like facial recognition. The creators of these tools inject their assumptions and misassumptions on everything from gender, to physical movements, to “normal” speech patterns. If facial recognition software is programmed to only recognize two genders, what happens when it encounters someone who is transgender or non-binary? When software identifies people from their physical movements, wheelchairs users can be dehumanized and misidentified as inanimate objects. A speech recognition algorithm trained on only one cadence can leave those with auditory or verbal disabilities completely unheard. Simply put: Bad data gives you bad results.

Marginalized communities are disproportionately impacted by A.I. bias. Algorithms only can learn from the data they are given. When biased data shapes artificial intelligence, the bias is magnified. An alarming example of this pattern is predictive policing. New Orleans’ predictive policing program secretly recorded and logged the public’s movements, regardless of whether they hadn’t committed a crime. Then, New Orleans trained its algorithm on historical crime data that showed systemic over-policing of communities of color, so the algorithm learned to target those same communities.

The first step in fighting back against algorithmic bias is disclosure. But, since police AI is often hidden from public, we have to look at other sectors to understand the impact this technology is having. Take, for example, UnitedHealth Group’s algorithm prioritized care for healthy white patients over sick black patients. More recently, when the Apple Card was called into question...

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about its gender bias in determining creditworthiness, it was widely condemned algorithmic bias.\textsuperscript{7} With growing interest in biased algorithms it’s clear that we can no longer allow the NYPD to hide its AI systems and their capacity for bias.

We want to know what the city is already using, what tools are already in effect, and what technologies are next. We can't rely on the NYPD to police itself. We need transparency and public accountability to ensure we have the necessary checks and balances to keep communities safe from algorithmic bias. It is critical that we have public oversight of how our city government uses these forms of technology. Today, I urge you to pass the POST Act.