

Council Member Antonio Reynoso  
Co-Chair, Progressive Caucus of the New York City Council  
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New York, NY 10007

Council Member Donovan Richards  
Co-Chair, Progressive Caucus of the New York City Council  
250 Broadway, Suite 1731  
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April 5, 2017

Dear Co-Chairs Reynoso and Richards:

On behalf of the undersigned civil rights, faith, community, immigrant, and advocacy organizations, we urge the Progressive Caucus of the New York City Council to support the Public Oversight of Surveillance Technology (POST) Act (Int. 1482-1017).

The POST Act, introduced by Council Members Daniel Garodnick and Vanessa L. Gibson, would require the NYPD to disclose basic information about the surveillance technologies it uses in order to strengthen oversight, promote public safety and trust in the police, and safeguard the privacy rights of New Yorkers.

Over the past decade, the NYPD has acquired a startling array of sophisticated surveillance technologies without approval or oversight from the City Council. The equipment includes fake cell phone towers called “Stingrays” that collect private data from innocent bystanders, military grade “X-ray” vans that use radiation to see through walls and inside cars, and a \$40 million “Domain Awareness System” that links city data feeds with thousands of security cameras around New York City. To date, the NYPD has purchased these tools using funds from private donors and federal grants, or used loopholes in local procurement procedures – effectively cutting the Council out of the decision-making process.

The POST Act seeks to increase transparency and oversight of the Department’s use of powerful surveillance technologies by providing a democratic platform to address concerns about privacy, discrimination, data security, and the effective use of public resources. Specifically, the POST Act would require the NYPD to issue an “impact and use policy” for each surveillance tool the Department employs or seeks to acquire. The document must describe the technology, the NYPD’s rules and guidelines for using it, as well as safeguards for protecting any data collected and information about who has access to it, including federal agencies. The Council, the public, and the NYPD Inspector General would then have an opportunity to weigh in on the proposed policies.

Importantly, the POST Act does not require the NYPD to disclose operational details that might compromise investigations. Nor does it prohibit the NYPD from using cutting-edge tools to keep the city safe. The bill requires only the disclosure of basic information necessary to conduct effective oversight and help restore public confidence in local policing. In fact, federal agencies routinely disclose similar information about their use of new surveillance technologies, including “Stingrays,” surveillance drones, facial recognition software, and license plate readers. Moreover, President Obama’s Task Force on 21st Century Policing strongly encouraged local law enforcement agencies to adopt similar policies of transparency.

The need for the POST Act has only become more urgent in light of President Trump’s immigration policies and anxiety about federal access to data. New York is a sanctuary city, but without the transparency the POST Act would provide, the Council and the public will remain in the dark about what information the NYPD collects and whether it is shared with federal agencies.

The Progressive Caucus has been a consistently strong voice in calling for increased transparency, accountability, and oversight of police practices. The POST Act is in keeping with this vision and follows other progressive cities like Seattle, San Francisco, Santa Clara, and Oakland that have recently passed or introduced similar bills.

We therefore respectfully ask the Progressive Caucus to support the POST Act and call on progressive members of the Council to co-sponsor this important legislation.

Sincerely,

Brennan Center for Justice at NYU School of Law  
New York Civil Liberties Union  
Council on American-Islamic Relations, New York Chapter  
Asian American Legal Defense and Education Fund  
CryptoHarlem  
Tenth Amendment Center  
South Asian Americans Leading Together  
Muslim Community Network  
Defending Rights & Dissent  
Electronic Frontier Foundation  
Bronx Defenders  
Legal Aid Society  
Common Cause New York  
Desis Rising Up & Moving  
National Lawyers Guild – New York City Chapter  
New York Immigration Coalition