

Written Testimony of Rachel Levinson-Waldman
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Before the New York City Council Committee of the Whole on
The Risks Posed by Artificial Intelligence
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My name is Rachel Levinson-Waldman, and I am director of the Liberty and National Security Program at the Brennan Center for Justice. The Brennan Center is a nonpartisan law and policy institute that seeks to improve our systems of democracy and justice. The Liberty and National Security Program uses innovative policy recommendations, litigation, and public advocacy to advance effective national security and law enforcement policies that respect the rule of law and constitutional values; my work includes promoting government accountability and working to ensure that the government's use of new and existing technologies does not violate fundamental rights.

On October 5, the Committee of the Whole held a landmark hearing on AI Risks. I am grateful to Speaker Menin for holding the hearing and ensuring that a diversity of voices have an opportunity to be heard on both the benefits and risks of use of artificial intelligence for the residents of New York City. I am pleased to submit written testimony regarding the urgent need for additional transparency and oversight over the NYPD's use of artificial intelligence.

I. Background

Across the United States, police departments are adopting automated software tools driven by artificial intelligence (AI) to collect, analyze, and share data. The New York City Police Department (NYPD) has implemented AI across policing workstreams, but there is little transparency regarding the Department's AI use and the policies governing it. The Department's own statements and other disclosures only deepen the uncertainty. In February 2025, NYPD Deputy Commissioner for Legal Matters Michael Gerber testified in front of the Council, stating that NYPD uses AI only in the following contexts: its pattern recognition tool Patternizr, the gunshot detection software ShotSpotter, and facial recognition.¹ However, we believe these statements, taken together with other materials released by the NYPD as required by statute as well as other publicly available information, fail to reveal the full extent of AI use within the NYPD. They also suggest a lack of clarity about what tools are properly classified as "artificial intelligence" or algorithmic tools.²

¹ New York City Council, Committee on Public Safety, Hearing on the NYPD's implementation of the Public Oversight of Surveillance Technology (POST) Act, February 19, 2025, <https://citymeetings.nyc/meetings/new-york-city-council/2025-02-19-1000-am-committee-on-public-safety/chapter/nypds-use-of-artificial-intelligence-and-predictive-policing/> (transcript addressing NYPD's use of artificial intelligence and predictive policing).

² New York City Council, Committee on Public Safety, Hearing on the NYPD's implementation of the Public Oversight of Surveillance Technology (POST) Act, February 19, 2025, <https://citymeetings.nyc/meetings/new-york->

The NYPD's disclosure gaps are important, because AI can expand both the scale of surveillance and its impact on constitutional rights. Technologies that perform facial recognition, automated license plate recognition, and gunshot sound detection allow law enforcement to process information at greater scale and speed.³ These concerns are amplified when information from different technologies are brought together through "data fusion" systems. According to NYPD's own policy, the Domain Awareness System (DAS) gives authorized personnel centralized access to police records, camera feeds, license plate reader records, and ShotSpotter data.⁴ In February, NYPD Commissioner Jessica S. Tisch announced an upcoming "upgrade" of the DAS, involving real-time alerts, though details are scant.⁵

The reach of this information extends beyond people suspected of criminal wrongdoing: for instance, NYPD's automated license plate readers record the plates of all vehicles passing within its range, and the Department retains license plate reader data for five years.⁶ By cross-referencing this information – which has been collected for a range of purposes, and which may not all be accurate – the system reveals a fuller picture of an individual's movements, associations, and activities. This magnifies the surveillance capabilities of individual technologies, greatly increasing the risk that information about an individual's religious beliefs, health status, or First Amendment-protected activity is revealed, or even that individuals or groups are targeted on those grounds.⁷

The breadth of the systems can also magnify inaccuracies and bias. A 2024 City Comptroller audit found that of 940 ShotSpotter alerts that the Department responded to in June 2023, 771 (82%) were unconfirmed after the initial investigation and 47 (5%) were classified as unfounded.

[city-council/2025-02-19-1000-am-committee-on-public-safety/chapter/nypds-use-of-ai-technologies-in-patternizer-shotspotter-and-facial-recognition/](https://www.nyc.gov/assets/oti/downloads/pdf/reports/LL35%20Report%202025%20-%20Final%20-%202026-03-27.pdf) (addressing NYPD's use of AI technologies in Patternizer, ShotSpotter, and facial recognition); see also New York City Office of Technology and Innovation, *Agency Compliance Reporting of Algorithmic Tools: Calendar Year 2025*, version effective March 2026, <https://www.nyc.gov/assets/oti/downloads/pdf/reports/LL35%20Report%202025%20-%20Final%20-%202026-03-27.pdf>

3. Rachel Levinson-Waldman and Ivey Dyson, "The Dangers of Unregulated AI in Policing," Brennan Center for Justice, November 20, 2025, <https://www.brennancenter.org/our-work/research-reports/dangers-unregulated-ai-policing> (hereinafter Levinson-Waldman and Dyson, "Dangers of Unregulated AI in Policing")

⁴ New York City Police Department, *Domain Awareness System: Impact and Use Policy*, February 4, 2026, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/Domain-Awareness-System-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf

⁵ Eyewitness News, "NYPD rolls out big changes as Commissioner Jessica Tisch says the department is 'strong'," WABC, February 10, 2026, <https://abc7ny.com/post/nypd-rolls-big-changes-commissioner-jessica-tisch-says-department-is-strong/18578969>

⁶ New York City Police Department, *License Plate Readers: Impact and Use Policy*, February 4, 2026, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/License-Plate-Readers-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf

⁷ Levinson-Waldman and Dyson, "Dangers of Unregulated AI in Policing"; see also Ivey Dyson, Yeshe Milner, and Helen Griffiths, "Documents Reveal How DC Police Surveil Social Media Profiles and Protest Activity," Brennan Center for Justice, April 30, 2024, <https://www.brennancenter.org/our-work/analysis-opinion/documents-reveal-how-dc-police-surveil-social-media-profiles-and-protest>; Rachel Levinson-Waldman and Mary Pat Dwyer, "LAPD Documents Show What One Social Media Surveillance Firm Promises Police," Brennan Center for Justice, November 17, 2021, <https://www.brennancenter.org/our-work/analysis-opinion/lapd-documents-show-what-one-social-media-surveillance-firm-promises>

Unconfirmed alerts are not necessarily false alerts, but the finding underscores why an alert must not be treated as a verified instance of a firearm being discharged. Historical law enforcement data presents an additional concern: Brennan Center research found that Black and Latino New Yorkers were overrepresented in minor offense cases from 2016 through 2022 and linked those disparities to concentrated enforcement in their communities.⁸ Similarly, the DAS alerts officers if someone they are searching for is in the city's gang database, which is composed almost exclusively of Black and Latino residents.⁹ Where AI is used to analyze such records, uncertainty and disparities in these underlying data can shape the conclusions police draw about people or places. Combining data sources therefore also makes it harder to identify which input contributed to a misleading result.¹⁰ The gaps in NYPD's disclosures make it difficult to assess how the Department addresses these risks when using AI to inform police action.

We urge the Council to conduct additional oversight to ensure that the NYPD's use of AI-driven technologies – both now and in the future – is transparent to the public and fully safeguards New Yorkers' rights. The growing pushback against Flock license plate reader systems and similar technologies across the country highlights the importance of public buy-in and the risk of losing public trust when the department and elected officials fail to ensure that surveillance technologies are narrowly deployed and strictly overseen.¹¹

II. Weaknesses in existing oversight structures

To address the risks arising from police use of powerful surveillance technologies and algorithmic tools, the New York City Council has enacted various accountability mechanisms, including the Public Oversight of Surveillance Technology (POST) Act in 2020, an expanded POST Act package in 2025, and the Guaranteeing Unbiased AI Regulation and Disclosure (GUARD) Act the same year.¹² Together with oversight by the Office of Inspector General (OIG)

⁸ Josephine Wonsun Hahn, Gabriella Sanchez, Ram Subramanian, and Will Merrow, "The Hidden Toll of New York City's Misdemeanor System," Brennan Center for Justice, March 21, 2024, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/License-Plate-Readers-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf

⁹ Medha Raman, "How the NYPD's Gang Database Targets Black and Latino Children, and Why It Should Be Shut Down," New York Civil Liberties Union, May 8, 2026, <https://www.nyclu.org/commentary/how-the-nypds-gang-database-targets-black-and-latino-children-and-why-it-should-be-shut-down>; see also Ivey Dyson and Faiza Patel, "Reviving the NYPD Inspector General," Brennan Center for Justice, April 25, 2023, <https://www.brennancenter.org/our-work/research-reports/reviving-nypd-inspector-general> (enumerating concerns about the NYPD's gang database).

¹⁰ Levinson-Waldman and Dyson, "Dangers of Unregulated AI in Policing"

¹¹ Chad Marlow and Jay Stanley, "How to Fight Deployment of Flock and Other Mass Surveillance License Plate Readers in Your Community," *American Civil Liberties Union*, June 29, 2026, <https://www.aclu.org/news/privacy-technology/tracking-alpr-cameras/how-to-fight-deployment-of-flock-and-other-mass-surveillance-license-plate-readers-in-your-community>

¹² New York City Police Department, "Public Oversight of Surveillance Technology (POST) Act Impact and Use Policies," accessed October 7, 2026, <https://www.nyc.gov/site/nypd/about/about-nypd/policy/post-act.page>; Amanda Fariás, "City Council Passes Expanded POST Act Legislative Package to Strengthen Transparency and Oversight of NYPD Surveillance Technology," New York City Council, April 15, 2025, <https://council.nyc.gov/amanda-farias/2025/04/15/city-council-passes-expanded-post-act-legislative-package-to-strengthen-transparency-and-oversight-of-nypd-surveillance-technology/> (hereinafter, Amanda Fariás, "City Council Passes Expanded POST Act

for the NYPD, housed within the Department of Investigation (DOI), these laws provide a framework for transparency and accountability regarding the use of AI tools by the NYPD and other city agencies.¹³ Unfortunately, their implementation has fallen far short of their promise.

A. POST Act

The POST Act requires the NYPD to publicly report on each of its surveillance technologies by publishing an Impact and Use Policy (IUP). The policy must describe the technology’s capabilities, set out rules and guidelines for its use, and explain how the Department retains, uses, and shares the information it collects. The law also provides an opportunity for public comment on proposed policies. The Inspector General is required to annually audit NYPD’s compliance with those policies. Moreover, the City Council rightly acknowledged past deficiencies in the NYPD’s IUPs and enacted legislation to strengthen transparency requirements.¹⁴ However, NYPD’s IUPs still leave basic questions unanswered about which technologies use AI, and how they inform police action.¹⁵

For example, the Patternizr system referenced by Deputy Commissioner helps NYPD analysts compare crime complaints across the city to identify potential patterns.¹⁶ Its developers describe a machine-learning tool integrated into the DAS that ranks similar complaints for analysts to review.¹⁷ The City’s 2025 report on algorithmic tools also identified Patternizr and states that analysts make the final decision on whether the complaints are actually connected.¹⁸ However,

Legislative Package”); Jennifer Gutiérrez, “City Council Establishes New AI Oversight Office and Other AI Initiatives,” New York City Council, November 25, 2025, <https://council.nyc.gov/jennifer-gutierrez/2025/11/25/city-council-establishes-new-ai-oversight-office-other-ai-initiatives/> (hereinafter, Jennifer Gutiérrez, “City Council Establishes New AI Oversight Office”); New York City Charter § 20-u.

¹³ New York City Department of Investigation, Office of the Inspector General for the NYPD, “Reports,” <https://www.nyc.gov/site/doi/oignypd/web/report.page>; see also New York City Department of Investigation, “DOI’s Office of the Inspector General for the NYPD (OIG-NYPD) Issues Report Assessing NYPD’s Compliance with the Public Oversight of Surveillance Technology (POST) Act of 2020,” May 30, 2024, https://www.nyc.gov/assets/doi/reports/pdf/2024/25PostActRelease_Rpt_05_30_2024.pdf

¹⁴ Amanda Fariás, “City Council Passes Expanded POST Act Legislative Package”

¹⁵ Pete Camardo, “Spinning out of Control: Drones and NYPD’s Failure to Comply with the POST Act,” *Science and Technology Law Review*, February 18, 2025, <https://journals.library.columbia.edu/index.php/stlr/blog/view/659>; see also New York City Police Department, *Data Analysis Tools: Impact and Use Policy*, February 4, 2026, 2, 4, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/Data-Analysis-Tools-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf

¹⁶ Molly Griffard, “A Bias-Free Predictive Policing Tool?: An Evaluation of the NYPD’s Patternizr,” *Fordham Urban Law Journal* 47 (2019): 43; see also New York City Police Department, *Data Analysis Tools: Impact and Use Policy*, February 4, 2026, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/Data-Analysis-Tools-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf

¹⁷ Alex Chohlas-Wood and E. S. Levine, “A Recommendation Engine to Aid in Identifying Crime Patterns,” *INFORMS Journal on Applied Analytics* 49, no. 2 (2019): 154–66, <https://pubsonline.informs.org/doi/10.1287/inte.2019.0985>

¹⁸ New York City Office of Technology and Innovation, *Agency Compliance Reporting of Algorithmic Tools: Calendar Year 2025*, version effective March 2026, 81–82 (PDF pp. 86–87), <https://www.nyc.gov/assets/oti/downloads/pdf/reports/LL35%20Report%202025%20-%20Final%20-%202026-03-27.pdf>

neither the February 2026 DAS IUP nor the Data Analysis IUP names Patternizr or explains how it identifies possible crime patterns.¹⁹

In its 2026 Data Analysis Tools IUP, the NYPD described capabilities such as searching across datasets, or identifying and visualizing connections between otherwise separate sources of records. The policy gives the example of examining assault complaints within a geographic area to identify potential links between investigations. It names Domino Data Labs and IBM Cognos Analytics but withholds additional tools on the grounds that disclosure would “interfere with active investigations.” While the NYPD initially said its data analysis tools do not use AI or machine learning, it later removed that statement, citing a lack of industry-standard definitions. The Data Analysis Tools IUP does not indicate whether any of these tools operate within DAS.²⁰

Visualizing connections between siloed data is a significant capability: apparent connections between individuals and crimes of interest may be misleading or inaccurate. These gaps in disclosure make it difficult to assess how algorithmic recommendations might influence investigations, and how the Department guards against mistaken connections. The NYPD’s IUPs must clearly state the AI tools they cover, and set out the rules and safeguards governing those tools’ use.

The NYPD, through its Real Time Crime Center (RTCC), also has access to commercial data aggregation platforms, including TLO, Whooster, Accurint, Skopenow, and LeadsOnline, which the February 2026 Electronic Record Management Systems IUP identifies as sources of public and proprietary records.²¹ These services expand the personal information available to the Department. Credit reporting agency TransUnion, for example, advertises TLOxp reports containing addresses, telephone numbers, relatives, financial assets, and employment histories, as well as tools for mapping relationships between adults.²² Some vendors also offer AI features: Skopenow advertises AI analysis of online text, images, and video for fraud and threat indicators in its Workbench product.²³ The IUP does not, however, identify which AI products or features, if any, the NYPD uses or how their findings inform investigations.

¹⁹ New York City Police Department, *Domain Awareness System: Impact and Use Policy*, February 4, 2026, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/Domain-Awareness-System-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf; New York City Police Department, *Data Analysis Tools: Impact and Use Policy*, February 4, 2026, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/Data-Analysis-Tools-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf

²⁰ New York City Police Department, *Data Analysis Tools: Impact and Use Policy*, February 4, 2026, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/Data-Analysis-Tools-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf

²¹ New York City Police Department, *Electronic Record Management Systems: Impact and Use Policy*, February 4, 2026, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/Electronic-Record-Management-Systems-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf; see also New York City Police Department, *Patrol Guide*, pt. 2, procedure 212-78, 263, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide2.pdf

²² TransUnion, “The Power of Data: Enhancing Investigations,” updated July 8, 2025, <https://www.transunion.com/blog/data-enhances-investigations>

²³ Skopenow, “Workbench,” <https://www.skopenow.com/workbench>

Social network analysis raises related concerns about how the NYPD interprets people’s online activity and associations. According to its February 2026 Social Network Analysis Tools IUP, the NYPD uses social network analysis tools manufactured by Voyager Labs and Shadowdragon to automate the review of publicly available information and assess criminal suspects’ profiles for connections. The policy describes using these tools to find connections between subjects of an assault investigation and to retain relevant social media information that users or platforms might later remove.²⁴ Voyager has advertised AI-based analysis of human interactions, and connections.²⁵ In 2023, the NYPD denied using Voyager’s software features to predict future criminal behavior.²⁶

The Department’s acknowledged use of social network analysis still warrants scrutiny. Social media connections can reflect anything from close relationships to loose ties thereby creating a risk that police will mistake an incidental association for a meaningful investigative lead.²⁷ The IUP says information obtained through these tools may generate investigative leads, but this does not by itself establish probable cause for a search warrant or an arrest.²⁸ The policy does not explain whether and how AI contributes to the analysis of those types of connections, or how the NYPD assesses their significance before pursuing a lead. As with several other IUPs, the NYPD initially said its data analysis tools do not use AI or machine learning, but later removed that statement on the grounds that there were not industry-standard definitions

Automated license plate readers (ALPRs) have a disclosure gap as well. Their use is expressly described in the NYPD’s February 2026 LPR IUP, which explains that LPRs automatically read plates and compare them against lists of vehicles of interest. Regardless of whether a plate was flagged on suspicion of a crime, data collected through LPRs is retained within NYPD systems for five years and is accessible through DAS. However, while the NYPD initially stated that its

²⁴ New York City Police Department, *Social Network Analysis Tools: Impact and Use Policy*, February 4, 2026, 4–5, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/Social-Network-Analysis-Tools-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf

²⁵ Voyager Labs, “Voyager Labs Partners with Microsoft to Provide AI SaaS Investigation Platforms to Empower Public Safety,” news release, March 22, 2021, <https://www.prnewswire.com/news-releases/voyager-labs-partners-with-microsoft-to-provide-ai-saas-investigation-platforms-to-empower-public-safety-301252748.html>; see also Emile Ayoub and Helen Griffiths, “We’re Suing the NYPD to Uncover Its Online Surveillance Practices,” Brennan Center for Justice, November 20, 2023, <https://www.brennancenter.org/our-work/analysis-opinion/were-suing-nypd-uncover-its-online-surveillance-practices>

²⁶ Johana Bhuiyan, “NYPD Spent Millions to Contract with Firm Banned by Meta for Fake Profiles,” *The Guardian*, September 8, 2023, <https://www.theguardian.com/us-news/2023/sep/08/new-york-police-tracking-voyager-labs-meta-contract>; see also Jo Ellen Nott, “NYPD Has Spent Millions of Dollars on Social Media Analysis Tools,” *Criminal Legal News*, February 15, 2024, <https://www.criminallegalnews.org/news/2024/feb/15/nypd-has-spent-millions-dollars-social-media-analysis-tools/>

²⁷ Levinson-Waldman and Dyson, “The Dangers of Unregulated AI in Policing”

²⁸ New York City Police Department, *Social Network Analysis Tools: Impact and Use Policy*, February 4, 2026, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/Social-Network-Analysis-Tools-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf

LPRs do not use AI, it removed this statement from the IUP, citing a lack of industry-standard definitions.²⁹

ALPR systems have developed capabilities beyond reading license plate numbers. Leonardo, the manufacturer named in the NYPD's IUP, advertises AI assistance in the recognition of a vehicle's make and color.³⁰ Flock advertises machine-learning tools that distinguish vehicles by their physical features, along with the ability for users to use natural-language to search through ALPR records.³¹ These vendor descriptions illustrate the need for the NYPD to carefully disclose which capabilities its own systems have, and how the Department uses them.

By contrast, the use of AI within ShotSpotter was confirmed during Deputy Commissioner Gerber's testimony.³² ShotSpotter is the NYPD's gunshot detection system, which uses acoustic sensors that have been placed around the city to detect possible gunfire. According to the company's explanation to the ACLU, AI screens sounds before human analysts review them.³³ The February 2026 ShotSpotter IUP describes those analysts' review and says an alert of possible gunfire appears in DAS, after which NYPD personnel create a dispatch event and assign a patrol unit. The alert can include the number of shots and information about the apparent shooter's movement.³⁴ The IUP therefore explains how alerts reach officers, but the automated screening step is unexplained. Given the uncertainty in alerts discussed above, the NYPD should explain how it evaluates that step and checks whether an alert corresponds to actual gunfire.

The NYPD has also introduced drones with AI capabilities, but there is inadequate information about how the Department uses those capabilities. Its fleet includes the Skydio X10, which the

²⁹ New York City Police Department, *License Plate Readers: Impact and Use Policy*, February 4, 2026, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/License-Plate-Readers-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf

³⁰ Leonardo, *Leonardo Vehicle Recognition Solutions*, <https://www.leonardocompany-us.com/hubfs/LPR/LPR-Product-Sheets/US/ELSAG-ALPR-Hardware-Software-Products-us.pdf>

³¹ Flock Safety, "Frequently Asked Questions," discussions of Vehicle Signature and Freeform Search <https://www.flocksafety.com/faq>

³² Michael Gerber, testimony before the New York City Council Committee on Public Safety, February 19, 2025, 1:23:25–1:23:52, transcript in "NYPD's Use of AI Technologies in Patternizer, ShotSpotter, and Facial Recognition," *citymeetings.nyc*, <https://citymeetings.nyc/meetings/new-york-city-council/2025-02-19-1000-am-committee-on-public-safety/chapter/nypds-use-of-ai-technologies-in-patternizer-shotspotter-and-facial-recognition/>; see also New York City Office of Technology and Innovation, *Agency Compliance Reporting of Algorithmic Tools: Calendar Year 2025*, version effective March 2026, 82–83 (PDF pp. 87–88), <https://www.nyc.gov/assets/oti/downloads/pdf/reports/LL35%20Report%202025%20-%20Final%20-%202026-03-27.pdf>

³³ Jay Stanley, "Four Problems with the ShotSpotter Gunshot Detection System," American Civil Liberties Union, August 24, 2021, <https://www.aclu.org/news/privacy-technology/four-problems-with-the-shotspotter-gunshot-detection-system>

³⁴ New York City Police Department, *ShotSpotter: Impact and Use Policy*, February 4, 2026, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/ShotSpotter-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf; see also "Here's How the NYPD's Expanding ShotSpotter System Works," *DNAINfo*, May 18, 2016, <https://www.dnainfo.com/new-york/20160518/crown-heights/heres-how-nypds-expanding-shotspotter-system-hears-gunfire/>; Brennan Center for Justice, *New York City Police Department Surveillance Technology*, October 2019, <https://www.brennancenter.org/our-work/research-reports/new-york-city-police-department-surveillance-technology>

manufacturer describes as using AI for autonomous flight. The Department’s February 2026 Unmanned Aircraft Systems (UAS) IUP also permits object recognition to track people or vehicles during pursuits under a pilot’s supervision.³⁵

While the IUP states that the drones cannot themselves conduct facial recognition analysis, it permits still images from recorded drone video to be used for separate facial recognition searches.³⁶ The NYPD’s Patrol Guide prohibits equipping drones with facial recognition software but contains a carve-out permitting facial recognition analysis of drone footage in situations deemed to present a “public safety concern.”³⁷ These uses remain subject to constitutional, statutory, and other legal requirements.³⁸ The NYPD should explain how often it uses automated tracking and drone images for facial recognition, what qualifies as a public safety concern, and how those decisions are approved and reviewed. Any proposal to add onboard facial recognition should be disclosed and reviewed before adoption.

A recent court decision highlights why oversight must examine both compliance with published policies and access to surveillance capabilities through other agencies, including in the context of facial recognition. In June 2025, a Manhattan criminal court found that an FDNY fire marshal had used Clearview AI, at the NYPD’s request, to help identify a suspect in June 2024 after the NYPD’s own facial recognition search failed. The court found that the investigative steps contravened NYPD policy, and Legal Aid has called for an investigation.³⁹

B. NYPD Office of the Inspector General

Another critical layer of oversight is the Office of Inspector General (OIG) for the NYPD. The OIG sits within the Department of Investigation (DOI) and has historically played an important role in overseeing the NYPD’s use of surveillance tools. As required by the POST Act, the OIG

³⁵ New York City Police Department, *Unmanned Aircraft Systems: Impact and Use Policy*, February 4, 2026, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/Unmanned-Aircraft-Systems-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf

³⁶ *Id.*

³⁷ NYPD, Patrol Guide, Part 2, Procedure 212-124 (effective June 23, 2025)

https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide2.pdf

³⁸ New York City Police Department, *Unmanned Aircraft Systems: Impact and Use Policy*, February 4, 2026, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/Unmanned-Aircraft-Systems-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf

³⁹ *People v. Zuhdi A.*, 2025 NY Slip Op 51047(U), 86 Misc. 3d 1227(A) (N.Y. Crim. Ct., N.Y. County June 17, 2025), https://www.nycourts.gov/reporter/3dseries/2025/2025_51047.htm; Legal Aid Society, “Legal Aid Society Sues FDNY Over Failure to Release Records on Facial Recognition Use in Protest Case,” July 18, 2025, <https://legalaidnyc.org/wp-content/uploads/2025/07/Legal-Aid-Society-Sues-FDNY-Over-Failure-to-Release-Records-on-Facial-Recognition-Use-in-Protest-Case.pdf>; see also New York City Police Department, *Facial Recognition: Impact and Use Policy*, February 4, 2026, https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/post-final/Facial-Recognition-NYPD-Impact-and-Use-Policy-2.4.26-FINAL.pdf (explaining that senior approval is required for searches outside a repository of arrest and parole photographs)

must conduct an annual audit of the NYPD's impact and use policies.⁴⁰ However, as of October 6, 2026, the latest dedicated POST Act report listed on OIG-NYPD's public reports page is from December 2024. Its April 2026 annual report does assess implementation of earlier POST Act recommendations, including changes to the drone policies published in February 2026, but does not contain a more recent audit.⁴¹

Meanwhile, the office has only acting leadership, according to DOI's September 2026 organizational chart, and it has faced resource constraints for the past few years.⁴² In March 18, 2026, DOI testified that while the NYPD inspector general's office had five unfilled staff positions, it only had enough of a budget to fill two.⁴³ This represents a precipitous decline from its peak in 2017, when the office had 38 staff members working for it.⁴⁴ Although the adopted budget for FY 2027 added personnel funding for the DOI, the published adjustment does not specify an OIG-NYPD allocation.⁴⁵ Without the necessary resources, the OIG-NYPD risks falling short in overseeing the NYPD's compliance with the POST Act and reporting to the public, weakening a critical layer of accountability.

C. GUARD Act

To strengthen enforcement of transparency requirements related to AI use across city agencies, the Council recently enacted the GUARD Act, which establishes the Office of Algorithmic Accountability (OAA) within the Office of Technology and Innovation (OTI).⁴⁶ The Act

⁴⁰ Brennan Center for Justice, "Public Oversight of Surveillance Technology (POST) Act Resource Page," <https://www.brennancenter.org/our-work/research-reports/public-oversight-surveillance-technology-post-act-resource-page>

⁴¹ New York City Department of Investigation, Office of the Inspector General for the New York City Police Department ("OIG-NYPD") Issues Twelfth Annual Report on 26 Publicly Issued Reports, April 15, 2026, <https://www.nyc.gov/assets/doi/reports/pdf/2026/08OIGNYPD.AR.Release.Rpt.04.15.2026.pdf>

⁴² Christopher Ryan, "Testimony Concerning the NYC Department of Investigation's Preliminary Budget for Fiscal Year 2027 and the Fiscal 2026 Preliminary Mayor's Management Report," testimony before the New York City Council Committee on Oversight and Investigations, March 18, 2026, 3, <https://www.nyc.gov/assets/doi/Testimony/2026/DOIPrelimBudgetTestimony.CYend.03.18.2026FINAL.pdf> (hereinafter Ryan testimony); New York City Department of Investigation, "Agency Org Chart," accessed October 7, 2026, <https://www.nyc.gov/site/doi/about/orgchart.page>

⁴³ Id. at 3

⁴⁴ Ivey Dyson and Faiza Patel, "Reviving the NYPD Inspector General," Brennan Center for Justice, April 25, 2023, <https://www.brennancenter.org/our-work/research-reports/reviving-nypd-inspector-general>; see also Sammy Sussman, "Mayor Mamdani Has Not Staffed Up NYPD Oversight Office," Streetsblog New York City, May 8, 2026, <https://nyc.streetsblog.org/2026/05/08/mayor-mamdani-is-not-doing-enough-on-nypd-oversight>

⁴⁵ Ryan testimony at 3; New York City Office of Management and Budget, *Financial Plan Reconciliation*, June 2026, 41, <https://www.nyc.gov/assets/omb/downloads/pdf/adopt26/adopt26-fprecon.pdf> (\$624,000 added for fiscal year 2027 Department of Investigation personnel; no allocation specifically identified for the Office of the Inspector General for the NYPD)

⁴⁶ New York City Guaranteeing Unbiased AI Regulation and Disclosure Act, Local Law No. 195, N.Y.C., N.Y.C. Charter § 20-u (2025); New York Office of Technology and Innovation, *Office of Technology and Innovation Testimony Before the New York City Council Committee of the Whole* (statement of Sarah Milstein, for the Office of Technology and Innovation (OTI)), October 5th, 2026, <https://www.nyc.gov/assets/dca/downloads/pdf/media/Advocacy-Testimony-Intros-161-T20262602-T20262601-T20262606-T20262605-T20262599-T20262603-504-T20262600.pdf> (describing OTI as encompassing OAA)

provides for a mayor-appointed Director to lead OAA, and requires city agencies to provide annual reports on algorithmic tools to OAA. OAA is responsible for pre-deployment risk assessments of algorithmic tools and for establishing binding compliance standards for agencies developing, procuring, and deploying public-impacting AI. If an agency does not meet OAA standards, the director of the OAA could take corrective actions, including re-training agency personnel or suspending a tool that fails a review or poses a risk of discriminatory decision-making. OAA or another mayor-designated office must compile agencies' annual reports on algorithmic tools and the assessment results for the mayor and the speaker of the council.⁴⁷

The law establishing OAA took effect on June 23, 2026.⁴⁸ At the October 5 hearing, OTI Deputy Commissioner for Strategic Advisory Services, Sarah Milstein, testified that the office had been formally established, and six new positions had been created. She said OTI hoped to announce a director within the next week or two, and she suggested that hiring for the remaining positions would begin once the director comes on board.⁴⁹ The office needs sufficient staff to put these oversight powers into practice, with a particular focus on ensuring that “high impact” tools – like those in use by NYPD – are assessed before deployment in real-world conditions for risk, bias, and effectiveness.⁵⁰

Moreover, OTI's existing oversight has relied on weak enforcement mechanisms.⁵¹ An August 2026 follow-up audit from the State Comptroller, which assessed implementation as of April, found that OTI still relied on agencies to self-report their usage of AI systems and tools, despite reporting gaps identified in its 2023 audit.⁵² OTI does compile and publish agencies' AI disclosures, including the NYPD's reported use of facial recognition, Patternizr, and ShotSpotter.⁵³ But the follow-up found that OTI had not implemented policies and procedures to check whether agencies' disclosures were complete and accurate.

⁴⁷ NYC Admin. Code § 3-119.5(b)–(d). Agencies report annually to OAA; OAA or another mayor-designated office or agency compiles the reports and assessment results for the mayor and Council speaker.

⁴⁸ New York City Guaranteeing Unbiased AI Regulation and Disclosure Act, Local Law No. 195, N.Y.C., N.Y.C. Charter § 20-u (2025) (eff. 6/23/2026)

⁴⁹ New York City Council, Committee of the Whole, “Oversight—Examining the Risks Posed by Artificial Intelligence,” hearing, October 5, 2026, 11:00 a.m., <https://legistar.council.nyc.gov/MeetingDetail.aspx?GUID=325D66DF-B99B-4C9A-8061-6EC9907142F2&ID=1445976&Search=>; see also Adam Daly, “NYC says it can handle AI-powered cyberattacks, but other safeguards are still catching up,” *amNewYork*, October 6, 2026, <https://www.amny.com/politics/nyc-ai-cyberattacks-safeguards/> (describing statements about hiring process for OAA).

⁵⁰ See Levinson-Waldman and Dyson, “Dangers of Unregulated AI in Policing” (describing guidance from White House Office of Management and Budget for testing and risk mitigation of high-impact AI use cases).

⁵¹ See, e.g., Jennifer Gutiérrez, “City Council Establishes New AI Oversight Office” (describing lax oversight and accountability by OTI)

⁵² Office of the New York State Comptroller, *New York City Office of Technology and Innovation: Artificial Intelligence Governance (Follow-Up)*, report 2025-F-17, August 2026, <https://www.osc.ny.gov/files/state-agencies/audits/pdf/sga-2026-25f17.pdf>

⁵³ New York City Office of Technology and Innovation, *Agency Compliance Reporting of Algorithmic Tools: Calendar Year 2025*, version effective March 2026, <https://www.nyc.gov/assets/oti/downloads/pdf/reports/LL35%20Report%202025%20-%20Final%20-%202026-03-27.pdf>

While OTI has provided guidelines to assist agencies in using AI responsibly and soliciting public input about AI usage, the audit also found that AI risk assessments were voluntary and agencies were not required to implement OTI's recommendations. OTI had no process to follow up on those recommendations.⁵⁴ If left unaddressed, these gaps create an uneven AI governance structure across agencies and lower the effectiveness of OTI's work.

III. Recommendations

In summary, there is an increasingly serious need to strengthen oversight and transparency regarding the NYPD's use of AI and to ensure that the Department is complying with existing laws, protecting the public from adverse impacts of AI, embracing transparency mechanisms that reflect both the letter and spirit of the city's laws, and future-proofing New Yorkers' rights to privacy, civil liberties, and civil rights. The Brennan Center accordingly calls on the Council to take the following steps:

1. Ensure that the Office of Inspector General for the NYPD has the funding, permanent leadership, and technical expertise it needs to scrutinize the NYPD's use of AI. For the OIG to operate as an effective governance mechanism, the Department of Investigations (DOI) must appoint a permanent Inspector General and receive sufficient funding and support to increase staffing levels.
2. Ensure that the Office of Technology and Innovation is fulfilling all of its obligations to the residents of New York City. This includes quickly hiring the full complement of staff allocated to the Office of Algorithmic Accountability to enable the OAA to begin its critical work and addressing the shortfalls identified by the State Comptroller. The Council should demand a timetable for this work and make it public, and should carry out consistent oversight to hold the OTI accountable and provide any support needed.
3. Hold a hearing dedicated to the NYPD's use of AI where the Department is required to explain what AI-enabled tools it uses, both developed commercially and in-house, how AI influences policing decisions, and what safeguards protect New Yorkers. The last hearing where the Department shared information about its use of AI was in February 2025, with many developments since. The Committee on Technology and the Committee on Public Safety have held hearings on the NYPD's use of surveillance tools, its failure to comply with mandatory transparency requirements in the POST Act, and its use of AI. The Council must continue to hold NYPD accountable in a public setting and ensure that the NYPD is being transparent about its use of AI across all levels, including in data analysis, in the RTCC, and within the DAS.

⁵⁴ Office of the New York State Comptroller, *New York City Office of Technology and Innovation: Artificial Intelligence Governance (Follow-Up)*, report 2025-F-17, August 2026, <https://www.osc.ny.gov/files/state-agencies/audits/pdf/sga-2026-25f17.pdf>

As AI-powered surveillance technologies become more commonplace in law enforcement, it is important that our elected officials do not let transparency and accountability fall by the wayside. I commend the Council for addressing this important issue and urge you to support measures that empower the public to hold the NYPD accountable regarding its use of AI. I would be happy to answer any questions and to continue this important conversation.