

To: [postact@nypd.org](mailto:postact@nypd.org)

Subject: Facial Recognition

My name is Jose Chapa and I am the Senior Policy Associate at the Immigrant Defense Project based in New York City. I write to oppose the NYPD's ongoing use of facial recognition. Facial recognition is a biased and unconstitutional technology. The policy your department released on January 6th completely ignored the racial bias of this invasive technology. Even worse, the NYPD's boilerplate language had clear errors, such as claiming that facial recognition doesn't use machine learning or artificial intelligence. These claims are false.

Over the past couple of decades, Immigration and Customs Enforcement-better known as ICE, has invested significantly in expanding its ability to surveil, arrest and deport people. This has included sharing information and technology with police—including biometrics such as fingerprints, and potentially facial recognition data. It is widely recognized that surveillance in the United States has increased to problematic levels that infringe on privacy, civil and human rights.

At risk of losing the most are communities of color, more notably Black and brown communities, including immigrants. A year ago, ICE announced that it had been conducting a 24/7 surveillance operation in New York called Operation Palladium to advance its agenda of harassing and intimidating immigrant communities.

This last decade and more notably these last four years have shown us that ICE's cruelty knows no bounds-and its abuse of this technology and their multi million dollar contracts with surveillance companies cannot go unnoticed. Unless we challenge this, tech companies will continue to build more and more tools used to surveil, incarcerate and deport our communities.

While any use of facial recognition is alarming, the Department's document highlighted extremely concerning policies, such as using facial recognition for the prevention of future crimes and using facial recognition for public health purposes. While I would oppose facial recognition regardless of what your policy says, I am even more adamantly opposed to your use of facial recognition in light of the document.

Sincerely,

Jose Chapa

Senior Policy Associate

Immigrant Defense Project

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Direct Line: (347) 497-7449 Fax: 800.391.5713

To: [postact@nypd.org](mailto:postact@nypd.org)

Subject: Criminal Group Database

My name is Jose Chapa and I am the Senior Policy Associate at the Immigrant Defense Project. I write to oppose the NYPD's ongoing use of the criminal group database. The database risks falsely flagging New Yorkers as gang members, has disparate racial impact, and is known to have collateral consequences. The database allows the NYPD to track children because it has no age limits on who can be entered into it. Furthermore, your policy states that one way an individual can be added to the database is by meeting two or more criteria, all of which are overbroad. For example, simply wearing a certain color frequently can flag an innocent New Yorker as a gang member. Worse yet, the policy your department released on January 11th ignored or denied documented practices associated with the gang database, such as the database information being used in furtherance of immigration proceedings. It also denied the disparate impact of the database, even though the NYPD has previously admitted that 99% of those included in the database are New Yorkers of color.

At risk of losing the most are communities of color, more notably Black and brown communities, including immigrants. Being listed on a criminal group database can have disastrous consequences for people who are either in the process of applying for any immigration relief or are in danger of deportation. When agencies share data without any oversight such as criminal group databases, the data is not only exploited, it also leads to multiple erroneous reports of people that have been mistakenly identified as being affiliated with gangs through the blanket style surveillance of Black and brown communities.

The Department's lack of candor is completely inconsistent with the spirit and letter of the POST Act. The NYPD needs to be forthcoming about the collateral consequences of the criminal group database and share specific details about these consequences, given evidence that gang designations have been shared with prosecutors, federal law enforcement, and ICE, putting those included at heightened risk of arrest and deportation. The NYPD, given the disparate impact, potential for inaccuracy, and anti-privacy nature of the gang database, should cease using it.

Sincerely,

Jose Chapa

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To: [postact@nypd.org](mailto:postact@nypd.org)

Subject: Digital Fingerprint Scanning Devices

My name is Jose Chapa and I am the Senior Policy Associate at the Immigrant Defense Project. I write to oppose the NYPD's POST Act disclosures. The Digital Fingerprint Scanning Devices policy your department released on January 6th fell far short of what is needed to allow such an invasive surveillance tool. Even worse, the NYPD's boilerplate language had clear errors and sloppy, cut-and-paste responses. New Yorkers deserve more.

At risk of losing the most are communities of color, more notably Black and brown communities, including immigrants. Over the past couple of decades, Immigration and Customs Enforcement-better known as ICE, has invested significantly in expanding its ability to surveil, arrest and deport people. This has included sharing information and technology with police—including biometrics such as fingerprints, and potentially facial recognition data. It is widely recognized that surveillance in the United States has increased to problematic levels that infringe on privacy, civil and human rights.

The Department's lack of candor shows why even more work is needed, and it's completely inconsistent with the spirit and letter of the POST Act. Unless the NYPD provides greater detail about Digital Fingerprint Scanning Devices, the Department should be banned from using Digital Fingerprint Scanning Devices any further. The NYPD must provide specifics about what vendors and devices it uses, how information is shared with partner law enforcement agencies, and how data is retained.

Sincerely,

Jose Chapa

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To: [postact@nypd.org](mailto:postact@nypd.org)

Subject: License Plate Readers (LPR)

My name is Jose Chapa and I am the Senior Policy Associate at the Immigrant Defense Project based in New York City. I write to oppose the NYPD's disclosures about License Plate Readers (LPRs) under the POST Act. The LPR policy your department released on January 6th fell far short of what is needed to allow such an invasive surveillance tool. Among other things, LPRs raise civil rights concerns because of the likelihood of false positives, their ability to provide a detailed account of someone's movements, and the possible sharing of LPR information with immigration authorities. Immigration and Customs Enforcement has invested significantly in expanding its ability to surveil, arrest and deport people. This has included sharing information and technology with police—including reliance on LPR data, and also biometrics such as fingerprints, and potentially facial recognition data. It is widely recognized that surveillance in the United States has increased to problematic levels that infringe on privacy, civil and human rights.

The Department's lack of candor shows why even more work is needed, and it's completely inconsistent with the spirit and letter of the POST Act. Unless the NYPD provides greater detail about LPRs, the Department should be banned from using LPRs any further. The NYPD must provide specifics about what vendors and devices it uses, how information is shared with partner law enforcement agencies, and how data is retained.

Sincerely,

Jose Chapa

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