June 14, 2016

Via Online Form

Records Access Officer
New York City Comptroller's Office
One Centre Street, Room 602
Municipal Building
New York, NY 10007
foil@comptroller.nyc.gov

Via Certified Mail

Records Access Officer
NYC Police Department
F.O.I.L. Unit – Legal Bureau
One Police Plaza, Room 110-C
New York, New York 10038

Re: Freedom of Information Law Request

Dear Sir or Madam;

This is a request under the New York Freedom of Information Law ("FOIL") N.Y. Pub. Off. Law §§ 86, 87 on behalf of the Brennan Center for Justice at NYU School of Law ("Brennan Center"). The Brennan Center seeks information relating to the New York Police Department's use of predictive policing technology as well as the Department's policies and procedures governing such use.

Background

In general, "predictive policing" is a term describing the use of statistics or algorithms to make inferences about the risk of future crime in a particular geographic area or jurisdiction, or

involving a particular person. The City of New York has purchased Palantir, a software tool that can be used for predictive policing.

Purchase orders show that the City of New York paid $2,514,319 from 2012 to 2014 to Palantir Technologies for "Palantir Gotham" and unspecified software licenses.[1] The latest such purchase order available to us is dated August 25, 2014, for $907,412.80.[2] Palantir Gotham is a flexible software tool that allows data from multiple sources to be integrated and analyzed.[3] The Palantir Law Enforcement program, an implementation of the general Palantir Gotham platform designed for law enforcement agencies, allows police to pull in data from a wide range of sources to manage cases and investigate targets.[4] It also has a "predictive policing" portion that suggests areas where crimes are likely to occur and can help guide the deployment of police resources.

Despite widespread public interest in predictive policing, the public lacks information about the capabilities and limitations of the NYPD's predictive policing initiative. For this reason, we seek information and documents about the department's policies and contracts for the use of predictive policing technology. We therefore request the documents below.

Request

The Brennan Center specifically requests the following records under the FOIL:

1. **Purchase Records and Agreements:** Any and all records reflecting an agreement for purchase, acquisition, or licensing of, or permission to use, test, or evaluate a predictive policing product or service, including any product or service offered by Palantir Technologies.

2. **Vendor Communication:** Records reflecting any communications with Palantir Technologies, or any other third party vendor concerning Palantir Gotham or other predictive policing products or services, including sales materials and emails relating to those products.

3. **Policies Governing Use:** Any and all policies, procedures, manuals, or guidelines governing the use, testing, or evaluation of Palantir Gotham or other predictive policing products or services, including (but not limited to) policies regarding the retention, sharing, and use of collected data.

4. **Federal Communications**: Records reflecting any communications, contracts, licenses, waivers, grants, or agreements with the National Institute of Justice, Bureau of Justice Assistance, U.S. Department of Justice, or the National Science Foundation concerning the use, testing, or evaluation of Palantir Gotham or other predictive policing products or services.

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[1] Purchase order data comes from SmartProcure, a database of government agency purchase orders. SmartProcure, https://app.smartprocure.us/# (last visited April 20, 2016). See Appendix A for purchase order details.

[2] City of New York, Purchase Order CT1-857-20145403047, Aug. 25, 2014, paid to Palantir Technologies.

[3] Palantir Gotham, https://www.palantir.com/palantir-gotham/.

[4] Law Enforcement, Palantir, https://www.palantir.com/solutions/law-enforcement/.

5. **Information Inputs:** Records regarding what data may be, and/or actually is, used by or supplied to Palantir Gotham or other predictive policing products or systems, as well as any weighting used and all available details about the data.

6. **How it Works:** Records regarding how Palantir Gotham or other predictive policing products or services use the input data to create outputs, the algorithms or machine learning used, the possible or actual outputs, and how NYPD uses the system to make operational decisions.

7. **Past Uses:** Records reflecting the utilization, testing, or evaluation of Palantir Gotham or other predictive policing products or services, including records regarding the number of investigations in which predictive policing products or services have been used and the number of those investigations that have resulted in prosecutions or crime prevention.

8. **Audits:** Any records of, or communications regarding, audits or internal reviews of Palantir Gotham, or other predictive policing products or services.

9. **Nondisclosure Agreements:** Any records of, or communications regarding, any agreement that creates nondisclosure or confidentiality obligations governing NYPD contact with a vendor of predictive policing products or services.
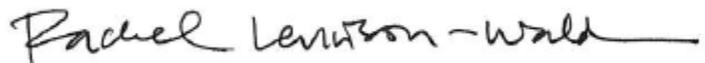
Response Required

The Brennan Center appreciates the NYPD's attention to this request and expects that the NYPD will send, within five days of receipt, its legally mandated response, or provide the date on which the response will be provided, which must be "reasonable" under the statute.[5]

For records that contain some exempt material and some non-exempt material, we request that you release the requested records with appropriate redactions, in accordance with the FOIL and related case law.[6] We also request that you provide us with the documents in electronic format where possible.

Should you have any questions concerning this request, please contact Rachel Levinson-Waldman by telephone at (202) 249-7193 or via e-mail at rachel.levinson.waldman@nyu.edu.

Sincerely,

Rachel Levinson-Wald

Rachel Levinson-Waldman

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[5] *See* N.Y. Pub. Off. Law § 89(3)(a).
[6] *See e.g.*, Gould v. New York City Police Dep't., 89 N.Y.2d 267, 265 (1996) ("blanket exemptions for particular types of documents are inimical to FOIL's policy of open government").

Senior Counsel, Liberty and National Security
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Appendix A

PO Number	Agency	Vendor	Amount	Date
CT1-857-20125401531	City of New York	Palantir Technologies	$1,200,000.00	1/13/2012
CT1-857-20135403092	City of New York	Palantir Technologies	$150,000.00	6/18/2013
CT1-857-20135403392	City of New York	Palantir Technologies	$236,905.87	7/12/2013
POD-858-20142032986	City of New York	Palantir Technologies	$20,000.00	6/19/2014
CT1-857-20145403047	City of New York	Palantir Technologies	$907,412.80	8/25/2014