Department of Computer Science and Engineering (Data Science)

A.Y.: 2024-25   Class/ Sem: B.Tech/ Sem-VIII   Sub: Data Ethics

Tutorial-9

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Case Study: Facial recognition technology by the New York Police Department (NYPD) in the wake of protests of police brutality and racial injustice in 2020

In 2020, amid widespread protests against police brutality and racial injustice, the New York Police Department (NYPD) faced scrutiny   over its use of facial recognition technology. This technology, which compares images from investigations with arrest photos, was employed to identify individuals involved in protests.

Use of Facial Recognition During Protests

The NYPD utilized facial recognition software to track and identify protesters. Notably, the department used this technology to locate Black Lives Matter activist Derrick Ingram, who was accused of assaulting a police officer during a protest.

Legal and Public Backlash

The NYPD's surveillance practices led to legal challenges. In August 2022, a New York Supreme Court ruling mandated the NYPD to disclose thousands of documents detailing its use of facial recognition technology against Black Lives Matter protesters. This decision followed a lawsuit filed by Amnesty International and the Surveillance Technology Oversight Project (S.T.O.P.), highlighting concerns over transparency and accountability.

Concerns Over Racial Bias

Critics, including human rights organizations, have raised alarms about the racial bias inherent in facial recognition technology. Studies indicate that such technologies often misidentify Black individuals at higher rates, exacerbating existing racial disparities in law enforcement practices.

Policy Responses and Reforms

In response to public outcry and legal challenges, the NYPD has faced pressure to reassess its use of facial recognition technology. Advocacy groups have called for a ban on police use of such technology, citing its potential to amplify discriminatory policing and infringe on the right to protest.

The NYPD's deployment of facial recognition technology during the 2020 protests against police brutality and racial injustice sparked significant legal and public debates. These discussions

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centered on issues of privacy, racial bias, and the balance between law enforcement objectives and civil liberties.

In a simple language:

In 2020, during the Black Lives Matter protests in New York City, the New York Police Department (NYPD) used facial recognition technology to identify and track protesters. This technology analyzes facial features from photos or videos to find matches in databases, such as arrest records.

Use of Facial Recognition

The NYPD employed this technology to identify individuals participating in the protests. For example, they used it to locate activist Derrick Ingram, who was accused of assaulting a police officer during a protest.

Concerns About Racial Bias

Critics argue that facial recognition technology can be biased, especially against people of color. Studies have shown that these systems are more likely to misidentify Black and Asian faces, leading to false accusations and reinforcing discriminatory policing practices.

Legal Actions and Demands for Transparency

In response to these concerns, organizations like Amnesty International and the Surveillance Technology Oversight Project (S.T.O.P.) filed lawsuits demanding transparency about the NYPD's use of facial recognition during the protests. In August 2022, the New York Supreme Court ordered the NYPD to release thousands of documents detailing their use of this technology against protesters.
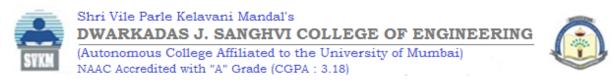
Calls for Policy Changes

Advocacy groups are urging the NYPD to reconsider or halt the use of facial recognition technology, citing its potential to infringe on civil liberties and disproportionately impact minority communities.

Questions on this case study

Extent of Use: To what extent did the NYPD deploy facial recognition technology during the 2020 Black Lives Matter protests? Which specific incidents or individuals were targeted using this technology?

Legal Framework: What legal guidelines or policies governed the NYPD's use of facial recognition technology during the protests? Were there any breaches of existing laws or departmental policies?

Accuracy and Bias: Given studies indicating higher misidentification rates for people of color, how did the NYPD address potential inaccuracies and biases in the facial recognition systems they employed?

Transparency and Accountability: What measures did the NYPD take to ensure transparency in their use of facial recognition technology during the protests? How did they respond to public and legal demands for disclosure of related documents?

Impact on Civil Liberties: How did the use of facial recognition technology by the NYPD during the protests affect individuals' rights to privacy and freedom of assembly? Were there any reported instances where its use deterred lawful protest activities?

Policy Reforms: In light of the controversies, what policy changes or oversight mechanisms have been proposed or implemented to regulate the NYPD's future use of facial recognition technology? Have there been any moves towards banning or restricting its use by law enforcement in New York City?

Public Perception: How has public trust in the NYPD been affected by revelations of their use of facial recognition technology during the protests? What steps has the department taken to address community concerns?

Comparative Analysis: How does the NYPD's use of facial recognition technology during the 2020 protests compare to other major U.S. cities? Were similar technologies employed elsewhere, and what were the outcomes?

Technological Partnerships: Which companies or vendors supplied the facial recognition technology used by the NYPD during the protests? What are the implications of these partnerships for data privacy and security?
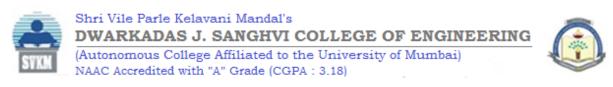
🎬 **Future Implications**: What are the broader implications of the NYPD's use of facial recognition technology during protests for the future of policing and surveillance in democratic societies? How can a balance be struck between public safety and individual rights?

1. **Extent of Use** : The NYPD's deployment of facial recognition technology during the 2020 Black Lives Matter protests represents a significant moment in surveillance history. Key aspects include:
- Confirmed Usage: The department utilized the technology to compare investigation images with their database of arrest photos, establishing a systematic surveillance approach.
- Documented Case: The most prominent documented example involved activist Derrick Ingram, who was specifically targeted using this technology after being accused of assaulting a police officer during a protest.
- Surveillance Scope: While the exact number of individuals targeted isn't specified, the technology was employed broadly enough to track and identify protesters throughout the demonstrations.
- Implementation Method: The system was used as an investigative tool, comparing images from ongoing protests with existing police databases.
- Data Collection: The technology was actively employed to gather information about protest participants, though the full extent of data collection remains unclear.

2. **Legal Framework** The legal oversight and governance of the NYPD's facial recognition use revealed several critical aspects:
- Judicial Intervention: The August 2022 New York Supreme Court ruling marked a crucial turning point, mandating the disclosure of thousands of documents related to the technology's use.
- Legal Challenges: Amnesty International and the Surveillance Technology Oversight Project (S.T.O.P.) played pivotal roles in forcing transparency through legal action.
- Regulatory Environment: The need for court intervention suggests potential gaps in existing regulatory frameworks governing police surveillance technology.
- Compliance Issues: The court-ordered disclosure indicates possible inadequacies in the department's voluntary transparency measures.
- Accountability Mechanisms: The legal proceedings highlighted the importance of judicial oversight in ensuring police accountability.

3. **Accuracy and Bias** The technical limitations and bias concerns of facial recognition technology presented serious implications:

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- Documented Bias: Studies conclusively showed higher misidentification rates for Black individuals, raising significant concerns about technological reliability.
- Racial Impact: The technology's known biases were particularly problematic given its deployment during racial justice protests.
- Systemic Issues: The use of potentially biased technology risked amplifying existing racial disparities in law enforcement.
- Verification Challenges: The document doesn't indicate whether the NYPD implemented any additional verification procedures to address known biases.
- Risk Assessment: The deployment of this technology during racially sensitive protests raised questions about risk evaluation procedures.

4. **Transparency and Accountability** The NYPD's approach to transparency revealed significant institutional patterns:
- Initial Resistance: The department showed reluctance to voluntarily disclose information about their use of facial recognition technology.
- Legal Compulsion: It took court intervention to force the release of relevant documents, indicating systemic transparency issues.
- Document Disclosure: The court order required the release of thousands of documents, suggesting extensive undisclosed use.
- Public Information: The department's handling of information requests reflected broader issues with public accountability.
- Oversight Requirements: The case highlighted the need for stronger institutional mechanisms for transparency.

5. **Impact on Civil Liberties** The use of facial recognition technology raised substantial civil liberties concerns:
- Privacy Rights: The technology's deployment potentially compromised individual privacy during constitutionally protected activities.
- Freedom of Assembly: The surveillance capabilities may have created a chilling effect on protest participation.
- First Amendment Implications: The use of this technology during protests raised concerns about infringement on protected rights.
- Democratic Participation: The surveillance approach potentially impacted citizens' willingness to engage in public demonstration.
- Constitutional Tensions: The case highlighted conflicts between law enforcement objectives and fundamental civil liberties.

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6.   **Policy Reforms** The controversy surrounding facial recognition use has prompted various reform initiatives and proposals:

- Reform Demands: Advocacy groups have specifically called for a complete ban on police use of facial recognition technology during protests.
- Public Pressure: The NYPD faced significant pressure to reassess and potentially restrict their use of surveillance technology.
- Oversight Proposals: Civil rights organizations advocated for stricter regulations and oversight mechanisms.
- Policy Review: The controversy necessitated a broader examination of police surveillance policies.
- Implementation Gaps: The document suggests a need for clearer guidelines governing the use of this technology.
- Community Input: There were calls for greater community involvement in policy decisions regarding surveillance technology.
- Accountability Measures: Proposals emphasized the need for regular audits and public reporting requirements.

7.   **Public Perception** The revelations about facial recognition use significantly impacted public trust and community relations:
- Trust Erosion: The use of surveillance technology during protests potentially damaged public confidence in law enforcement.
- Community Response: Human rights organizations and community groups expressed strong opposition to these surveillance practices.
- Media Coverage: The controversy generated significant public debate about police surveillance powers.
- Institutional Reputation: The NYPD's perceived lack of transparency affected their standing with various communities.
- Public Awareness: The case increased public consciousness about surveillance technology in policing.
- Communication Issues: The document suggests gaps in communication between law enforcement and the public.
- Community Engagement: Questions arose about the department's relationship with affected communities.

8.   **Comparative Analysis** While specific comparisons are not provided in the document, several analytical points emerge:

- National Context: The NYPD's use of facial recognition occurred within a broader national discussion about police surveillance.
- Jurisdictional Differences: The lack of comparative data suggests a need for broader study of surveillance practices across cities.
- Policy Variations: Different jurisdictions likely had varying approaches to protest surveillance.
- Technology Adoption: The extent of facial recognition use probably varied among different police departments.
- Best Practices: The absence of comparative information highlights the need for established standards.
- Cross-Department Learning: Opportunities for sharing experiences and lessons learned were potentially missed.
- Outcome Assessment: The effectiveness of different approaches to protest surveillance remains unclear.

9. **Technological Partnerships** The role of private sector involvement in police surveillance raised important considerations:
- Vendor Relationships: The specific companies providing facial recognition technology to the NYPD remain unidentified.
- Data Security: Questions persist about the handling and protection of collected surveillance data.
- Private Sector Role: The extent of corporate involvement in public surveillance requires examination.
- Technical Support: The relationship between technology providers and law enforcement needs clarification.
- Privacy Protections: The implications of public-private partnerships for individual privacy remain unclear.
- Data Management: Questions about data retention, sharing, and deletion policies are unanswered.
- Accountability Chains: The responsibility structure between vendors and police departments needs examination.

10. **Future Implications** The case raises crucial questions about the future of surveillance in democratic societies:
- Democratic Values: The balance between public safety and civil liberties requires careful consideration.

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- Policy Development: Future frameworks must address both technological capabilities and civil rights protections.
- Institutional Trust: Long-term impacts on public confidence in law enforcement need assessment.
- Technological Evolution: Advances in surveillance technology will continue to present new challenges.
- Rights Protection: Mechanisms for protecting civil liberties must evolve with technology.
- Public Discourse: Ongoing dialogue about appropriate limits on police surveillance is necessary.
- Oversight Evolution: Future governance structures must adapt to changing technological capabilities.