



# D.C. Police Sought a Contract With Palantir, But It Never Materialized

*Residents who want to weigh in on big data policing in D.C. should study up on contracting and procurement.*

BY BILL MYERS — MAY 10, 2018 5 AM



*DARROW MONTGOMERY/FILE*

**Sherlock Holmes** famously solved a case by listening for the dog that didn't bark. So it has been fascinating to listen to the utter silence from the D.C. police department as the Facebook privacy scandal has unfolded—especially as it's unfolded around Palantir, a defense contractor cum cop spying agency founded by **Peter Thiel**, **Donald Trump**'s favorite Silicon Valley baron.

Palantir's role in the Facebook scandal—scraping Facebook data for Cambridge Analytica—has raised all sorts of embarrassing questions for police chiefs around the country. Palantir has been aggressive at selling its wares to local cops and has won contracts in Los Angeles, New York, the suburbs of Chicago, and with the Virginia State Police and dozens of departments in Utah. Even before the

latest Facebook scandal, Palantir was radioactive: The company was chased out of New Orleans in February when it emerged that the cops didn't tell anybody in City Hall that Palantir was spying on their citizens.

D.C., then, has been a bit of mongrel among big-city police departments in that it hasn't made use of Palantir's snooping technology, which includes using cop cameras, social media profiles, and all sorts of advanced analytics to come up with "crime maps." But it turns out that it's not for lack of trying: Records obtained by *City Paper* show that D.C. officials did their level best to bring Palantir to town. It may be that the District's long history of contracting incompetence and corruption saved it from the latest unpleasantness.

The money was earmarked—twice. In fiscal year 2014, the D.C. police department obtained \$2.5 million for Palantir. In its budget request, the department said, "Palantir combines a back-end database and server architecture with an intuitive front-end user interface, which will enable the MPD to store, search, and share knowledge. Palantir was designed for environments where the fragments of data that an analyst combines to tell the larger story are spread across a vast set of starting material. Palantir provides flexible tools to import and model data, intuitive constructs to search against this data, and powerful techniques to iteratively define and test hypotheses."

That same year, the department pushed through a sole-source contract for Palantir, an officially elaborate ritual in which city officials have to demonstrate that no other company can provide a similar service. In fiscal year 2017, the department sought and obtained another \$3.6 million for Palantir, city records show.

## The Contract That Wasn't

Yet, having gone through all that trouble, the Palantir contract was never executed. Nearly \$2.4 million went out under the Palantir contract, but city records show that the money went instead to Microsoft for its Aware program, a data management system. Aware had been given separate earmarks and sole-source contract status, so it's unclear why and how the money earmarked for Palantir ended up going to Microsoft. D.C. police department spokeswoman **Karimah Bilal** declined to comment for this story.

If D.C. police aren't currently using Palantir's technology to snoop through your Twitter profiles and family records, you may have rank-and-file cops in the department to thank for that. Palantir made its pitch several years ago, but when mid-level officers around the city were asked for comment, they balked, one police veteran who sat in on one of Palantir's pitch meetings tells *City Paper*.

Officers were worried about the legal implications of Palantir's product, and some were also put off by the cloak-and-dagger style of the pitch, the veteran says. Palantir officials leaned heavily on their relationship with the CIA. (Many Palantir officials claim to be former spooks.)

A Palantir spokesperson acknowledged that the company pitched the District on its products but declined further comment.

D.C. has since scrapped the Aware system, and is now using yet another bubble gum-and-bailing-wire hodgepodge for its intelligence functions. The Starlight system—most irksome to rank-and-file—sends out real-time emails it culls from 911 calls, the police veteran says.

Starlight is a micro-manager's dream, the police veteran tells us. When Amtrak police arrested a man for wielding a knife at Union Station in late March, for instance, D.C. police executives began bombarding rank-and-file officers for updates even as they raced to the scene. The bosses were responding to emails sent by Starlight's 911 eavesdropping, the police veteran says.

## An Essential Conversation

The ongoing Facebook/Palantir scandal, meanwhile, offers a great opportunity for D.C.'s leaders to get a handle on police intelligence before it becomes a problem, says **Andrew Ferguson**, a professor at the University of the District of Columbia law school who has literally written the book about modern police spying. (The title is *The Rise of Big Data Policing: Surveillance, Race, and the Future of Law Enforcement*, and it came out last fall.)

"The Palantir story shows that the battle over big data policing is sometimes a battle over arcane procurement decisions, and traditionally citizens have not cared much about police procurement issues," Ferguson says. "But that should change because the technologies will impact civil liberties, constitutional rights, and the balance of power between citizens and police."

Ferguson can see cops' attraction to companies like Palantir. Hard pressed to lower crime on low budgets, police departments are certainly in the market for slick, "data-driven" solutions. Companies such as Palantir offer gadgetry at a reasonable cost. (In New Orleans, Palantir was offering its services for free. Ferguson and others believe Palantir is looking for a laboratory for their technologies.)

"Palantir has the potential to offer incredibly powerful investigatory data tools. That is something that is both frightening to those who fear that there are not enough checks or balances on the system, but it's also very encouraging for investigators," Ferguson says.

Other cities are already waist-deep in big data policing. Since 2012, Chicago Police have been using advanced algorithms to generate what it calls the "Strategic Subject List," a list of people who are at risk for violence (either as perpetrator or victim); Pittsburgh started testing its "predictive policing" in 2016; the good people of Baltimore County are still arguing about the efficacy of a private spy plane the police used to photograph the city.

Ferguson, among others, is worried that all this technology, while new, already suffers from an age-old tech problem: Garbage in, garbage out. The companies still have to rely on police data for their analyses, and Ferguson says it's easy for cops' bad habits—including racial profiling—to get locked into a technology solution that masks the the underlying problems.

In any event, Ferguson argues, the time to sort these questions out is now.

“It may be the case that the police can explain why this kind of thing is useful,” Ferguson says. “To me, that’s a conversation that should happen at the local level.”

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