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Judge Susie Morgan
500 Poydras Street
Room C322
New Orleans, LA 70130
Via Email Only

Dear Honorable Judge Morgan,

We acknowledge the receipt of the letter from District Attorney Jason Williams regarding our concerns about the usage of predictive policing/analytics technology. We appreciate the opportunity to clarify our position and address the DA's assertions.

Executive Summary:

1. **Definition of Predictive Analytics:** Chapter 147 of the New Orleans Municipal Code Section 147-2 explicitly defines predictive policing technology as the usage of predictive analytics software in law enforcement to predict information or trends about criminality, including but not limited to locations.
2. **Risk Terrain Modelling's (RTM) Predictive Nature:** RTM describes itself as a predictive analytics tool that uses environmental data to forecast future crime locations. This supports our assertion that the DA's office is engaging in predictive policing.
3. **Responsibility of DA's Office:** Despite claims otherwise, statements from the DA's liaison, former NOPD Chief Michael Harrison, indicate that the DA's office is assuming roles typically handled by law enforcement, raising concerns about their involvement in predictive policing.
4. **Community**: We have personally spoken to a few of the community-based nonprofits the DA listed as a partner. They have told us they are not partners with the DA's NODICE program. We ask that the DA provide clarity about what it means to be a partner. We also request evidence that the organizations he lists have affirmatively agreed to be partners.

Clarification of Predictive Policing Definition:
Chapter 147 of the New Orleans Municipal Code Section 147-2 [1] explicitly defines predictive policing technology as the usage of predictive analytics software in law enforcement to predict information or trends about criminality, including but not limited to locations.

The DA's response acknowledges the use of RTM to "examine the topography and environmental factors." However, it fails to address what is done with this data after examination and analysis. With RTM, topography, and environmental data are analyzed specifically to make predictions.

The critical issue here is not the type of data being collected or used but the purpose behind its usage. The DA's office is utilizing RTM to predict trends and locations of future criminal activities, which falls squarely under the definition of predictive policing as outlined in the municipal code.

RTM, as described by RTM:
RTM, the DA's partner, on its website explicitly describes RTM "as a measure of spatial vulnerability to crime, [that] outperforms event-dependent methods (I.e. recent past exposures, such as hot spots or near repeats) ***as a predictive analytic***…by providing more accurate forecasting of the most likely locations of criminal events." [2]. In support of our assertion that these environmental data are inherently predictive, RTM describes their technology as one that uses environmental data to forecast future crime locations, which directly aligns with the definition of predictive policing. See the appendix for additional details on RTM.

Responsibility of the DA's Office:
The DA's letter asserts that the office is not assuming the responsibilities of the police. However, this claim is contradicted by statements from the DA's own liaison, former NOPD Chief Michael Harrison. In an interview with WDSU news on May 29, 2024 [3], Mr. Harrison acknowledged the unusual nature of the DA's office leading this initiative, stating, "Normally, this is usually not led by a district attorney's office. But here uniquely, it is." This implies that the DA's office is indeed engaging in activities typically handled by law enforcement, reinforcing our concerns about their involvement in predictive policing.

Furthermore, by generating actionable data for the NOPD and maintaining a partnership based on this data, the DA's office is effectively influencing and reviewing the operations of the NOPD as it relates to NODICE. This level of involvement triggers Chapter 8 of the Consent Decree, which states that any entity that reviews NOPD operations becomes a binding party to the Consent Decree. Consequently, the DA's office must adhere to the provisions of the Consent Decree, including those related to bias-free policing and transparency.

Call for Compliance with the Consent Decree:
The use of predictive policing technology not only violates municipal law but also undermines the principles of equal protection and non-discrimination central to the Consent Decree. We urge the DA's office and NOPD to adhere to the Consent Decree's mandates for bias-free policing and transparency and we request the immediate cessation of this practice to ensure compliance with legal standards.

Thank you for your attention to this critical issue.

Best Regards,
Eye on Surveillance

Citations:

[1] - https://library.municode.com/la/new_orleans/codes/code_of_ordinances?nodeId=PTIICO_CH147SUTEDAPR_S147-2PRSUTE (accessed on 6/18/2024)

[2] - https://www.riskterrainmodeling.com/prediction.html (accessed on 6/18/2024)

[3] - https://www.wdsu.com/article/district-attorneys-credits-no-dice-for-helping-drive-down-crime-in-communities/60872532 (accessed on 6/18/2024)

Appendix:

Image 1: Risk Terrain Modeling (Official Site):