



**NEW YORK CITY COUNCIL  
JOINT HEARING BY THE COMMITTEE ON PUBLIC SAFETY,  
COMMITTEE ON OVERSIGHT AND INVESTIGATIONS, AND  
COMMITTEE ON TECHNOLOGY**

**TESTIMONY OF JOCELYN E. STRAUBER  
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**CONCERNING OVERSIGHT OF NYPD'S IMPLEMENTATION OF THE  
PUBLIC OVERSIGHT OF SURVEILLANCE TECHNOLOGY (POST) ACT**

**WEDNESDAY, FEBRUARY 19, 2025**

Good morning. My name is Jocelyn Strauber and I am the Commissioner of the Department of Investigation ("DOI"). Thank you, Chair Salaam, Chair Brewer, and Chair Gutiérrez and members of the Committees on Public Safety, Oversight and Investigations, and Technology for the opportunity to speak about DOI's oversight role with respect to NYPD's use of surveillance technology, as set out in the Public Oversight of Surveillance Technology legislation, which I'll refer to as the POST Act.

As you know, DOI oversees the operations, policies, programs and practices of the New York City Police Department ("NYPD") through DOI's Office of the Inspector General for the NYPD ("OIG-NYPD"). The POST Act requires NYPD to produce and publish Impact and Use Policies, IUPs for short ("IUPs"), for each surveillance technology used by the NYPD and directs OIG-NYPD to prepare an annual audit of the Department's compliance with these IUPs.

Since DOI last testified on this topic in December 2023, we have issued two additional reports pursuant to the POST Act. The first of those reports focused on five technologies deployed by NYPD in 2023 and the second report focused on NYPD's drone program. Today I will give you a summary of DOI's findings from those two reports and share our view of the three proposed bills under consideration today that relate to the NYPD's use of surveillance technology.

### **2023 POST Act Report**

The 2023 POST Act report, issued in the spring of 2024, examined the IUPs applicable to five surveillance technologies NYPD introduced in 2023: (1) Digidog, a remotely-operated robot; (2) the Knightscope K5 Autonomous Security Robot ("K5"); (3) StarChase GPS tracking technology ("StarChase"), which allows officers to attach GPS trackers to moving vehicles; (4) IDEMIA Mobile Biometric Check application ("IDEMIA"), a smartphone application capable of collecting and comparing digital fingerprints; and (5) an augmented reality smartphone application ("the AR application"), built by NYPD's Information Technology Bureau, capable of displaying data from NYPD databases concerning a particular location when a smartphone camera is pointed at that location.

OIG-NYPD's review found that NYPD did not issue new IUPs in conjunction with the deployment of these five surveillance technologies but addressed four of them — K5, StarChase, IDEMIA, and the AR application — in five different addenda to existing IUPs in April 2023. According to NYPD, the Digidog technology was addressed in an existing IUP, issued in 2021, when an earlier version of Digidog briefly was used by the Department, and therefore no addendum was required.

OIG-NYPD concluded that as of 2024, NYPD continued to group distinct surveillance technologies within a single IUP — a practice discussed in detail in OIG-NYPD's first annual POST Act report and in my testimony before these committees in December 2023. We found that the grouping approach may shield individual technologies from public scrutiny and oversight. It is OIG-NYPD's position that the POST Act requires an IUP for each distinct surveillance technology, unless the surveillance technologies at issue are substantially similar in capability and manner of use. In that event, a single IUP may address more than one technology and should name each individual technology to which it applies.

With respect to the five technologies reviewed in the 2023 report, OIG-NYPD found that the IUPs did not include all of the information required by the POST Act. With respect to Digidog, OIG-NYPD maintained, as it did in the first annual POST Act report, that Digidog was a surveillance technology with distinct capabilities and, therefore, NYPD should have issued an IUP specific to Digidog when the technology was initially deployed in 2021. Instead, NYPD asserted that Digidog was sufficiently addressed by the IUP for Situational Awareness Cameras. We also concluded that the Digidogs purchased and deployed in 2023 had enhanced capabilities that, at a minimum, should have been addressed in an addendum to the Situational Awareness Camera IUP.

OIG-NYPD further found that the Department appropriately treated K5, StarChase, IDEMIA, and the AR application as enhancements to, or new uses of, existing surveillance technologies, and, therefore, issued addenda for each of those technologies. However, we concluded that, taken together, the IUPs and the addenda did not meet the POST Act's requirements in the following ways:

- 1) The Situational Awareness Camera IUP and its addenda did not disclose health and safety information with respect to K5;
- 2) The GPS Tracking Devices IUP and its addenda did not adequately disclose the specialized rules, processes, and guidelines that distinguish StarChase technology from other GPS tracking technologies, health and safety information, or the type of data that may be disclosed to external entities;
- 3) The two IUPs relevant to the IDEMIA application and their addenda did not provide sufficient information about IDEMIA with respect to policies and procedures related to data retention and access; and
- 4) The Portable Electronic Devices' IUP and its addenda did not provide sufficient information about the AR application regarding policies and procedures related to data retention and access.

Based on its review, OIG-NYPD issued seven policy and procedure recommendations to NYPD in the 2023 POST Act Report. The recommendations advised NYPD to issue a new IUP for Digidog and to update the addenda to the IUPs as noted above, and also to limit grouping of technologies in a single IUP to those technologies that are sufficiently similar in capability and manner of use. Two of the recommendations proposed that NYPD include mechanisms within the IUPs for tracking and monitoring uses of surveillance technologies and that each IUP should identify the potential impact of the surveillance technology on protected groups, measures that the POST Act does not require. NYPD rejected those two recommendations and accepted the remaining five.

#### **2024 POST Act Report**

The 2024 POST Act report focused on the NYPD's use of drones — unmanned aircraft systems ("UAS"). The Department employs drones to further search and rescue missions, disaster responses, documentation of traffic accidents and crime scenes, crowd monitoring, and for situational awareness in active shooter and hostage situations. NYPD's drone program was announced in 2018. At that time, officers assigned to TARU, the Technical Assistance Response Unit which provides NYPD with equipment and tactical support and specializes in audio/visual technology, was tasked with implementation of the program.

Since that time the NYPD's drone usage has increased. In 2023, the Department reportedly deployed drones on over 4,000 flight missions, including responding to 2,300 priority calls for service, including searches for missing people, alerts from the ShotSpotter gunshot detection system, and crimes in progress as needed. OIG-NYPD reviewed the two IUPs applicable to the drone program — the UAS IUP and the Thermographic Cameras IUP — and concluded that the Thermographic Cameras IUP satisfied the POST Act requirements with respect to the Department's use of drone technology, but the UAS IUP did not disclose all of the information required by the POST Act and did not provide a complete and accurate picture of all aspects of NYPD UAS operations in the following ways:

- 1) The UAS IUP inaccurately states that all drone deployments are operated and supervised by TARU, when in fact multiple units within NYPD operate their own drone programs;
- 2) The UAS IUP requires that the Commanding Officer of the Drone Team report to the highest-ranking uniformed member of NYPD, but in fact the Commanding Officer reports to the Deputy Commissioner of Operations, who is not the highest-ranking uniformed member;
- 3) The UAS IUP does not disclose several capabilities of the Department's drone fleet including features that enable fully autonomous and pre-programmed flights, two- and three-dimensional mapping technologies, two-way communication capabilities, and glass breaker attachments;

- 4) The UAS IUP does not disclose any potential health and safety impacts of UAS, including risks related to personal injury, property damage, and the device's lithium-ion batteries, when potential health and safety risks plainly exist; and
- 5) The UAS IUP does not accurately reflect how NYPD maintains the logs of each drone flight.

Based on its review, OIG-NYPD issued ten policy and procedure recommendations to NYPD. Nine proposed that NYPD to update the UAS IUP to include the types of disclosures I just described, as required by the POST Act. OIG-NYPD also recommended that NYPD include in the IUP the potential impact of the surveillance technology on protected groups, which the POST Act does not require. We await NYPD's response to these recommendations which is due by March 18, 2025.

#### **DOI OIG-NYPD's Ongoing Role**

DOI recognizes that the use of surveillance technology in New York City raises important public concerns and we are committed to providing robust oversight in this area. Because the annual comprehensive inquiry that the POST Act requires DOI to undertake — an audit of the NYPD's compliance with each of its three dozen IUPs, for more than 80 surveillance technologies — is not feasible, we focus each annual report on particular surveillance technologies of greatest public interest and concern. We also seek to identify and to address any broader issues relevant to the POST Act's requirements and NYPD's compliance more generally, such as the grouping issue I've discussed today.

#### **Proposed Legislation**

DOI has reviewed Introductions 168, 233, and 480, which are being considered at today's hearing. These are bills that were first heard in December 2023, and that DOI testified about at that time. DOI continues to be generally supportive of the three bills, which track eleven of DOI's recommendations made in our 2022 POST Act report. Nine of those eleven recommendations remain rejected by NYPD. One recommendation, that NYPD issue a unique IUP for each distinct surveillance technology, was initially rejected, but was accepted after DOI reissued the recommendation in our 2023 report. Another recommendation, that NYPD provide DOI with an itemized list of all surveillance technologies the Department is using, was initially rejected, but has now been accepted in principle.

We appreciate the Council's support for our oversight mission, as well as for the specific recommendations we have made to the Department with regard to surveillance technology. We look forward to working with the Council on these bills should they move forward to a vote.

Thank you for your time and I am happy to take any questions you may have.