



Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3/4G

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**ANC 3/4G Resolution Supporting the Need for
Community Oversight of District Government Acquisition and
Use of Surveillance Technologies**

1. Equity is anchored by justice, fairness, and addressing core systems in a way that advances opportunities that provide equitable outcomes, regardless of race, color, income, religion, ethnicity, national origin, gender, sexual orientation, social status, disability, age, or neighborhood. Strategies that promote equitable outcomes for all population categories are beneficial to the entire population.
2. Policing in and of itself is insufficient to ensure the safety of our communities and often causes harm to the communities it is meant to protect and serve. Surveillance technologies can provide opportunities to enhance policing capabilities; however, these types of technologies disproportionately target and impact certain groups, are ripe for abuse and biased deployment, and are in need of greater oversight.
3. The Commission believes it is in the best interests of the Chevy Chase community and the District of Columbia to follow in the footsteps of numerous jurisdictions and adopt an oversight framework that promotes democratic accountability over the acquisition and use of surveillance technologies.

RESOLVED:

1. Secret and unchecked governmental surveillance and data collection can deprive individuals of privacy, impinge on important freedoms, further discrimination, chill the exercise of constitutionally protected free speech, and harm society as a whole;

2. The D.C. Council has a responsibility to protect the rights of all its residents and visitors, regardless of immigration status or other traits, and especially members of historically marginalized groups;
3. It is well documented that unchecked use of surveillance technology by the government targets and criminalizes groups that are already over-policed, including Black and Brown communities, low-income communities, Muslim communities, immigrant communities, LGBTQ+ communities, and politically active groups globally;¹
4. Facial recognition and other surveillance technologies that are used by the government have been shown to reflect and exacerbate existing racial bias and even to lead to false arrests;²
5. Currently, the D.C. police and other government agencies are able to acquire and use surveillance technology in secret without the approval or even awareness of any elected

¹ Malkia Cyril, *Watching the Black Body*, Electronic Frontier Foundation (Feb. 26, 2019), <https://www.eff.org/deeplinks/2019/02/watching-black-body>; Barton Gellman & Sam Adler-Bell, *The Disparate Impact of Surveillance*, The Century Foundation (Dec. 21, 2017), <https://tcf.org/content/report/disparate-impact-surveillance/?session=1>; George Joseph, *Racial Disparities in Police 'Stingray' Surveillance, Mapped*, Bloomberg (Oct. 18, 2016), <https://www.bloomberg.com/news/articles/2016-10-18/u-s-police-cellphone-surveillance-by-stingray-mapped>; Ian Thompson, *Abusive Surveillance Is an LGBTQ Rights Issue*, Slate (July 10, 2014), <https://slate.com/human-interest/2014/07/fbi-monitoring-of-american-muslims-abusive-surveillance-is-a-gay-issue.html>; *With Cameras, Informants, NYPD Eyed Mosques*, AP (Feb. 23, 2012), <https://www.ap.org/ap-in-the-news/2012/with-cameras-informants-nypd-eyed-mosques>.

² Lauren Sarkesian, *In the Drive to Curb Police Abuses, Rein in Their Tech Too*, Just Security (Aug. 7, 2020), <https://www.justsecurity.org/71863/in-the-drive-to-curb-police-abuses-rein-in-their-tech-too/>; Steven Feldstein & David Wong, *New Technologies, New Problems: Troubling Surveillance Trends in America*, Just Security (August 6, 2020), <https://www.justsecurity.org/71837/new-technologies-new-problems-troubling-surveillance-trends-in-america/>; Elisha Anderson, *Controversial Detroit Facial Recognition Got Him Arrested for a Crime He Didn't Commit*, Detroit Free Press (July 10, 2020), <https://www.freep.com/story/news/local/michigan/detroit/2020/07/10/facial-recognition-detroit-michael-oliver-robert-williams/5392166002/>; Bobby Alleyn, *'The Computer Got It Wrong': How Facial Recognition Led To False Arrest Of Black Man*, NPR (June 24, 2020), <https://www.npr.org/2020/06/24/882683463/the-computer-got-it-wrong-how-facial-recognition-led-to-a-false-arrest-in-michig>; Kade Crawford, *How Is Face Recognition Surveillance Technology Racist?*, ACLU-OR (June 16, 2020), <https://aclu-or.org/en/news/how-face-recognition-surveillance-technology-racist>; Andrew Guthrie Ferguson, *High-Tech Surveillance Amplifies Police Bias and Overreach*, GCN (June 12, 2020), <https://gcn.com/articles/2020/06/12/high-tech-surveillance-police-bias.aspx>; National Institute of Science and Technology, *Face Recognition Vendor Test Part Three: Demographic Effects*, Dec. 2019, <https://nvlpubs.nist.gov/nistpubs/ir/2019/NIST.IR.8280.pdf> (finding the existence of demographic disparities in the accuracy of facial recognition algorithms submitted for testing); Colin Daileda, *The Police Technology Intensifying Racial Discrimination*, Mashable (Oct. 3, 2016), <https://mashable.com/2016/10/03/police-technology-surveillance-racial-bias/>.

official or community members;

6. Decisions about whether and how D.C. government agencies can acquire or use specific surveillance technologies should be made through a transparent and accountable process that includes a meaningful opportunity for public input. If the acquisition or use of specific surveillance technologies is approved by the D.C. Council, there must be continued oversight and periodic evaluation to ensure appropriate safeguards are adhered to and that the benefits of use outweigh financial and societal costs;
7. Over a dozen jurisdictions across the United States have passed legislation to establish community oversight of government surveillance including San Francisco, Oakland and New York City.³
8. On July 22, 2020, the District of Columbia Police Reform Commission (DCPRC) was established by the D.C. Council by Act 23-336. The purpose of the DCPRC is to examine policing practices in the District and provide evidence-based recommendations for reforming and re-visioning policing in the District.
9. On April 1, 2021, the DCPRC issued its final report, *Decentering Police to Improve Public Safety: A Report of the D.C. Police Reform Commission*, to the D.C. Council.⁴ One of its recommendations specifically addressed accountability in the use of surveillance technologies. Specifically, the DCPRC recommended:

The Council should pass legislation to ensure that decisions about whether District agencies should acquire, use, or share surveillance technologies are made with thoughtful consideration and buy-in from the public and elected lawmakers, and that the operation of approved technologies is governed by rules that safeguard residents' rights and provide transparency. This legislation should, among other provisions set out below, include the creation of a Surveillance Advisory Group and establish a private right of action for violation of Council-approved rules for the acquisition or use of any surveillance technology.
10. ANC 3/4G calls on the D.C. Council to hold a hearing on legislation supported by the Community Oversight of Surveillance-D.C. (COS-D.C.) Coalition that would require robust public input and D.C. Council approval of District government use of surveillance technologies.

³ Community Control Over Police Surveillance, ACLU (last visited Aug. 24, 2020), <https://www.aclu.org/issues/privacy-technology/surveillance-technologies/community-control-over-police-surveillance?redirect=feature/community-control-over-police-surveillance>.

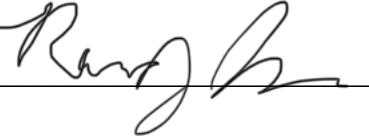
⁴ D.C. Police Reform Commission.com. 2021. [online] Available at: <https://img1.wsimg.com/blobby/go/dd0059be-3e43-42c6-a3df-ec87ac0ab3b3/D.C.%20Police%20Reform%20Commission%20-%20Full%20Report.pdf> [Accessed 17 April 2021].

11. ANC 3/4G supports the mission of COS-D.C. and calls for D.C. Council to support the proposed legislation.

FURTHER RESOLVED:

That the Commission designates Commissioner Lisa R. Gore, ANC 3/4G-01, to represent the Commission in all matters relating to this Resolution.

ADOPTED at a regular public meeting notice of which was properly given, and at which a quorum of seven (7) of seven (7) members was present on April 26, 2021, by a vote of **7** yes, **0** no, **0** abstentions.



Randy Speck, Chair



Lisa R. Gore, Secretary