Tourists beware of being databased in NYC

AUGUST 20, 2012 • NAT HENTOFF

If there were a global George Orwell Award for the vastest city police surveillance apparatus, New York City, where I live and work, would win this tracking and databasing prize.

In "Nowhere to hide from NYPD's new computer system" (Rocco Parascandola and Tina Moore, nydailynews.com, Aug. 8), I discovered that I am subject to the Domain Awareness System, created by the New York Police Department and Microsoft to track "data from a network of (video) cameras, radiation detectors, license plate readers and crime reports."

Triumphantly, New York Police Commissioner Raymond Kelly said: "For years, we've been stovepiped as far as databases are concerned. Now, everything that we have about an incident, an event, an individual comes together on that workbench, so it's one-stop shopping for investigators."

Kelly and Mayor Michael Bloomberg became this city's (and nation's) most all-seeing Big Brothers when, Parascandola and Moore write, "the NYPD approached Microsoft about the effort ..."

As Bloomberg glowingly declares: "We're not your mom and pop police department anymore. We are in the next century. We are leading the pack."

While leaving behind the individuals who are being swept up into a database of diverse suspects without even knowing it. As Kelly proudly tells the world, "This is a system being developed by police officers for police officers."

There's no room for the rule of law.

When Bloomberg used some of his billions of dollars to win a third term, we the voters had no idea that, as a result, our Fourth Amendment privacy rights would be handed to the NYPD for control.

Detailing this transformation of New York City into a police domain, Parascandola and Moore write: "The system will also check license plate numbers to a watch list and alert investigators if a match is detected and quickly pull up crime reports, arrests and warrants on a suspect."

There is no indication that the alleged suspects will have had any chance in any court to contest the accuracy of these bushels of crime reports, or the constitutionality of the arrests.

What I didn't know until now, according to a recent article in Fast Company, "Microsoft has quietly become one of the world's largest providers of integrated intelligence solutions for police departments and security agencies" ("NYPD, Microsoft Launch All-Seeing 'Domain Awareness System' With Real-Time CCTV, License Plate Monitoring (Updated)," Neal Ungerleider, Aug. 8).

Somehow that information doesn't give this Microsoft user a thrill. Quite the opposite.

This data on Microsoft continues:

"Although DAS (Domain Awareness System) is officially being touted as an anti-terrorism solution, it will also give the NYPD access to technologies that — depending on the individual's perspectives — veer on science fiction or Big Brother to combat street crime."

What further gives me an Orwellian chill in this report is that "the City of New York and Microsoft will be licensing DAS out to other cities; according to Mayor Michael Bloomberg, New York City's government will take a 30 percent cut of any profits."

Will the estate of George Orwell, author of the grimly prophetic "1984," get any cut of these profits?

To enlarge your awareness of how this tracking phenomenon will inevitably further dim our already rapidly diminishing expectation of personal privacy:

"According to publicly available documents," Ungerleider writes, "the system will collect and archive data from thousands of NYPD- and private-operated CCTV cameras in New York City, integrate license plate readers and instantly compare data from multiple non-NYPD intelligence databases ..."

These additional cities may also follow New York's zealous lead on this operation: "Monitoring will take place 24 hours a day, seven days a week at a specialized location in Lower Manhattan. Video will be held for 30 days and then deleted unless the NYPD chooses to archive it."

Since you won't know if you're in one of those videos, you won't be able to find out what the NYPD thinks it has on you. But there is no appeal procedure anyway.

Speaking for me, and I expect many of you, New York Civil Liberties Union Associate Legal Director Chris Dunn raises the prospect of filing court action against Police Commissioner Kelly, Mayor Bloomberg and, of course, Microsoft on Fourth Amendment grounds:

"We fully support the police using technology to combat crime and terrorism, but law-abiding New Yorkers should not end up in a police database every time they walk their dog, go to the doctor, or drive around Manhattan" (nydailynews.com, Aug. 8).

Earlier this year, reporters from the Associated Press won a Pulitzer Prize for Investigative Reporting by detailing Kelly and Bloomberg's secret surveillance of Muslims in New York City — and also in New Jersey and on certain college campuses only because these possible suspects were Muslim. There wasn't even a tinge of individual presumption of innocence!

For various reasons, including the deterioration of the public school system that he controls, Bloomberg's popularity has tanked. But Kelly's New York City poll ratings are very high.

Citizens who have been conditioned not to protest the George W. Bush/Dick Cheney/Barack Obama "new normal" suspension of the Bill of Rights may, nonetheless, eventually find in New York City (and other cities acquiring the Microsoft-NYPD Domain Awareness System) a steep loss in their personal liberties — if they remember what they are.

Around the nation, there is at last a rise in civics classes for students. But if Police Commissioner Kelly had decided to run for mayor of New York City in 2013, as for a time it seemed he would, his poll numbers indicate he probably would have won. That is chilling.

Nat Hentoff is a nationally renowned authority on the First Amendment and the Bill of Rights. He is a member of the Reporters Committee for Freedom of the Press, and the Cato Institute, where he is a senior fellow.