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*****FOR IMMEDIATE RELEASE*****

***FOIL: SI District Attorney Employs Controversial Facial Recognition
Technology - Clearview AI - on Unsuspecting New Yorkers***

***Legal Aids Demands Disclosure From DA McMahon on How Technology has
Been Used Against Staten Islanders***

***Defenders Urge Passage of Legislation That Would Prohibit law Enforcement
From Using These Invasive Technologies***

(NEW YORK, NY) – **The Legal Aid Society**, in a response to a recently obtained Freedom of Information Law (FOIL) disclosure, condemned Staten Island District Attorney Michael McMahon’s use of controversial facial recognition technology - [Clearview AI](#) - on unsuspecting New Yorkers.

Clearview AI is primarily used by law enforcement to match photos of unknown suspects to online images. Clearview has garnered intense criticism for infringing on basic privacy and civil rights by collecting and storing data on people without their knowledge or consent.

Earlier last month, it was [reported](#) that a New Jersey man was wrongfully arrested based on a false facial recognition match. The man spent ten days in jail and paid roughly \$5,000 for an attorney. The case was eventually dismissed for lack of evidence.

The records received through the Freedom of Information Law request revealed that the Staten Island DA’s Office paid \$10,000 in May of 2019 for eleven employees to use Clearview’s services for one year. The source of the funds is currently unclear. The DA’s Office’s internal protocols did not limit the use of Clearview to specific case types, potentially allowing for the controversial service to have been used on even the most minor of charges.

Additionally, despite the records indicating the generation of discoverable materials, the Legal Aid Society is currently unaware of any case in which those materials have been turned over to the defense. In response to a second FOIL request, DA McMahon refused to release documentation, including case specific information, generated pursuant to their office's own written guidelines governing the use of Clearview's software.

DA McMahon is currently the only prosecutor in New York City known to have contracted with Clearview AI.

“Facial recognition technology, especially Clearview AI, poses a direct threat to New Yorkers’ basic privacy and civil rights, a threat that other jurisdictions have already recognized by banning the use of such surveillance,” said **Diane Akerman, Staff Attorney with the Digital Forensics Unit at The Legal Aid Society**. “The relationship between the Staten Island DA’s Office and Clearview, a for-profit company whose software’s bias and unreliability has been the subject of criticism, is deeply troubling. Use of the technology threatens to increase surveillance of historically overpoliced communities - communities of color, Black and Brown communities, and activists - who have long disproportionately shouldered the harmful effects of surveillance by law enforcement. The Legal Aid Society calls on DA McMahon to disclose how his office has used Clearview AI on unsuspecting Staten Islanders, and to cease any current use of facial surveillance technology. We also call on the Legislature to pass pending legislation (S7572/A09767) to prohibit the use of facial recognition and other biometric surveillance technology.”

FOIL Disclosure Documents

FOIL #1:

Clearview contract, requisition and user list: <https://tinyurl.com/y4g2e156>

RCDA Clearview protocol: <https://tinyurl.com/y2ond5na>

IT Guidelines: <https://tinyurl.com/y5ljxm9o>

FOIL #2:

Records to be Disclosed: <https://tinyurl.com/y6qzsql7>

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org