THE LEGAL AID SOCIETY
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August 26, 2025

Contact:

Redmond Haskins
929.441.2384
rhaskins@legal-aid.org

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Legal Aid Society Demands Investigation into NYPD's Secretive and Unacceptable Use of Facial Recognition Technology

Request Follows Reporting on FDNY's Use of Facial Recognition Technology and a Case of a New Yorker Wrongfully Arrested Due to a False Match

(NEW YORK, NY) — **The Legal Aid Society** today called on the Office of the Inspector General for the New York City Police Department to open an investigation into the NYPD's violations of its facial recognition technology (FRT) policies and to publicly report the findings in its next annual surveillance oversight audit, as required under the Public Oversight of Surveillance Technology (POST) Act.

In correspondence sent to Inspector General Jeanene Barrett, Legal Aid detailed multiple alarming cases in which the NYPD appears to have violated its own policies by relying on facial recognition matches sourced from outside its approved photo repository — including through a covert unit within the Intelligence Division and by relying on other City agencies to do what the NYPD itself is barred from doing.

According to the NYPD's own Facial Recognition Impact & Use Policy, comparisons of suspect photos ("probe images") must be conducted solely within the Department's limited repository of arrest and parole photos — and only under specific, approved circumstances may external image databases be accessed. Yet Legal Aid has found that:

- The Special Activities Unit (SAU) within the Intelligence Division is generating facial recognition matches even after the NYPD's Facial Identification Section (FIS) fails to do so — raising serious questions about the source of SAU's image databases and the legality of NYPD's reliance on them. SAU also has failed to properly document its use of facial recognition technology.

- The FDNY has acted as a proxy for NYPD in running facial recognition searches that would otherwise violate NYPD policy, including by identifying a suspect in a misdemeanor protest case using Clearview AI and DMV photos — a tactic that one New York court sharply criticized as a backdoor around established rules.

In one such case, a detective uploaded a possible facial recognition match just hours after FIS reported a "no match" — but internal records showed the match came from SAU, not FIS. In another, the FDNY ran a Crime Stoppers image through its own system, identified a match, and obtained DMV records for NYPD. The court recognized that, through this process, the NYPD was relying on the FDNY to do "what the NYPD could not."

Legal Aid's letter also cited a disturbing instance where an individual was [wrongfully arrested](#) based on a false facial recognition match and an unduly suggestive photo array, highlighting the racial bias embedded in the technology and the opaque systems that shield its use from public scrutiny.

"Everyone, including the NYPD, knows that facial recognition technology is unreliable," said **Diane Akerman, Staff Attorney with the Digital Forensics Unit at The Legal Aid Society**. "Yet the NYPD disregards even its own protocols, which are meant to protect New Yorkers from the very real risk of false arrest and imprisonment. It's clear they cannot be trusted with this technology, and elected officials must act now to ban its use by law enforcement."

Legal Aid's letter urges the Inspector General to investigate:

- the NYPD Intelligence Division's use of facial recognition outside FIS;
- whether any of the required approvals were obtained for those uses;
- the sources and scope of the image databases being used; and
- the role of other city agencies in conducting or facilitating facial recognition searches on behalf of NYPD.

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