

EXHIBIT E

June 7, 2023

Hon. Charles Breyer
Judge, U.S. District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Judge Breyer,

As the Executive Director of the [Center on Privacy & Technology at Georgetown Law](http://www.law.georgetown.edu/center-on-privacy-technology) (the Center), I am writing to report on our use of the funds we received in December 2022 as a cy pres beneficiary in the settlement of *In re Google LLC Street View Electronic Communications Litigation*.

The Center conducts research and advocacy to expose and mitigate the impact of mass surveillance on historically marginalized communities. We are known for our groundbreaking work on police use of [face recognition technology](#), our exposure of [dragnet surveillance](#) by immigration authorities, and for our annual [Color of Surveillance](#) conference, an event that brings together scholars, activists, artists, and community members for interdisciplinary conversations on a different theme each year. Situated at Georgetown Law, we also have a pedagogical mission to train new lawyers to analyze the practical, legal, and ethical effects of digital era technologies in democratic society. We currently have a staff of seven, and will be welcoming three new staff members in September, 2023.

The Center is using the cy pres award to support research and advocacy across our three primary areas of programmatic focus: surveillance in systems of policing and punishment, surveillance of immigrant communities, and surveillance of workers. Below is a brief description of some of the specific activities towards which have directed the award so far and a summary of our plans for allocating and spending the remaining funds.

Cop-out: Automation in the Criminal Legal System

In March 2023 we hosted an [event](#) to celebrate the launch of our newest project, an interactive website illustrating all of the ways that algorithms are mediating decision-making within policing, prosecution, adjudication, corrections, parole and probation in the United States. [Cop-out: Automation in the Criminal Legal System](#) is a digital public education tool designed to be a resources for communities affected by surveillance, as well as for policymakers, journalists, and civil society organizations seeking

to understand the scope and impact of algorithmic tools in policing. We hired an artist to create original illustrations for the project, which in addition to the interactive digital narrative includes an extensive annotated bibliography and an essay explaining the compounding effect of each new algorithmic product on pre-existing problems with both the underlying systems and the other algorithms already being used by police, prosecutors, and judges. We intend to use the website and accompanying resources to build a short curriculum that can be used for popular education in a wide range of settings.

The settlement funds supported the final stages of website design, salary for Center staff and student research assistants assigned to the project, and the event launch itself. We expect to rely on the award funds to support the development of the Cop-out curriculum, which will likely be completed in 2024.

Research on DNA Collection and DNA Analysis Technologies

The Center is in the midst of several interconnected investigations into the expansion of public and private DNA databases, coinciding with the development and deployment of new DNA analysis technology especially in local, state and federal law enforcement contexts. In the six months since we received the cy pres award, we have completed the research and drafting for our first report on this topic, which focuses on the DNA collection policies and practices of the Department of Homeland Security since the adoption of a new Department of Justice Rule in 2020. We expect the report to be released in the fall of 2023.

Simultaneously, we are in the process of gathering information specifically about corporate involvement in the adoption of new DNA analysis technologies by local police departments. We have submitted several dozen Freedom of Information Act requests to law enforcement agencies across the country, requesting documents related to the procurement and use of DNA analysis technology. We have also carried out interviews with several scholars and scientists who work on forensic use of DNA. Our goal is to produce a comprehensive mapping of corporate activity in the DNA tech space both by jurisdiction and by type of technology.

The settlement funds have supported salaries for Center staff and student research assistants assigned to the project. We expect to continue drawing on the cy pres award to support this project for the next six months.

Recruitment

As indicated in our initial proposal, we plan to use a large proportion of the award fund to help us fill some key gaps in our current staffing. We have already completed the hiring for two positions, and intend to recruit for the staff technologist position sometime in early 2024.

- **Director of Research & Advocacy:** The Center has recently hired a new Director of Research & Advocacy to hold the primary responsibility for day to day supervision of programmatic staff. This is an absolutely necessary role that has been vacant since the departure of our Founding Director and the promotion of our previous Director of Research and Advocacy. The addition of this staff member will allow us to produce reports more quickly, and to extend our programmatic



focus to include the impact of surveillance on families and children in the welfare system (an area where our chosen candidate has significant expertise).

- Justice Fellow: The Center offers a one-year Justice Fellow position every fall to a graduating JD student interested in the intersection of technology and civil rights. This year, thanks to the funds from this award, the Center was able to recruit two Justice Fellows. The purpose of the fellowship program is not only to advance our research and advocacy, but also to help build the pipeline of public interest technology lawyers by providing advanced training in a field where there are very few entry-level positions for new lawyers.
- Staff Technologist: We intend to recruit for a staff technologist sometime in 2024. The technologist will assist Center staff in evaluating the technologies implicated in our research, as well as the practices of the technology companies that collect and use digital information. The technologist will help build out a technological infrastructure at Georgetown, including a digital forensic lab, and a slate of new courses to support the training of the next generation of privacy lawyers emerging from Georgetown Law.

Some of the activities we expect the new staff recruited with the support of the cy pres award to work on in the coming year include:

- A new report on surveillance of association in the workplace
- A collaboration with Georgetown's Communications & Technology Law Clinic on a project related to surveillance in public housing in D.C.
- Preparation for our 6th Color of Surveillance Conference
- Planning and hosting the 2024 Privacy Law Scholars Conference

If our programmatic work proceeds as planned, we expect to expend the funds from the award within 18 months. We are very grateful to have been selected as beneficiaries of the settlement in this important litigation, and welcome any follow-up questions the court may have about our use of the funds.

Sincerely,



Emily Tucker
Executive Director
Center on Privacy & Technology
Georgetown Law Center

