

To the Honorable City Councilmembers:

I am a 20-year resident of Baltimore City who lives in the 1st District and I am writing to convey my support for legislation regulating the way in which Facial Recognition Technology (FRT) is used in the city, particularly by the Baltimore City Police Department. I am an attorney, and a member of Showing Up for Racial Justice Baltimore, a group that works to mobilize white people in support of greater racial equity in our city and state.

FRT has been marketed to and adopted by many law enforcement agencies as a way to identify criminals by comparing their photos to a database of images. Technology and security companies hype up the capabilities of their tools to convince these agencies that the tools are foolproof: in their marketing copy, FRT becomes a shiny science fiction tool, a gift from the future that will ensure no criminal is uncatchable. But the reality is that this technology does not work as well as its proponents claim.

It has been well-publicized that the algorithms used to search FRT databases have substantial difficulty correctly identifying women and non-white people, compared to white men. The accuracy of the algorithm in any case relies on the use of perfectly lit close-up photographs, which is usually not what is being fed into these systems when police are looking for a suspect spotted by chance on a camera near the crime scene. The way FRT works in this scenario is that the LE officer submits the suspect photo, and the algorithm compares it to all the photographs in its database and produces a list of what the algorithm determines are the best matches in the database. Not “I’ve identified the person in this photograph and here they are,” but “here are the 50 people in the database I think look most similar to the photograph you submitted.” Proponents claim that humans operate as a failsafe by themselves doing the final visual comparison between the suspect and the proposed matches- but substantial evidence shows that humans are even worse at comparing faces than computers, especially when white folks are asked to identify persons of other races.

This tool, which has such a massive potential to misidentify innocent people as criminals (this is not a supposition, there have been multiple high-profile cases of such misidentification publicized), is subject to virtually no regulation or oversight of any kind. It’s all up to the private companies that profit off the sale of surveillance systems, and law enforcement agencies eager for technology that they believe can help them close more cases. FRT use by the police needs to be regulated to ensure a baseline of reliability, as well as ethical use of the technology that does not unfairly profile racial minorities or serve to surveil people engaged in lawful activities like political protests. The police should have to document what technology they are using and how and when they are using it. I well remember the Stingray debacle, when we learned that the police had for years been secretly using a cell phone tracking technology to track suspects and had lied to everyone- even the courts and prosecutors- about what they were doing and how to prevent the public from learning what they were up to. This is not the kind of behavior we should accept from the police in a free society.

An additional major problem of the unregulated FRT marketplace is that companies and law enforcement agencies have a complete disregard for any privacy rights of the people they add to their databases without permission or even knowledge. Law enforcement agencies like to build databases using data collected by other agencies like the MVA, for example. Without regulation, no one has to tell people their data is being collected or what it's being used for, and it becomes property of the company/agency forever. There is no way to get out of these databases, and there's nothing to stop anyone from sharing or even selling your data to whoever they wish. We need regulation to protect people who are being commodified by this industry and unknowingly made potential victims of misidentification by FRT.

I understand that the Law Department has raised some objections to the bill as written. I do not have sufficient background in some of the issues raised to be able to debate them. But regardless of whether it is this bill as written, or an amended form, I urge the Council to pass legislation to regulate the use of Facial Recognition Technology in our city, particularly by our police department.

Respectfully,

Lindsay Keipper  
Baltimore City 1st District