



November 14, 2023

Honorable President and Members of the Baltimore City Council
City Hall, Room 400
100 Holliday Street
Baltimore, MD 21202

RE: City Council Bill 23-0379 Facial Recognition Technology

Dear Council President Mosby and Members of the City Council,

The Mayor's Office of Neighborhood Safety and Engagement (MONSE) has reviewed Council Bill 23-0379, which aims to regulate the use of facial recognition technology by Baltimore City agencies.

MONSE recognizes both opportunities and challenges associated with the use of facial recognition technology by a city government.

Opportunities

Facial recognition technology, if implemented effectively, can:

- Reduce the burden on police by helping to solve crimes faster and with less impact to non-involved suspects.
- Deter crime (especially petty crime) among people who know that they are under surveillance.
- Aid in locating missing persons by utilizing CCTV footage.
- Development of the technology could result in faster, non-invasive identity verification.

Challenges

Facial recognition technology programs used by law enforcement in identifying crime suspects have been found to be substantially more likely to misidentify facial images depicting darker skin tones and females. For example, in an evaluation of major commercial facial recognition algorithms (including Microsoft and IBM), images of women with darker skin had misclassification rates of 21%-35%. By comparison, error rates for men with lighter skin had misclassification rates of 0%-1%. Some studies have found that even hairstyle variations lead to errors in facial recognition.

The emergence of facial recognition technology outpaced the development of policies to ensure privacy and protect civil liberties. There is currently a lack of legislative guidance on the collection, usage, and storage of facial recognition data. Without clearly defined guidance in

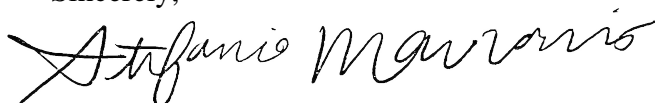
place, the storage and security of personal biometric data is a significant concern. The European Commission has opted to ban facial recognition technology in public spaces for up to five years while they update and enhance legal framework and guidelines on privacy and ethical use of the technology.

The impact of facial recognition technology on community trust is another important consideration. Systematically higher rates of facial recognition misidentification among Black and Brown residents and women can lead to racial and gender biases in wrongful investigations by police. Police officers should be trained not only in the use of the technology, but also the potential for misidentification.

If facial recognition technology is misused, it can lead to wrongful arrests, wrongful incarcerations, and enhanced police bias, further marginalizing people of color in our city. With strict oversight and legislation around collection, storage, and use, facial recognition technology has the potential to enhance public safety. We must prioritize the protection of Baltimore residents' constitutional liberties and civil rights in leveraging facial recognition technology to solve crime.

While MONSE supports the regulation of facial recognition technology, this legislation has no direct impact on the agency and we have not evaluated the legal or technical parameters. For this reason, we respectfully take no position and defer to the Law Department on City Council Bill 23-0379.

Sincerely,

A handwritten signature in black ink that reads "Stefanie Mavronis". The signature is written in a cursive, flowing style.

Stefanie Mavronis
Interim Executive Director