



October 18, 2022

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

**RE: City Council Bill 22-0122R
Informational Hearing – Public Safety and Surveillance 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 22-0122R. This first reader calls for an informational hearing to discuss the acquisition and use of facial recognition surveillance technology by Baltimore City government. In preparation for this hearing, MONSE has conducted research on facial recognition, its reliability, and the potential impacts on community trust.

Facial Recognition Technology – Opportunities and Challenges

There are several pros and cons to consider when discussing the implementation of Facial Recognition Technology (FRT) for use by a city government.

Opportunities

When FRT accurately works, it can:

- reduce the burden on police by helping solve crimes faster and with less impact to non-involved suspects.
- make people less likely to commit crimes, especially petty crime, when they know that they are under surveillance.
- aid in the location of missing persons by utilizing CCTV footage.

Furthermore, development of the technology could result in faster, non-invasive identity verification.

Challenges

Counter to its primary purpose, FRT has been unreliable when attempting to identify some individuals. For example, empirical studies demonstrate that FRT more frequently misidentifies people who are not white.

The emergence of FRT outpaced the development of policies to ensure privacy and protect civil liberties. Without clearly defined guidance in place, the storage and security of personal biometric data in massive databases is another significant concern. There is currently a lack of legislative

guidance on the collection, usage, and storage of FRT. With no way for people to “opt-out” of broad surveillance, FRT can lead to lack of informed consent from those whose biometric data is collected and stored. The potential for local regulations and federal oversight brings the future of this technology into question.

The deployment of FRT can also impact the behavior of those acting lawfully. Even when exercising protected constitutional rights (such as the rights to assemble or protest), people may self-censor in the presence of FRT for fear of legal repercussions for participation.

Reliability of Facial Recognition Technology

FRT has been unreliable when attempting to identify individuals, more frequently misidentifying people who are not white. Additionally, the elderly, women, and children have been shown to be more difficult to properly identify with FRT. Some studies have found that even a difference in hairstyles can lead to misidentification by the technology.

For example, in a study of major commercial facial recognition algorithms (including Microsoft and IBM), images of women with darker skin had misclassification rates of 20.8%-34.7%. Error rates for men with lighter skin had misclassification rates of 0.0%-0.8%.

Impact on Community Trust

It is important to examine the impact of FRT on community trust. Communities of color are already overrepresented in police databases because of decades of over policing and underinvestment in their communities. When the documented inaccuracies of FRT intersects with historically biased policing practices, Black and Brown communities are put at greater risk. Thus, police officers should be trained not only in the use of the technology, but also the potential for misidentification.

Any decisions to deploy FRT must involve the community at large and be rooted in transparency. Communities should be made aware of the potential for their data to be stored when they are in public.

Considerations and Conclusions

Across the United States, more and more cities are implementing new forms of FRT. At the same time, some cities across the world are opting to ban the technology outright due to civil liberty concerns. The European Commission has opted to ban FRT 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. When FRT is misused and lacks strong legislation defining it, it can lead to wrongful arrests, wrongful incarcerations, and enhanced police bias, further marginalizing people of color in our city.

It should also be noted that in 2021, MONSE supported City Council Bill 21-0001 prohibiting face surveillance technology except for the following exclusions:

“Face surveillance system” does not include the following:

- Biometric security system designed specifically to protect against unauthorized access
- to a particular location or an electronic device;

- Video and audio monitoring or recording technology, such as surveillance cameras,
- wide-angle cameras, and wearable body cameras;
- Automatic license plate readers;
- Closed-circuit television cameras;
- Gunshot detection hardware and services

With strict oversight and legislation around collection, storage, and use, FRT could potentially benefit the City and enhance public safety. The City of Baltimore should partner with organizations like the ACLU, which has published recommendations for the ethical usage of FRT to craft a policy that carefully strikes a balance between protecting the constitutional liberties and civil rights of Baltimore residents with enabling BPD's ability to effectively utilize camera technology to crime solve.

Sources

<https://learn.g2.com/ethics-of-facial-recognition>

<https://www.forbes.com/sites/bernardmarr/2019/08/19/facial-recognition-technology-here-are-the-important-pros-and-cons/?sh=72a2925314d1>

<https://www.liberties.eu/en/stories/pros-and-cons-of-facial-recognition/43708>

<https://www.brookings.edu/research/police-surveillance-and-facial-recognition-why-data-privacy-is-an-imperative-for-communities-of-color/>