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Medfield

TESTIMONY ON LO23-0379: Facial Recognition Technology

TO: Chair McCray and members of the Health, Environment and Technology Committee [or] Chair Conway and members of the Public Safety and Government Operations Committee

FROM: Christina Nemphos

I am a resident of the Medfield neighborhood and a member of SURJ Baltimore. I am submitting this testimony on 23-0379: Facial Recognition Technology. Due to inherent bias present in facial recognition technology (FRT), I am in support of banning the use of this technology entirely -- but especially by police and for criminal punishment applications.

As someone who works in tech, I have concerns about the growth of FRT use without proper and thorough evaluation, monitoring, and legislation by our government. FRT firms are selling a product -- so while they boast of the effectiveness of their products it should be noted that high effectiveness rates are only in optimal conditions. While FRT tends to work well for white men in middle age, their effectiveness declines sharply for women, juveniles, and people of color. For example, recent research has shown that Black women are misidentified at a rate of approximately 35%.

The chance for broad segments of the population to be misidentified by FRT is especially concerning when one of the primary applications is by police or in a criminal punishment setting. **This is not acceptable.** And it is already occurring -- in 2022, Alonzo Sawyer was wrongly charged and held for assault of an MTA bus operator, when the assault was actually perpetrated by someone 20 years younger than Mr. Sawyer.

I have major concerns about the unchecked use of a tool that claims to match or identify people becoming unquestioned - or just accepted as fact provided by technology - when in reality it is a software product, built by people running on algorithms also built by people.

Moreover, the City and the BPD already have a history of racist policy and practices. The inherent biases in FRT will only amplify injustice and discrimination in policing practices. Communities of color in Baltimore are already subject to discrimination and injustice - with increased rates of surveillance and monitoring - FRT is bound to be used more often in communities of color and will lead to increased erroneous charging, detainment and prosecution for these communities. **These are our neighbors! We cannot deploy a set of tools known to have inherent bias and high error rates for some folks for such a consequential purpose!**

At the very least, we need to immediately require (1) detailed reporting on how FRT is currently being used by police, (2) timely notification to those who have supposedly been "identified" using FRT, (3) that data from FRT is NOT being sold or shared to private entities, and (4) that FRT not be used at political rallies, demonstrations or protests as a violation of our first amendment rights.

Study after study shows that FRT does not make us safer. Facial recognition and other surveillance technologies will heighten discrimination in policing, especially as law enforcement agencies continue to make misinformed decisions around arrest and detainment that disproportionately impact marginalized populations. **FRT and invasive surveillance technology has no place in Baltimore -- we need strong guardrails to limit its use.**

Thank you for your time and consideration in this matter.