

*February 24, 2021 | Testimony of Chris Kingsley to the Baltimore City Council Public Safety and Government Operations Committee*

Members of the Committee:

Thank you for the opportunity to testify.

I am a resident of Bolton Hill and serve on the board of the No Boundaries Coalition, which represents Central West Baltimore and has a long-standing interest in public safety. Ashiah Parker, the executive director of No Boundaries Coalition, submitted separate testimony and apologizes that she is unable to be here to offer it in person.

Baltimore City should absolutely take the opportunity to limit the use of facial recognition technologies.

As MIT's Joy Buolamwini testified to this committee last October, Facial Recognition Technologies disproportionately misidentify and misclassify people of color, women and transgender people. A 2019 study of 189 of these algorithms by the [National Institute of Standards and Technology](#) found that false positives were often 10-100 times higher on African American and Asian faces than on Caucasian faces.

And as Eric Williams at the Detroit Justice Center shared with this Committee at that same hearing, this is not just an academic concern:

- Detroit Police using this technology wrongly arrested Robert Williams in front of his wife and two young daughters at their home, interrogated him, and held him in detention for 30 hours after their facial recognition system misidentified him as a shoplifter. The investigating officer admitted that "the computer must have got it wrong" but Mr. Williams still spent the night in jail and his fingerprints, DNA and mugshot are on file in Michigan.
- This was not the first time. Another Detroit black man, 25 year-old Michael Oliver, was wrongly charged with a felony account of larceny in 2019 after police used facial recognition which misidentified him as present at the scene of a crime. As he said after his lawyer successfully had the case dismissed, "I was nervous. People get convicted of crimes they didn't commit."

A few years ago it may have seemed controversial to limit the use of facial recognition - it is not now.

- A growing number of cities have passed bills banning or limiting the use of facial recognition technology, including Pittsburgh, Penn.; San Francisco, Calif.; Oakland, Calif.; Alameda, Calif.; Portland, Ore.; Portland, Maine; Madison, Wis.; Boston, Mass.; Northampton, Mass.; Somerville, Mass.; Cambridge, Mass.; Easthampton, Mass.; and Minneapolis, Minn.
- Amazon, IBM and Microsoft each ended or curtailed the sale of these technologies to police last year because of evidence of the technology's racial bias.
- Just this month, more than [40 civil rights groups asked the Biden administration to freeze federal use of facial recognition](#) and block federal funds from being used by state and local government to use these tools. As they wrote in their letter: "Even if the technology worked perfectly, it would facilitate the mass tracking of each person's movement in public space - something intolerable in a free and open society."

Baltimore can do better.

Facial Recognition Technology is not a part of the policing strategy that Commissioner Harrison is pursuing here which - as I understand it and have heard him describe it - is focused on constitutional policing, community policing, and rebuilding trust between the police and the communities whose cooperation they rely on to solve serious crimes. Facial Recognition Technology contributes to the oversurveillance of neighborhoods by police that erodes that trust.

It is also not consistent with the reforms the mayor has asked for - rebalancing the city's investments in public safety to include in health, housing and education to create pathways to opportunity for Baltimoreans instead of automating and escalating police enforcement.

We do not have evidence that Facial Recognition Technology contributes to lowering serious crime or solving those crimes when they do happen. Indeed, the public knows almost nothing about how often Baltimore Police Department uses these tools directly or accesses them through Maryland's Image Repository System (MIRS): who they try to identify, how often they get a positive match or false match, or how much all of this costs.

Given the many problems associated with using Facial Recognition Technology, I would hope that City Council would do what it can to limit or end its use. For example:

- Insist that BPD owes the public information on its use of Facial Recognition Technology, and the safeguards in place to prevent its misuse. An oversight hearing to establish basic facts and a subsequent agreement to publish regular reports or audits would be appropriate.
- Clarify policy on whether citizens who participate in Baltimore's CitiWatch Community Partnership can place reasonable restrictions on the use of images they choose to share with BPD to prevent them being used for automated racial recognition.
- Emulate the process the Baltimore Police Department used to make a decision about whether to continue or end the city's aerial surveillance program: hire a credible firm like the RAND corporation to evaluate the department's use of Facial Recognition Technology, its contributions to solving violent crimes, and its costs.

In conclusion, I want to make it clear that citizens understand that Baltimore police need better technology. The Commissioner and the Consent Decree Monitoring Team have both been very clear about the investments the department is making in modernizing its case management, human resources and mobile technology systems, and I am glad that City Council has been so supportive of those efforts.

Facial Recognition Technology is not the same kind of investment in BPD's core capacity. Its use by police can and does go wrong, and it contributes to a new kind of the "dragnetting" of poor communities that the department is trying to move away from. It erodes the trust that the BPD is working so hard to earn back. For all of these reasons, it is in the best interest not of just of Baltimore's citizens and neighborhoods, but of the BPD, to place limits on the use of Facial Recognition Technology at least until we can get answers to the questions raised during testimony today. If the City Law Department determines that Council does not have jurisdiction here, the Baltimore Police Department

can and should enter into a voluntary agreement with City Council to limit its use of facial recognition and for our elected officials to be able to provide oversight.