PEMBROKE PINES

PUBLIC COMMENTS

EMAIL SUBMISSIONS

03/24/2021

Virtual Commission Workshop

Facial Recognition Technology

Graham, Marlene

From:	Kay J-Reed <kjacobsreed@gmail.com>
Sent:	Wednesday, March 24, 2021 3:04 PM
To:	Graham, Marlene
Cc:	Ortis, Frank; Good, Tom; Schwartz, Jay; Castillo, Angelo; Siple, Iris
Subject:	Facial Recognition Technology

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Mrs. Graham,

Unfortunately, I have a conflict in time and will not be able to attend tonight's virtual workshop to discuss facial recognition technology to be used by the Pines PD. However, I would like my comments below to be read into the record and considered during discussion.

Thank you in advance,
Kalebra Jacobs-Reed
Pines Resident

Dear Mayor Ortis, Vice Mayor Schwartz, and Commissioners:

My name is Kalebra Jacobs-Reed. I am a proud resident of Pembroke Pines, a 22-year veteran teacher, a wife, and the mother of two African American sons. I am also the Chair of the Human Rights Committee of the Broward Democratic Party.

First, I'd like to commend all of you for the great job you are doing running our city. I'd also like to extend those sentiments to Chief Shimpeno for his leadership of our local police department. Living in Pines, for me and my family, has a most enjoyable experience. I often brag to my friends and coworkers that I live in a city with convenient access to everything we need; but, more importantly, I live in a city that is family-friendly and that gives me the peace of mind that my family of color is safe, protected, and welcome here.

This brings me to the issue of the facial recognition software that you all are considering for use with our police department. While I do applaud and support initiatives to incorporate technology into making our city more efficient, I have concerns about HOW this software will be used. As an African-American, I am sure you can understand my hesitations about implementing this software widely throughout all police services, given that traditionally these types of tech ID tools DO have a degree of fallacy and have been known to give false recognitions in the past. Personally, I can see the value that this tool would bring in helping an officer identify a missing person or a lost individual who is cognitively disabled (like my two sons or an elder with dementia). I can also imagine the great harm the same tool could do to our citizens and our city with one false identification being used to arrest someone. While I trust Chief Shimpeno and your efforts to keep all citizens safe, I ask you to consider first introducing this tool on a restricted basis, like for investigative units or to helping to identify missing persons. I believe this type of caution and prudence in implementing the software would be in the best interest of the community as a whole. I would definitely help me and my family continue to feel safe, as opposed to potentially targeted, as citizens of this great city.

Thank you for your time and consideration.

Sincerely,
Kalebra Jacobs-Reed

From:	Castillo, Angelo
Sent:	Wednesday, March 24, 2021 3:15 PM
To:	Graham, Marlene
Subject:	Fw: Facial Recognition Technology

Please have this read at the workshop as the resident requests. Thanks.

AC

From: Kay J-Reed <kjacobsreed@gmail.com>
Sent: Wednesday, March 24, 2021 3:04 PM
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Cc: Ortis, Frank; Good, Tom; Schwartz, Jay; Castillo, Angelo; Siple, Iris
Subject: Facial Recognition Technology

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Mrs. Graham,

from Kay J-Reed

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Sincerely,
Kalebra Jacobs-Reed

Public Comment ACLU

From:	Castillo, Angelo
Sent:	Wednesday, March 24, 2021 5:32 PM
To:	Graham, Marlene
Subject:	Fw: ACLU comments re: FACES (Face Analysis Comparison Examination System) face recognition system in City of Pembroke Pines
Attachments:	ACLU Comments re FACES (Face Analysis Comparison Examination System)_Pembroke Pines_2021 3 24.pdf
Importance:	High

Marlene -- this is from the ACLU -- Please read the ATTACHMENT into the record from the ACLU on facial recognition. Thanks.

Angelo

_____

From: Kirk Bailey <KBailey@aclufl.org>
Sent: Wednesday, March 24, 2021 5:28 PM
To: Castillo, Angelo
Cc: Daniel Tilley; Nathan Wessler
Subject: ACLU comments re: FACES (Face Analysis Comparison Examination System) face recognition system in City of Pembroke Pines

Commissioner Castillo: I write to follow-up on discussions you've been having with our colleague, Nate Wessler of the ACLU Speech, Privacy, and Technology Project. Please find attached our comme
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sophospsmartbannerend
Commissioner Castillo:
I write to follow-up on discussions you've been having with our colleague, Nate Wessler of the ACLU Speech, Privacy, and Technology Project. Please find attached our comments regarding consideration by the City of Pembroke Pines of the FACES (Face Analysis Comparison Examination System) face recognition system. I hope our comments will be helpful to the Commission and we're available to discuss at any time. Thank you for the opportunity to share our observations.

Respectfully,
Kirk Bailey

Kirk Bailey | Political Director |American Civil Liberties Union of Florida |786.363.2713 |
kbailey@aclufl.org<mailto:kbailey@aclufl.org>
Pronouns: he, him, his

March 24, 2021

The City of Pembroke Pines
601 City Center Way
Pembroke Pines, FL 33025

**RE: Comments – FACES (Face Analysis Comparison Examination System) face
recognition system in Pembroke Pines**

Dear Members of the Pembroke Pines City Commission:

We understand that you are considering whether to authorize a memorandum of
understanding that would give the Pembroke Pines Police Department access to the
FACES (Face Analysis Comparison Examination System) face recognition system.
Although our view is that face recognition systems should be banned entirely or at least
put on hold, to the extent that the City of Pembroke Pines intends to continue its use, we
have several suggestions of ways in which the harms of these systems can be mitigated.

First, some background on the harms of this technology.

I. **Use of face recognition threatens to create a near constant surveillance state,
undermining core constitutional values.**

Advances in face recognition threaten to create an almost Orwellian surveillance state,
where individuals cannot evade constant surveillance and tracking. Companies are now
marketing face recognition that is not only capable of identifying individuals from
photographs, but also able to surreptitiously track individuals or reconstruct their past
movements from videos. According to some estimates, there are 50 million surveillance
cameras throughout the United States - and a growing number of jurisdictions where
police use body worn cameras. Video cameras are even being integrated into everyday
objects, like doorbells. As technology develops, the increased number of cameras
combined with face recognition may give the government the capability to monitor
citizens' every movement, without their knowledge or consent.

These concerns are all the more striking given the threat that face recognition poses to
First Amendment expression. We should all have the right to take part in everyday
activities – be it sitting in a park or attending a political rally – anonymously and without
fear of government intrusion. Face recognition threatens this right. Moreover,
normalization of this technology will only encourage more cameras and the buildup of an
even more invasive surveillance architecture, upsetting the balance between individual
rights and government intrusion.

These concerns are not merely theoretical. In other countries, we are already seeing face
recognition being used as part of comprehensive surveillance systems that monitor and
track citizens. For example, China has 200 million surveillance cameras and is working
to develop the capability to identify any citizen within seconds. The government is
amassing face recognition databases of individuals who have mental illnesses, used
drugs, or petitioned the government with grievances. The government is also using the
technology as a tool to track and suppress ethnic minorities, including the Uighur
population. For example, China reportedly keeps a face recognition database of all

Uighurs who leave the province of Xinjiang, and are developing systems that can alert police when a Uighur moves into a new neighborhood. It is critical that we safeguard against the buildup of a similar surveillance architecture in the U.S., which would undermine our constitutional values.

II. Current uses of face recognition violate the Fourth Amendment.

Many common uses of face recognition by law enforcement threaten core constitutional rights, including those under the Fourth Amendment. Specifically, use of face recognition that permits law enforcement to infer the location of an individual, deduce intimate details of a person's life, or subject countless individuals to scrutiny based merely on the presence of their photo in a database raise particularly pronounced constitutional concerns.

The use of face recognition permits law enforcement to obtain information about individuals that has traditionally been safeguarded from government intrusion. Face recognition can be used on photographs to determine who people associate with and where they have been. Combined with the increased number of cameras and available video footage, it can be used to reconstruct an individual's movements in a large area over a significant period of time. Developments in real-time capabilities may also soon allow police to identify someone nearly instantaneously by, for example, matching an image from a body worn camera against a database of millions of photos. Such uses can provide an intimate window into a person's life, including whether they attend a protest, visit the doctor, or meet with a criminal defense attorney.

The fact that face recognition relies on a biometric characteristic – a person's face – means that it is virtually impossible for an individual to insulate themselves from this kind of surveillance. In this sense, face recognition is potentially even more invasive than some of the technologies the Supreme Court has previously examined. Nonetheless, in most cases, it is being used to gather the types of sensitive information referenced above without a warrant or judicial scrutiny of any kind, contrary to the guidance provided by Supreme Court precedent.

Moreover, developments in face recognition allow the government to obtain information cheaply and on a scale that would previously have been impossible, increasing the risk of abuse. Unlike eyewitness identifications, law enforcement can conduct thousands of searches matching against millions of photos – for less than the cost of a pizza. In many cases, they take advantage of large-scale databases, such as driver's license or passport repositories, that were never meant for routine investigative use. As a result, police effectively are able to conduct a search of millions of faces, with just a few clicks of a button. In other words, "this newfound tracking capacity runs against everyone," including individuals for whom there is no cause to believe committed a crime.[1] This ease, combined with the secretive nature of the technology, allows it to evade "the

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[1] *Carpenter v. United States*, 138 S. Ct. 2206, 2218 (2018)

ordinary checks that constrain abusive law enforcement practices: 'limited police resources and community hostility.'"[2]

III. The harms associated with face recognition will disproportionately fall on immigrant and communities of color

The dangers associated with law enforcement use of face recognition are likely to disproportionately impact immigrant communities and communities of color. This is for two main reasons. One, face recognition technology is disproportionally inaccurate on certain subgroups, including individuals with darker skin pigmentation. For example, a prominent study co-authored by an FBI expert found that leading facial recognition algorithms performed worse on African Americans and women. Higher rates of inaccuracy on darker skin pigmentations have also been noted in products marketed by private companies, including Amazon, Microsoft, and IBM. The effects of false identifications can be dire, leading to unjustified prosecutions and even false convictions.

Two, even if the technology were accurate, it is more likely to be used against communities of color, which are disproportionately subject to over policing, including increased stops, arrests, and uses of force. For example, African Americans are incarcerated at four times the rates of whites nationally. Moreover, in 2016, African Americans comprised 27 percent of all individuals arrested in the United States - double their share of the total population. Similarly, African Americans were 35 percent of juvenile arrests, but account for only 15 percent of the population. As a result of these disparities, African Americans and other vulnerable communities are also likely to be overrepresented in the mugshot photos that some facial recognition systems scan for potential matches.

While a warrant requirement can provide enhanced protection, studies have shown that this alone does not eliminate racial disparities. A study examining narcotics search warrants in the San Diego Judicial District found that African Americans and Hispanics were overrepresented as targets of such warrants relative to their population and patterns of drug use. The study found that 98 percent of the examined search warrants for cocaine targeted African American and Hispanic residents (potentially due to law enforcement's disproportionate focus on crack cocaine), and Hispanics were overrepresented as targets of methamphetamine warrants. Thus, use of face recognition, without safeguards to address existing policing abuses and disparities, risks further exacerbating such problems.

IV. Recommendation – ban or moratorium on the use of face recognition technology

Recognizing these harms, twenty municipalities (at current count) across the country have banned police use of face recognition technology, from Boston to San Francisco, from Portland to New Orleans and Jackson, Mississippi. The State of Vermont has also banned police use of face recognition technology, and the Virginia legislature has imposed a strict moratorium, awaiting signature by the governor.

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[2] *United States v. Jones*, 565 U.S. 400, 416 (2012) (Sotomayor, J., concurring) (citing Illinois v. Lidster, 540 U. S. 419, 426 (2004)).
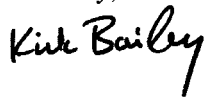
In light of the numerous harms, we encourage the City to join these other municipalities in banning, or at least putting on hold, the use of face recognition technology.

If the City wishes to continue its use, we would like to highlight some ways that the City may be able to mitigate the harms:

1. require audit testing to demonstrate that the system is not racially biased.
2. ban the system's use on live or recorded video feeds.
3. incorporate robust disclosure requirements to people who are arrested or otherwise accused of crime based on an alleged face recognition match so they can challenge accuracy of the "match." Otherwise, a prosecutor who unlawfully refuses to disclose exculpatory information pertaining to the use of face recognition technology can effectively prevent a defendant from challenging the technology's serious flaws, thus greatly increasing the likelihood of wrongful convictions. We are confident that the City is interested in avoiding that result.

Thank you for your consideration, and we remain available to discuss these matters.

Sincerely,

Kirk Bailey

Kirk Bailey

Cc: Daniel Tilley, Legal Director, ACLU of Florida
       Nathan Wessler, Dpty Director, ACLU Speech, Privacy, and Technology Project

Graham, Marlene

From:	Jasmen Rogers <jasmen.m.rogers@gmail.com>
Sent:	Monday, March 22, 2021 5:45 PM
To:	Public Comments
Subject:	Facial Recognition Workshop

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To Whom It May Concern:

This emails serves at my formal request to speak during the Commission Workshop on 3/24 at 6pm.

Jasmen Rogers (she/her)
jasmen.m.rogers@gmail.com
16316 NW 17th Street
Pembroke Pines, FL 33028

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Jasmen Rogers
She/Her/Hers
Political Strategist and Founder
Folding Chair Consulting
(954) 261-1380
    LinkedIn | Twitter | Facebook

"I am in love with freedom and children. Love is my sword and truth is my compass. What is left?" - Assata
Shakur