

SPRINGFIELD CITY COUNCIL

Councilor Justin Hurst

Chairman of the Audit Committee

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July 30, 2021.

Commission on Facial Recognition

Senator Jamie Eldridge and Representative Michael S. Day, Co-Chairs

Public Comment

Government Use of Facial Recognition Technology

Dear Senator Eldridge, Representative Day, and members of the Commission,

Good morning. My name is Justin Hurst. I am an attorney and an At-Large City Councilor in Springfield. I am writing to provide some comments about the use of facial recognition technology in Massachusetts.

I was born and raised in Springfield and was educated in the Springfield Public School system. As a concerned citizen, former educator, and small business owner in this city for many years, I know my community and people. I also know that Springfield should be a safe place for our families to live.

In Springfield, we believe that the use of facial recognition technology by the government raises substantial racial justice, privacy, and freedom of speech concerns. We are particularly concerned about the growing research indicating substantial racial and gender bias embedded in many face surveillance algorithms.¹ We don't want our Black and Brown communities to be under constant fear of being identified everywhere they go or wrongfully arrested and charged with crimes they did not commit.

For those reasons, during my tenure as President of the City Council back in February 2020, we enacted a moratorium on the use of this technology by the local government.² Back then, we believed that the technology should not be used without rules, policies, and procedures, so we did what was under our authority and decided to ban the technology until those were enacted.

Such rules, policies, and procedures materialized last December when Governor Baker signed into law the omnibus police reform legislation. Unfortunately, however, the face surveillance regulations in that legislation are not what we expected in terms of protecting our civil rights and civil liberties. For example, the existing law neither prevents the use of face surveillance in public spaces nor requires a judge to issue a warrant before law enforcement uses the technology.

Consequently, this Commission should recommend the legislature adopt stronger protections, like those included in H.135 and S.47, An Act To Regulate Face Surveillance. Coincidentally, one of the House sponsors in the House is Representative Ramos, who also was the sponsor of our local moratorium.

¹ John Basil, Republicans And Democrats Concerned About Face Recognition Technology, Your Erie, July 13, 2021.

<https://www.youerie.com/news/local-news/republicans-and-democrats-concerned-about-facial-recognition-technology/>

² Chapter 173 Facial Recognition Surveillance Technology, Springfield Code of Ordinances. <https://ccode360.com/37249060>

I encourage you to consider those bills when you decide on further regulations of the use of biometric surveillance technology by government entities. We need strong rules and safeguards to ensure it doesn't infringe on our civil rights and civil liberties, and these bills provide an excellent model.

Thank you for your attention and consideration.

Justin Hurst


Springfield City Councilor At-Large