42 Calvin St, Somerville, MA, 02143

July 29, 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,

I hope that the Commission on Facial Recognition will recommend the legislature strengthen existing facial recognition law. to ensure Massachusetts residents and visitors are shielded from discriminatory, dragnet surveillance, and other harms.

I am a 6th year PhD Student at MIT's Computer Science and Artificial Intelligence Lab (MIT CSAIL), and my views here are my own. My research focuses on machine learning for healthcare and algorithmic fairness. If there is one takeaway that I have grown to appreciate, it is that "with great power comes great responsibility." *Even if* it worked well for all people, facial surveillance technology has the potential to severely hamper our civil liberties. Much like in the US Supreme Court case Carpenter (2017), technology can enable low-cost surveillance to proliferate if unchecked.

And on top of that, the technology is *not* perfect. There have been recent high-profile examples of facial recognition tools misfiring more often on black people, leading to the wrongful arrest of Robert Williams in Detroit.

In December 2020, Governor Baker signed police reform legislation which contains several provisions pertaining to government agencies' use of facial recognition technology. Although this law was a good first step, I worry that the regulations governing police use of facial recognition falls short.

One of my main concerns with the existing law is that it does not provide any enforcement mechanism to ensure public officials comply with the law.. The prospect of government surveillance is an incredibly serious concern. In lieu of clear rules, institution procedures have a tendency to drift towards practices convenient for the institution, not the people it serves. There need to be clear rules to discourage and prevent this technology from being misapplied to inappropriate use cases.

Legislation filed this session (H.135, An Act To Regulate Face Surveillance, sponsored by Reps Rogers and Ramos, and S.47, An Act To Regulate Face Surveillance, sponsored by Senator Creem) would address that concern by establishing an exclusionary rule that would apply when law enforcement uses facial recognition in a manner that does not conform with the law.

I hope you will consider bills H.135 and S.47 when you decide on further regulations of the use of surveillance technology by government entities.

Thank you for your attention and consideration.
William Boag, MIT PhD Student (views my own), 42 Calivin St, Somerville, MA