

July 17, 2020

The Honorable Rep. Aaron Michlewitz
Chair, House Committee on Ways and Means

The Honorable Rep. Claire D. Cronin
Chair, Joint Committee on the Judiciary

**Testimony in Support of H. 1538
Moratorium on Government Use of Face Recognition Technologies**

Dear Chairs Michlewitz and Cronin,

I am submitting this testimony on behalf of the Center on Privacy & Technology at Georgetown Law in support of H.1538, which would establish a moratorium on government use of face recognition and emerging biometric surveillance technologies. Please include this critical legislation in your police reform bill. Given the increasing pervasiveness of surveillance technologies in our criminal legal system, any reform effort must take account of the way that technology amplifies the abuses and inequities within that system.

The Center on Privacy & Technology is a research organization that has been studying government use of face recognition for the past six years. We've written four major reports on the subject,¹ testified before the U.S. Congress² and various state legislatures including Massachusetts³, advised policymakers on federal and state legislation, and worked with countless civil society and community organizations around the country to ensure face recognition does not threaten civil rights and liberties.

As an organization we are committed to understanding and mitigating the impact of surveillance in Black, Brown, and low-income communities. A Massachusetts moratorium on face recognition technology is critically important for everyone, but especially for the people who endure constant police presence as part of daily life. Surveillance technologies compound the existing harms that come from over-policing. For example, in recent weeks the media has reported on the cases of two Black men wrongfully arrested because of facial recognition

¹ For a full list of the Center's publications, *see* <https://www.law.georgetown.edu/privacy-technology-center/publications/>.

² *See* House Hearing on Facial Recognition Technology, House Oversight and Reform Committee, May 22, 2019, <https://www.c-span.org/video/?460959-1/house-hearing-facial-recognition-technology>.

³ *See* Testimony in Support of S.1385 and H. 1538: Moratorium on Government Use of Face Surveillance Technologies, Oct. 22, 2019, https://docs.google.com/document/d/1iTiqTmIK_xYDRTOioZdakQuaOWECt5z37FnJEojD2rw.

technology. In Detroit, Mr. Robert Williams was arrested in front of his two small children and his wife, and held for 30 hours for a crime he did not commit. Separately, last year, police using face recognition misidentified a Brown University student as a bombing suspect in Sri Lanka. After the police put her picture on TV, she received death threats from vengeful strangers.

This technology threatens to create a world where we are all watched as we attend a protest, congregate at a place of worship, visit a medical provider, and go about all the regular business of our lives. Government agencies in Massachusetts are currently using this technology in secret, without any protections for our civil rights and civil liberties. We know of specific abuses that are already occurring, and we can predict others that are likely. The legislature must act urgently to prevent face recognition from causing more harm to already vulnerable communities.

For these reasons, I respectfully request that you not only include this crucial measure in the police reform bill, but that you go farther than the Senate did in S.2820. The problems with this technology will not magically disappear on December 31, 2021, when the Senate's proposed moratorium would expire. We need a moratorium on government use of this technology, at least until the legislature can come to a determination about what regulations, if any, would ensure its responsible and ethical deployment.

Thank you for your attention and consideration, and for your public service.

Sincerely,



Jameson Spivack
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Center on Privacy & Technology at Georgetown Law