



Testimony submitted to the Joint Committee on the Judiciary  
In support of S.1385/H.1538 An Act establishing a moratorium on face recognition and other  
remote biometric surveillance systems  
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The League of Women Voters of Massachusetts is concerned that the concepts of personal privacy and of being secure in one's person are being radically altered by modern digital technologies. These technologies are everywhere, moving faster than is the understanding of them, the analysis of their impact, or their regulation regarding privacy concerns. Further, absent regulation, the quality of the conclusions drawn and the non-objective manner in which the conclusions are reached has become dangerous to all of us.

The Commonwealth of Massachusetts, like most other states in this country, currently has no policies at all on the use and manipulation of technologies for face recognition and other biometric parameters by law enforcement or private corporations. This lack is proving nationwide to be a serious problem that is not being addressed at the federal level. When discussed by the news media or on TV crime shows, face recognition is typically presented as objective and absolute in its precision and accuracy. Unfortunately, this isn't even close to factual. Substantial evidence has shown that the accuracy is degraded even more when the technology is applied to persons of color, women, those with facial hair, a growing child or an aging senior citizen and others with obscuring facial details. In July of this year, Axon Corporation, the supplier of 2/3 of the bodycams to police in this country, formally banned use of facial recognition technology with its systems, stating its internal corporate ethics board concluded that: "Face recognition technology is not currently reliable enough to ethically justify its use."

Already police can and are using these technologies to track citizens going about their everyday, legal, personal lives. The Plymouth police were considering purchase of technology from Suspect Technologies Corp., headquartered locally. The corporation states in emails this technology may only work 30% of the time and generates false positives on a daily basis. But the company is forging ahead, to quote its venture capital pitch:

"Suspect Technologies' next-generation product will let police detectives investigating a crime quickly convert file types from the mess of varied video codes that varying surveillance camera systems record. It will help police go frame-by-frame through video to zero in on the best shot of a suspect. It will let police tag people of interest in hours of video streams and render video much faster when needed to export for trials or releasing to the public."

The problem is here in Massachusetts now. Entering a public building or walking on the sidewalk should not make one automatically a "suspect" to be tracked. Such technology does not belong in the birthplace of democracy. The AI Institute of New York University stated in its annual report that facial recognition technologies "need stringent regulation to protect the public interest." The right to be free from unreasonable search and seizure is in the U.S. Constitution. Modern technology has allowed law enforcement to negate this provision.

We need a moratorium on all deployment of these technologies until we have developed sound regulations. This bill does not assert what, if any, proper role might be played by these technologies in the future. What S.1383/H.1538 does is bar government agencies in the Commonwealth from using face,



voice, and gait recognition surveillance until the legislature passes legislation regulating their use, and mandates that such regulations must prioritize due process, the right to privacy and the right to free speech and association.

Since its founding 99 years ago, the League of Women Voters of Massachusetts, representing 47 local Leagues from Cape Cod to the Berkshires, has supported means to protect individual liberties guaranteed in the U.S. Constitution and resisted attempts to weaken or abridge these rights. Use of this technology without prior consent or knowledge violates Amendment IV in the Bill of Rights.

The LWVMA urges this moratorium bill be reported favorably and moved to passage in this session. Technology is not waiting for our permission.

Thank you for your consideration.