



# Technology & Innovation Commission Presentation to the Equity & Human Relations Commission: White Paper for Regulating FRT and other “smart” devices and platforms

April 6, 2022

Image: ismagilov

CITY OF  
LONG BEACH

# White Paper: Regulating FRT & “Smart” Devices and Platforms

## Agenda

- **Introduction**
  - Commission role in FRT policy
  - FRT definition and how it is used in Long Beach
- **Research and Engagement**
  - Overview of DEI approach in process, research, engagement, and recommendations
  - Overview of presentations to the Commission
    - Brief summaries of presentations
  - Overview of community input
- **Policy Recommendations**
- **Questions?**

# Introduction: TIC's Role in FRT Policy

The City enlisted the Commission to support the Racial Equity and Reconciliation Initiative

- Specifically, TIC was asked to: *“Explore the practice of facial recognition technology and other predictive technology models and their disproportionate impacts on Black people and people of color by reviewing evidence-based practices”*
- The Commission formed a 3-member ad hoc subcommittee to evaluate FRT, broadly, and to research and analyze best practices in FRT use by law enforcement agencies in other U.S. jurisdictions while considering racial equity impacts
  - This subcommittee was also charged with drafting preliminary recommendations
- Between July 2021 and December 2021, the full Commission considered the findings presented by subcommittee members, presenters, and community members

# Introduction: What is Facial Recognition Technology?

Facial Recognition Technology (FRT) uses computer algorithms to pick up distinctive details about a person's face

- These physical characteristics are analyzed against a biometrics database of facial markers for a potential match to aid in identification

Police use photos, videos, and real-time video surveillance as source images for FRT searches

Broadly, FRT is used for securing phones and buildings

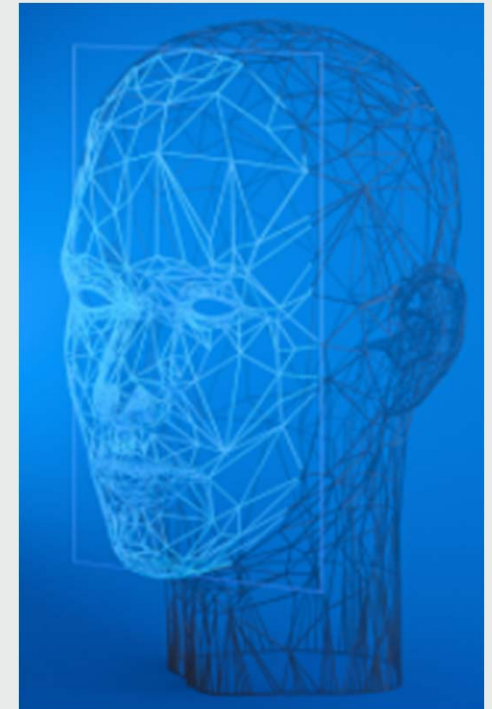


Image: onurdongel

# Introduction: City of Long Beach's Uses of FRT

Currently, two of 23 City departments use FRT—the Technology and Innovation Department (TID) and the Long Beach Police Department (LBPD)

- TID issues mobile devices that may be unlocked by looking into the built-in camera
- LBPD uses a database of mugshots maintained by the Los Angeles County Regional Identification System (LACRIS) to conduct FRT searches on individuals suspected of committing a crime by doing “morphological analyses” in which a trained police officer describes and compares the features of the matched face to confirm the algorithm’s accuracy

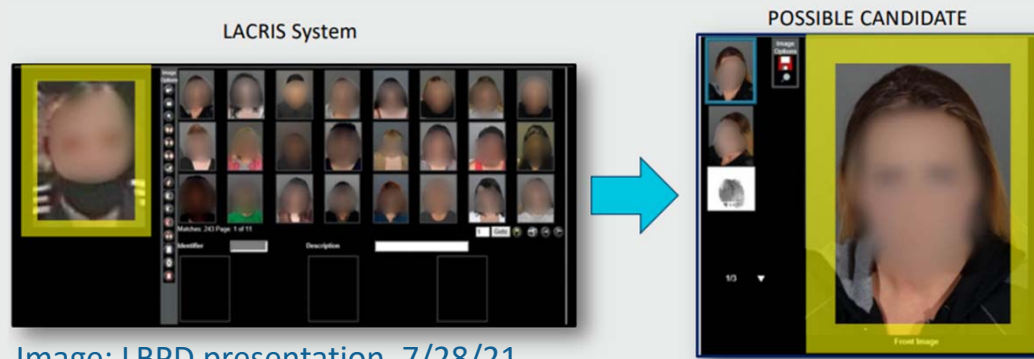


Image: LBPD presentation, 7/28/21

## Introduction: City of Long Beach's Uses of FRT (cont'd)

LBPD informed the Commission in July 2021 that the Department only currently uses LACRIS' FRT system

- But the Department acknowledged it had participated in a 30-month free trial of Vigilant Solutions' Facial Recognition System and participated in a free trial from Clearview AI
- LBPD adopted a Special Order regulating department use of FRT in March 2021; this document was publicly shared on the Department's website on July 27, 2021

The number of LACRIS database searches conducted by LBPD significantly increased during the second part of 2020, which the Department attributed to its investigation of 200 property crimes during protests after May 31, 2020

- LBPD stated that the Looting Task Force accounted for 75% of the 2700 inquiries into the LACRIS system between June 1, 2020, to December 31, 2020

# Research & Engagement: Overview of DEI Approach

The Commission applied a DEI focus in its processes and in the development of the white paper and policy recommendations

- The Commission strove to make the process inclusive so that diverse voices were included ranging from community and privacy advocates to law enforcement
- An equity lens was applied, including racial equity, in the Commission's research, analysis, and development of the white paper
  - Other applicable lenses—civil rights, civil liberties, ethics, and privacy—were included in the Commission's analysis and recommendations
  - The Commission relied on the City's Equity Toolkit to guide its research, analysis, engagement, and policy development recommendations



## Research & Engagement: Overview of Presentations to TIC

Through a total of four formal presentations, the Commission received information that considered privacy, legal, and law enforcement perspectives from the following individuals and organizations:

- Kelsey Finch, Senior Counsel, Future of Privacy Forum
- Wally Hebeish, Assistant Chief, Long Beach Police Department (LBPD) (*now serves as Chief of Police*)
- Alex Alben, Professor, UCLA Law School
- Mark Dolfi, FRT LACRIS Specialist, Los Angeles County Sheriff's Department (LASD)



# Presentations to TIC: Privacy Perspective

Future of Privacy Forum Senior Counsel Kelsey Finch presented to the TIC on April 28, 2021, on “Privacy, Local Governments, & Facial Recognition Technologies”

- An overview was provided of the types of facial detection, characterization, and recognition technologies as well as the inherent privacy concerns
  - When FRT is used for identification in one-to-many search, there are privacy concerns related to potential user tracking or profiling across contexts; possibility of false matches resulting in false accusations; and unexpected use and/or sharing of data
- Finch provided a high-level overview of local policy approaches to FRT that has been included in Commission’s report
- Seven privacy considerations were made to guide local governments’ policy responses to FRT, which were examined as part of the subcommittee’s research and analysis

# Presentations to TIC: Law Enforcement Perspective

LBPD Assistant Chief Wally Hebeish presented at the Commission's July 28, 2021, meeting, and answered questions during TIC's September 29, 2021, meeting on the Department's use of FRT, including providing the following information:

- The Department uses FRT software exclusively to generate investigative leads and trained detectives must confirm the suspect's identity through "traditional means" before making an arrest
- LBPD is currently only using the facial recognition system from Los Angeles County Regional Identification System (LACRIS), which is a digital mugshot database
- Hebeish stressed that the technology boosts the efficiency of investigations and that it is not employed for "random surveillance," nor for "scanning crowds" during political demonstrations or other large-scale public events
- LBPD is revising its FRT policy, and that a provision around reserving the right to deploy FRT on the City's public safety surveillance system would be removed from the final FRT policy

## Presentations to TIC: Legal Perspective

Alex Alben, an attorney who co-authored the Washington State FRT law and who teaches at UCLA Law School, presented to the Commission on September 22, 2021

- Alben articulated four principles for guiding any FRT policy: notice, transparency, training, and meaningful human review
- Also, Alben highlighted the importance of all city agencies using FRT to file ongoing accountability reports of FRT use and sources of “data inputs”
- Implementation of a data management policy, including a complaint mechanism is advised
- Alben said requiring law enforcement officers to obtain a probable cause warrant to use FRT can help protect people’s civil rights
- For jurisdictions that have not yet deployed FRT, Alben said he wasn’t in favor of moratoriums on the use of FRT because it was preferable that stakeholders actively work on ensuring the technology is implemented “in the most fair and sensible way”

# Presentations to TIC: Law Enforcement (LACRIS) Perspective

Mark Dolfi, of the Los Angeles County Sheriff's Department, manages the Los Angeles County Regional Identification System (LACRIS) FRT system used by LBPD and provided information about this system and appropriate use, including:

- Dolfi described the process for using the LACRIS database and its FRT:
  - Detectives upload a photo of an arrestee or individual suspected of a crime (known as "candidate") and the system creates a "template" based on the quality of the image
  - After the template is created, it is uploaded to the database and an algorithm searches for matches; process first finds the eyes, then uses a mathematical equation to find the nose and then mouth
  - A "match" is based on similarities between the templates, but the officers conduct a "morphological analysis" or a one-to-one comparison of the "candidate" and the "match"
- Photos of exonerated and never charged people stay in the database unless court-order provided to remove

# Research & Engagement: Overview of Community Input

Through a total of six public meetings on FRT held in April, July, August, September, and October 2021, TIC has heard from many Long Beach community members

- While community members expressed a range of concerns related to FRT, all were against the use of FRT by the City and called for a ban or moratorium on its use
  - Community members highlighted concerns based on racial discrimination and bias, civil rights, civil liberties, privacy, and distrust of LBPD
- Many public comments addressed privacy-invasive technologies used by the city, including automated license plate readers (ALPR) and drones, as lacking in accountability
- Community members questioned why the City budgets millions of dollars for “surveillance technology,” rather than investing in community-building and education

## Research & Engagement: Overview of Community Input (cont'd)

Through a survey and series of focus groups, the Commission considered Long Beach community members' comfort levels with smart technologies that collect personally identifiable data, which uplifted concerns around privacy-invasive technologies

- The most contested question was whether law enforcement agencies should be allowed to use personal data collected via the Internet, smartphone apps or social media activity to predict future behaviors and take action to prevent crime or emergencies
  - About 42% of respondents felt the practice should be permitted if they maintained control over how data are used, while 34% of respondents outright rejected the practice; these findings reflect the qualitative responses voiced during focus group discussions
- Focus group participants' attitudes toward the primary actors—the LBPD—also influenced how likely they were to support the idea of law enforcement using privacy-invasive technologies; a general trend of distrust in local police was detected

## Policy Recommendations on FRT

The research, expert presentations, and community input presented in the Commission's white paper inform all three of the recommended actions for City Council's consideration:

- **Creation of an independent data privacy commission** that possesses authority and oversight of algorithmic-and-surveillance-based technologies across city departments
- **Moratorium on FRT** on the City's use of this technology and ban new or pilot FRT technologies
- **Adoption of a surveillance vetting framework and ongoing monitoring of these technologies**, which would apply to all surveillance technologies

Questions?



Thank you!

Presenters

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