CITY OF LONGBEACH

Memorandum

Date: June 16, 2022

To: Lea Eriksen, Director

From: Teresa Chandler, Deputy City Manager *Teresa Chandler*

For: Technology & Innovation Commission

Subject: **Equity and Human Relations Commission Recommendations Concerning the City's Use of Facial Recognition Technology**

At its meeting on October 27, 2021, the Technology and Innovation Commission (TIC) approved initial recommendations on regulatory approaches for the City's use of facial recognition technology, voting to continue drafting its white paper and collaborate with the Equity and Human Relations Commission (EHRC).

The EHRC provided a racial equity lens on the City's use of facial recognition technology, submitting five (5) recommended actions to the Long Beach City Council. On Wednesday, June 1, 2022, the EHRC approved a recommendation to transmit the attached letter to the TIC as part of the TIC's recommendations regarding the same to the City Council.

Please find the EHRC's recommendations to the Mayor and City Council enclosed. The EHRC kindly requests that the TIC includes its recommendations with the TIC's white paper to the Mayor and City Council.

If you would like any further information regarding this communication, please contact Alanah Grant, Equity Officer, at (562) 570-6656 or via email at Alanah.Grant@longbeach.gov.

ATTACHMENTS

cc: CHARLES PARKIN, CITY ATTORNEY
        DOUGLAS P. HAUBERT, CITY PROSECUTOR
        LAURA L. DOUD, CITY AUDITOR
        LINDA F. TATUM, ASSISTANT CITY MANAGER
        TERESA CHANDLER, DEPUTY CITY MANAGER
        APRIL WALKER, ADMINISTRATIVE DEPUTY CITY MANAGER
        MONIQUE DE LA GARZA, CITY CLERK
        DEPARTMENT HEADS

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June 1, 2022

Honorable Mayor Garcia and Members of the City Council
City of Long Beach
411 W. Ocean Blvd, 11th Floor
Long Beach, CA 90802

RE: Recommendations Regarding the City's Use of Facial Recognition Technology

Honorable Mayor Garcia, Members of Long Beach City Council,

The mission of the Equity and Human Relations Commission is to inspire and support social justice and equity in the City of Long Beach and foster mutual understanding and respect for all, with a vision that Long Beach is a just and equitable community, free of discrimination and violence, where all people are valued and have the resources to reach their full potential. It is in this context that the Equity and Human Relations Commission submits this letter and recommendations regarding the City's use of Surveillance Technology with a hope that our city continues to embrace values of justice, equity, respect, and dignity for all its residents.

Background

In January 2021, the Technology and Innovation Commission (TIC) began studying the City's use of facial recognition technology to advance Goal 3, Strategy 3, Action E[1] of the Racial Equity and Reconciliation Initiative- Initial Report, adopted by the Long Beach City Council in August 2020, with the intent to develop recommendations to regulate the City's use of the technology. In October 2021, the TIC asked the Equity and Human Relations Commission (EHRC) to apply a racial equity lens to their research and recommendations. This letter contains a summary of the EHRC's key findings and recommendations.

In response to the TIC's request, from December 2021 to May 2022, the EHRC began studying the City's use of surveillance technology. Through public testimony, research and evidence-based practices compiled by the TIC, and a presentation from Just Futures Law, the Equity

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[1] **Goal 3**: *Redesign police approach to community safety;* **Strategy 3**: *Redesign police tactics, training, retention, and accountability;* **Action Item E**: *Explore the practice of facial recognition technology and other predictive models and their disproportionate impacts on Black people and people of color by reviewing evidence-based practices.*

and Human Relations Commission unequivocally conclude that the use of facial recognition technology and other surveillance technologies being utilized by the Long Beach Police Department (LBPD) **pose significant civil liberties and racial justice concerns as the technology is inherently biased, anti-black and targets immigrant communities, and should be banned from use** by the City of Long Beach at this time.

The Problem

Over the past decade, the LBPD has steadily expanded its use of surveillance technology from the use of facial recognition technology through the LA County Regional Identification System (LACRIS), to automated license plate readers, to cell phone surveillance through cell-site simulators and other technologies that track residents' location, phone and social media use. From June 2020 to July 2021 alone, LBPD spent approximately $7.3 million on the continued use of surveillance technology[2]. The use of these technologies have been largely deployed without any public policy discussions, with the discretion of implementation left solely to the LBPD. In fact, an official policy on LBPD use of facial recognition technology was not made public until July 2021, after the TIC began scrutinizing the Department's use of the technology.

While mass surveillance invades the privacy and civil liberties of all Long Beach residents, the impacts are even greater on residents of color, who make up 72% of our city's population. For example, the facial recognition technology used through LACRIS is a county-wide mugshot database that serves as a perpetual line-up, containing booking photos dating back to the 1990's that contain faces that are disproportionately people of color and individuals that were never charged with a crime. The technology is also inherently biased, misidentifying nonwhite faces 10 to 100 times more often than Caucasian faces[3] and misclassifying Black, Asian, and Indigenous women 35% of the time; meanwhile, white men are nearly always identified correctly.[4]

As for automated license plate readers, from 2018 to 2019, LBPD scanned over 44 million license plates, of which only 0.09% matched a vehicle on a "hot list"[5]. These high-speed cameras capture license plate information from passing cars and record the location, date and time of every capture and often include images of passengers. With data of the daily travel of every Long Beach resident and visitor, LBPD has the potential to create an intimate and invasive record of resident's activity, giving LBPD the ability to target sensitive locations such as immigration clinics, abortion clinics, places of worship, union halls and political headquarters[6]. Additionally, LBPD made headlines last year for violating the Long Beach Values Act by sharing license plate data directly with Immigration Customs Enforcement (ICE) for at least 10 months in 2020 and continues to share data with certain divisions of ICE.

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[2] Greg Buhl, LBPD Vendor Records 2013- June 2020. LBPD Vendor Records 2013-June 2020 - Google Sheets.

[3] Many Facial-Recognition Systems Are Biased, Says U.S. Study (Dec 2019), https://www.nytimes.com/2019/12/19/technology/facial-recognition-bias.html.

[4] http://proceedings.mlr.press/v81/buolamwini18a.html?mod=article_inline.

[5] Data Driven 2: California Dragnet—New Data Set Shows Scale of Vehicle Surveillance in the Golden State | Electronic Frontier Foundation (eff.org).

[6] Dave Maass, The Four Flavors of Automated License Plate Reader Technology, Electronic Frontier Foundation (April 2017), https://www.eff.org/deeplinks/2017/04/four-flavors-automated-license-plate-reader-technology.

The lack of transparency, accountability, and oversight of LBPD's practices are also alarming. Despite the fact that LBPD has repeatedly engaged in unethical behavior surrounding the use of these technologies such as violating local law with the sharing of license plate data to ICE and violating LACRIS policy by conducting blanket searches following the protests over the murder of George Floyd- a constitutionally protected activity[7], to name a few, there has been zero consequences or reprimand by the Long Beach City Council or City Manager. Such lack of transparency and accountability contributes to the corrosion of public trust in our police department. While there could, in theory, be some benefits to the utilization of FRT such as identifying perpetrators of violent crime, the current discriminatory nature of policing practices along with the biased algorithms inherent in the technology highlight that the harm of the technology outweighs the potential benefits at this time.

Precedent

Cities all over the country have begun to regulate the use of surveillance technology, with at least 17 jurisdictions across eight states passing local surveillance technology oversight ordinances meant to bring more transparency and/or outright bans on the local government use of surveillance technology. Notably, the cities of San Francisco, Oakland, Berkeley, Santa Cruz, Boston, and New Orleans have all banned or severely limited use of facial recognition technology by law enforcement in the past few years.

Recommendations

Applying a racial equity lens to our recommendations means centering and uplifting the lived experiences and needs of those most impacted by the use of this technology. In a city with 72% people of color, and 86% youth of color, an overwhelming majority of our residents have the potential to be negatively impacted by the use of this technology. It is with this context that we recommend the following actions:

1. **Place a ban on the current and future use of Facial Recognition Technology (FRT) and other biometrics technology** including the use of the Los Angeles County Regional Identification System (LACRIS) and any other FRT and biometric systems including ending access to FRT through any citywide cameras and footage acquired through private businesses.

2. **Place a ban on the current and future use of Automated License Plate Readers (ALPR)** and terminate the contract with the ALPR vendors SRA International/ General Dynamics and Vigilant Solutions.

3. **Delete any stored data** that has been collected through automated license place readers and facial recognition technology.

4. **Redirect the $7.3 million the City is spending on surveillance technology toward investments that are proven to prevent crime and promote safe communities** such as youth development programs, workforce training programs that lead to stable, family-sustaining jobs, mental health services, and access to stable, affordable housing.

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[7] https://longbeach.legistar.com/View.ashx?M=F&ID=10669849&GUID=F40B76A3-1B97-4EA8-87EA-A57FB98BAE1F

5. **Establish a Community Oversight Commission on Surveillance Technologies** that would develop and oversee a surveillance vetting framework ordinance for the use and purchasing of new technologies to ensure new harmful technologies are not being used in our city.

The EHRC will reconvene to provide additional recommendations on the duties and membership of the Community Oversight Commission that will include best practices as recommended by civil rights experts such as the ACLU to ensure this oversight board expands beyond traditional oversight bodies that have largely been ineffective mechanisms for oversight, and instead develop an oversight board that has real authority to ensure accountability and transparency as it relates to the purchasing and use of surveillance technologies.

There is ample research demonstrating that surveillance technology is inherently biased, anti-black, and targets immigrant communities. While some cities have attempted to reform the technology, it is the opinion of the EHRC that racist technology cannot be reformed, it must be banned altogether. With the actions described above, the City of Long Beach can ensure a more equitable city that does not rely on the use of flawed and biased technology in their policing practices. Thank you for your time and consideration.

Respectfully,

Alyssa Gutierrez, Chair
Equity and Human Relations Commission