

## EQUITY AND HUMAN RELATIONS COMMISSION

Alyssa Gutierrez, Chair  
Amy Eriksen, Vice Chair  
Dr. Sharifa Batts, Commissioner  
Robbie Butler, Commissioner  
Cory Allen, Commissioner  
Trace Camacho, Commissioner  
Christopher Covington, Commissioner



M. Lissette Flores, Commissioner  
Zuleimy Delgadillo, Commissioner  
Keyona Montgomery, Commissioner  
Zoe Nicholson, Commissioner  
Jon Schultz, Commissioner  
Chanel Smith, Commissioner

---

September 7, 2022

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

RE: Amended 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<sup>1</sup> 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

---

<sup>1</sup> **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<sup>2</sup>. 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<sup>3</sup> and misclassifying Black, Asian, and Indigenous women 35% of the time; meanwhile, white men are nearly always identified correctly.<sup>4</sup>

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"<sup>5</sup>. 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<sup>6</sup>. 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.

---

<sup>2</sup> Greg Buhl, LBPd Vendor Records 2013- June 2020. [LBPd Vendor Records 2013-June 2020 - Google Sheets](#).

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

<sup>4</sup> [http://proceedings.mlr.press/v81/buolamwini18a.html?mod=article\\_inline](http://proceedings.mlr.press/v81/buolamwini18a.html?mod=article_inline).

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

<sup>6</sup> 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<sup>7</sup>, 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 plate 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.

---

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

The EHRC amended the above recommendations upon receiving the attached letter and presentation<sup>8</sup> from the American Civil Liberties Union Foundation of Southern California (ACLU) on Community Oversight Commissions for surveillance technology.

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

---

<sup>8</sup> <http://longbeach.legistar.com/View.ashx?M=F&ID=11211470&GUID=CEAC40BD-BA22-4A93-9213-FDC457C6E9EC>





VIA EMAIL

July 6, 2022

Alyssa Gutierrez, Chair  
Equity and Human Relations Commission  
City of Long Beach

Re: **ACLU of Southern California Comment on LBPB Surveillance Technology Acquisition**

Dear Members of the Equity and Human Relations Commission,

We understand this Commission is currently assessing the process by which the Long Beach Police Department acquires surveillance technology, and has expressed interest in the ACLU-developed Community Control Over Police Surveillance ("CCOPS") model. If this Commission truly seeks to respond to the community's consistent demands, it will urge the City to bar LBPB from expanding its surveillance arsenal and end its existing surveillance systems. Creating a new approval process or approval criteria for acquiring surveillance contradicts the Long Beach community's demands, and we oppose any efforts by this Commission to enact such a process or criteria in light of LBPB's history of surveillance abuse and police violence. Instead, we commend the Commission for taking up LBPB's widespread use of Automatic License Plate Reader technology and face recognition services, and urge the Commission to recommend that the City ban the use of both citywide.

Fundamentally, the CCOPS model is about community control. Its purpose is to put the community in control of surveillance decisions, which requires that decisionmakers center and address community concerns about surveillance technology. To operate as intended, oversight entities must have the authority—and be willing—to say "No" when police seek to acquire or use surveillance technologies that the public opposes.

The history of LBPB's surreptitious acquisitions and use of such technology—and the Long Beach City Council's refusal to heed community calls to end such use—demonstrate that neither can be trusted to listen to the community's voices, particularly Black and Latinx community members most directly impacted by unjust surveillance practices. For instance, LBPB's well-documented decision to surreptitiously disclose sensitive ALPR data to federal immigration enforcement authorities in violation of state law and after committing to end the practice calls into question its ability to abide by any mechanisms for community control over its surveillance acquisition practices.<sup>1</sup> LBPB has also exploited its surveillance arsenal to target

<sup>1</sup> Kevin Flores, "City Council to Decide Whether to Buy Controversial License Plate Readers," Forthe (last updated November 21, 2020), <https://forthe.org/journalism/license-plate-readers/>; Suhauna Hussain and Johana Bhuiyan, "Police in Pasadena, Long Beach pledged not to

EXECUTIVE DIRECTOR Hector O. Villagra

CHAIR Maria Stone VICE CHAIRS Sherry Frumkin and Frank Broccolo

CHAIRS EMERITI Shari Leinwand Stephen Rohde Danny Goldberg Allan K. Jonas\* Burt Lancaster\* Irving Lichtenstein, MD\* Jarl Mohn Laurie Ostrow\* Stanley K. Shelnbaum\*



Los Angeles Board of Police Commissioners  
October 26, 2021

Page 2

protestors of police brutality and misconduct through the ill-supported use of ALPR technology<sup>2</sup> and through the legally suspect use of face recognition (despite refusing to release public records about its use of this technology).<sup>3</sup> In neither case did City Council meaningfully investigate or reprimand the Department for these abuses.

Further, LBPD has a long and sordid history of rampant police violence, consistently ranking among the most deadly departments in the state.<sup>4</sup> Invasive surveillance technologies like face recognition and ALPRs in the hands of a department with this history poses a serious danger to Black and Latinx communities historically targeted by policing in Southern California—irrespective of the constraints that may be imposed upon it through strict use policies that, as history has shown, may not to be complied with at all.

This background demonstrates both that LBPD should not be trusted to create rules to regulate its own use of surveillance technologies, and that the City Council should not be empowered at the community's expense to oversee LBPD's acquisitions of surveillance technology. The ACLU of Southern California opposes any effort to exploit the CCOPS model to sanction the adoption of new surveillance technologies by LBPD and undermine its purpose to put the community in control of surveillance decisions. Accordingly, ACLU SoCal believes that the only way to protect the community from the unfettered use of surveillance that will inevitably be used to disproportionately target Black and Latinx people is to prohibit LBPD from obtaining these surveillance systems in the first instance.

We would welcome the opportunity to address the Commission concerning the above during its August 3, 2022 meeting.

Regards,



Mohammad Tajsar  
Senior Staff Attorney

---

send license plate data to ICE. They shared it anyway,” Los Angeles Times (December 21, 2020), <https://www.latimes.com/business/technology/story/2020-12-21/pasadena-long-beach-police-ice-automated-license-plate-reader-data>.

<sup>2</sup> Stephen Downing, “LBPD Dagnet Snags the Innocent,” Beachcomber (August 7, 2020), <https://beachcombernews.com/content/lbpd-dagnet-snags-innocent>.

<sup>3</sup> Greg Bul, “The Surveillance Architecture of Long Beach: A Decade of LBPD Facial Recognition Technology Use with Inadequate Policy, Oversight, and Transparency (Abridged Version),” Check LBPD.org (November 13, 2020), <https://checklbpd.org/facial-recognition-abridged-report/>; Kevin Flores, “LBPD Facial Recognition Use Saw Major Increases This Year Due to Civil Unrest,” Forthe (December 28, 2020), <https://forthe.org/journalism/lbpd-facial-recognition/>.

<sup>4</sup> See, e.g., Police Scorecard: Long Beach, <https://policescorecard.org/ca/police-department/long-beach> (last visited July 2, 2022) (noting that LBPD has more police shootings than 85% of California departments for which data exists, and uses more force per arrest than 96% of departments); Jeremiah Dobruck, “Statistics show LBPD seriously injures people at high rate, but police say database is flawed,” Long Beach Post (August 3, 2020), <https://lbpost.com/news/lbpd-use-force-hurt-seriously-kill-ursus-doj-database> (noting that data shows LBPD kills and seriously injures individuals at a rate “more than twice as high as Fresno and Sacramento, cities roughly the same size as Long Beach” and has a per-capita violence rate “almost triple the LAPD’s and more than five times as high as San Francisco police”).