

Overview of References & Informational Sources
Submitted to the Long Beach Technology & Innovation Commission
From Commissioner Parisa Vinzant
August 11, 2021

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1. Preface

The enclosed information in this 10-page document was relied on by Commissioner Vinzant to inform research and analysis on facial recognition technology and to guide her initial recommendations to the Ad Hoc TIC Subcommittee on FRT and to the full Technology & Innovation Commission at its recent meeting on July 28, 2021.

To better orient to this topic and research, please refer to the above table of contents and consider first reviewing the following ten studies and/or articles:

- Georgetown Law's Center for Privacy and Technology, *Perpetual Line-Up*
- *Local Surveillance Oversight Ordinances*. (2021, February). Berkeley School of Law.

- Buolamwini, J., & Gebru, T. (2018). Shades: Intersectional Accuracy Disparities in Commercial Gender Classification. *Proceedings of Machine Learning Research*, 81(1).
- Grother, P., Ngan, M., & Hanaoka, K. (2019, December). *Face Recognition Vendor Test (FRVT) Part 3: Demographic Effects* (NISTIR 8280). National Institute of Standards and Technology.
- Ferguson, A. G. (2020). Facial Recognition and the Fourth Amendment. *Minnesota Law Review*, 105.
- Flores, K. (2020, December 28). *LBPD Facial Recognition Use Saw Major Increases This Year Due to Civil Unrest*. FORTHE.
- Hofer, B. (2021, January 3). San Diego's community powered campaign leads to Oakland-style reforms. *Secure Justice*.
- Oakland's surveillance technologies vetting framework ordinance; and the city's *Privacy Commission* and its *approved impact reports and use policies*
- City of Seattle's *Privacy Program FPF Overview* and the *recent ban by its county (King County)*
- Detroit's *police department revised its FRT policy* in 2020 in response to *wrongful arrest* that relied on FRT

2. Best practices research

a. Overview of multi-city approaches on FRT

- NYU School of Law's Policing Project's overview of complete bans on FRT use, partial bans on FRT, moratoria on FRT use, and requiring democratic approval prior to FRT acquisition or use of surveillance technology, <https://www.policingproject.org/general-regulations>
- Presentation by the Future of Privacy Forum to the Technology & Innovation Commission (April 2021), <http://longbeach.legistar.com/View.ashx?M=F&ID=9352169&GUID=AD28DA08-AAD2-4445-8D8B-C7E7C05588C4>
- Takemoto, T., Chivukula, A., & Samuelson Law, Technology & Public Policy Clinic. (2021, February). *Local Surveillance Oversight Ordinances*. Berkeley School of Law. <https://www.law.berkeley.edu/wp-content/uploads/2021/02/Local-Surveillance-Ordinances-White-Paper.pdf>

b. Specific cities' approaches on FRT

Seattle

- City of Seattle's Privacy Program FPF Overview, <https://bit.ly/37rco5o>
- City of Seattle's Surveillance Technologies Ordinance:
 - *About Surveillance - Tech | seattle.gov. (n.d.).* City of Seattle. <https://www.seattle.gov/tech/initiatives/privacy/surveillance-technologies/about-surveillance->
- Seattle's county (King County) passed FRT ban:
 - *Facial Recognition Technology Ban Passed by King County Council - King County. (2021, June 1).* King County. <https://kingcounty.gov/council/mainnews/2021/June/6-01-facial-recognition.aspx>
 - *Metropolitan King County Council Committee of the Whole. (2021, June). Revised Staff Report: Proposed Substitute Ordinance 2021-0091.2 Prohibiting the acquisition and use of facial recognition technology by County administrative offices and executive departments.* King County. <https://kingcounty.gov/~media/council/documents/2021/Facial-Rec-Ban-Background.ashx?la=en>
- *Seattle Adopts Nation's Strongest Regulations for Surveillance.* (2017, August 30). ACLU of Washington. <https://www.aclu-wa.org/news/seattle-adopts-nation%E2%80%99s-strongest-regulations-surveillance-technology>
- *Note:* The Ad hoc TIC subcommittee on FRT also spoke with city staff about Seattle's surveillance program.

Portland (Oregon)

- *City Council approves ordinances banning use of face recognition technologies by City of Portland bureaus and by private entities in public spaces.* (2020, September 9). Portland.Gov. <https://www.portland.gov/smart-city-pdx/news/2020/9/9/city-council-approves-ordinances-banning-use-face-recognition>
- *Time to Face the Country's Strictest Facial Recognition Law.* (2020, December 22). Perkins Coie. <https://www.perkinscoie.com/en/news-insights/time-to-face-the-countrys-strictest-facial-recognition-law.html>
- *Note:* The Ad hoc TIC subcommittee on FRT communicated with city staff about Portland's approach to FRT.

Oakland

- Oakland's Privacy Advisory Commission, <https://www.oaklandca.gov/boards-commissions/privacy-advisory-board>
 - Approved impact reports and use policies: <https://www.oaklandca.gov/topics/approved-impact-reports-and-use-policies>
- Surveillance technologies vetting framework ordinance (2018): <https://bit.ly/3fOukeJ>
- Ordinance amendment to prohibit city's use of FRT (2019):

Fisher, C. (2019, July 18). *Oakland bans city use of facial recognition software*. Engadget. <https://www.engadget.com/2019-07-17-oakland-california-facial-recognition-ban.html?guccounter=1>

- *Note:* The Ad hoc TIC subcommittee on FRT interviewed Privacy Commission chair Brian Hofer about Oakland's surveillance ordinance and approach to FRT.

San Diego

- Hofer, B. (2021, January 3). *San Diego's community powered campaign leads to Oakland-style reforms*. Secure Justice. <https://secure-justice.org/blog/sandiego-campaign-leads-to-oakland-style-reforms>
- Pangburn, D. J. (2020, January 9). *San Diego's massive, 7-year experiment with facial recognition technology appears to be a flop*. Fast Company. <https://www.fastcompany.com/90440198/san-diegos-massive-7-year-experiment-with-facial-recognition-technology-appears-to-be-a-flop>

Detroit

- CBS News, & Stokes, E. (2020, November 24). *Wrongful arrest exposes racial bias in facial recognition technology*. CBS News. <https://www.cbsnews.com/news/detroit-facial-recognition-surveillance-camera-racial-bias-crime/>
- Detroit Police Department. (2019). *Facial Recognition* (Directive No. 307.5). Detroit Police Department Manual. <https://detroitmi.gov/sites/detroitmi.localhost/files/2019-09/Revised%20facial%20recognition%20directive%20transmitted%20to%20Board%209-12-2019.pdf>
- Harwell, D. (2021, April 13). *Wrongfully arrested man sues Detroit police over false facial recognition match*. The Washington Post. <https://www.washingtonpost.com/technology/2021/04/13/facial-recognition-false-arrest-lawsuit/>

c. State approaches on FRT

California

- FRT on body worn cameras ban through Jan 1, 2023:
 - *AB-1215 Law enforcement: facial recognition and other biometric surveillance*. (2019, October). California Legislative Information. https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1215
- There is no expectation of a more comprehensive FRT law by the California state legislature over the next couple of years due to the tech lobby (Curley, T)

Washington State

- American Civil Liberties Union. (2020, March 31). *ACLU-WA Statement on Insufficient Facial Recognition Regulations (SB)*. <https://www.aclu.org/press-releases/aclu-wa-statement-insufficient-facial-recognition-regulations-sb-6280-becoming-law>

- Lostri, E. (2020, April 3). *Washington's New Facial Recognition Law*. Center for Strategic and International Studies. <https://www.csis.org/blogs/technology-policy-blog/washingtons-new-facial-recognition-law>
- *Washington state county bans use of facial recognition*. (2021, June 2). AP NEWS. <https://bit.ly/3s4kQAO>

Maine

- 130th MAINE LEGISLATURE. (2021, April). *An Act To Increase Privacy and Security by Regulating the Use of Facial Surveillance Systems by Departments, Public Employees and Public Officials* (No. 1585). http://legislature.maine.gov/legis/bills/display_ps.asp?LD=1585&snum=130
- Crist, R. (2021, July 1). *Maine's new facial recognition law bans the tech in schools, limits police use*. CNET. <https://www.cnet.com/news/maine-facial-recognition-law-bans-the-tech-in-schools-limits-police-use/>

d. Organizational approaches and/or guidance on FRT

- ACLU's Community Control Over Police Surveillance (CCOPS) Guiding Principles, <https://www.aclu.org/fact-sheet/community-control-over-police-surveillance-guiding-principles?redirect=fact-sheet/ccops-guiding-principles>
- Georgetown Law's Center for Privacy and Technology, *Perpetual Line-Up*, <https://www.perpetuallineup.org/recommendations>
- International Association of Chiefs of Police:
 - Law Enforcement Imaging Technology Task Force. (2019, March). *Law Enforcement Facial Recognition Use Case Catalog*. International Association of Chiefs of Police. <https://bit.ly/3Cwshps>
- Los Angeles County Regional Identification System (LACRIS):
 - Facial Recognition Systems Guide (2020), https://lacriss.org/LACRIS%20Facial%20Recognition%20System%20Guide_FINAL.pdf
 - Facial Recognition Policy (2019), https://lacriss.org/LACRIS%20Facial%20Recognition%20Policy%20v_2019.pdf
- National League of Cities' Facial Recognition Guide (2021), <https://www.nlc.org/resource/facial-recognition-report/>

e. FRT use within the Long Beach & regional context*

* Information requests outstanding

- 5-08/100.00 - *Facial Recognition*. (2021). Los Angeles County Sheriff's Department. <http://pars.lasd.org/Viewer/Manuals/10008/Content/18125?searchQuery=lacris>
- Buhl, G. (2020, November 11). *The Surveillance Architecture of Long Beach: Advanced Cameras*. CheckLBPD. <https://checklbpd.org/the-surveillance-architecture-of-long-beach-advanced-cameras/>
- *CALID-FR-Policy*. (2020). <https://www.riversidesheriff.org/DocumentCenter/View/3744/CALID-FR-Policy?bidId=>
- Center on Privacy & Technology. (2016). *JURISDICTION: LOS ANGELES*. Georgetown Law. <https://www.perpetuallineup.org/jurisdiction/los-angeles>
- CheckLBPD, & Buhl, G. (2020, November). *The Surveillance Architecture of Long Beach: A Decade of LBPD Facial Recognition Technology Use with Inadequate Policy, Oversight, and Transparency (Abridged Version)*. <https://checklbpd.org/facial-recognition-abridged-report/>
- Chief of Police, Los Angeles Police Department. (2020, December). *Intradepartmental Correspondence: The Use of Photo-Comparison Technology within Los Angeles County's Digital Mugshot System - Established*. LAPD. http://www.lapdpolicecom.lacity.org/120820/BPC_20-0207.pdf
- City News Service. (2021, July 14). *LA Controller Urges Focus on Civilian Privacy as City Adopts New Technology*. KFI AM 640. <https://kfiam640.iheart.com/alternate/amp/2021-07-14-la-controller-urges-focus-on-civilian-privacy-as-city-adopts-new-technology/>
- David Binder Research. (2019, March). *California Statewide Survey Re: Poll Results of Likely 2020 Presidential Voters*. https://www.aclunc.org/docs/DBR_Polling_Data_on_Biometric_Surveillance_FINAL.pdf
- Flores, K. (2020, December 28). *LBPD Facial Recognition Use Saw Major Increases This Year Due to Civil Unrest*. FORTHE. <https://forthe.org/journalism/lbpd-facial-recognition/>
- Gandhi, A. (2020). California County Oversight of Use Policies For Surveillance Technology. *California Law Review*, 108(3). <https://www.californialawreview.org/print/california-county-oversight-surveillance-technology/#clr-toc-heading-17>

- Gershgor, D. (2019, August 1). *California Police Are Sharing Facial Recognition Databases to ID Suspects*. OneZero. <https://onezero.medium.com/california-police-are-sharing-facial-recognition-databases-to-id-suspects-3317726d31ad>
- Investigations Bureau, & Herzog, E. (2020, September). *WATCH REPORT – USE OF FACIAL RECOGNITION PROGRAMS*. Long Beach Police Department. https://cdn.muckrock.com/outbound_composer_attachments/CheckLBPD.org/98320/Watch_Order_Facial_Recognition.pdf
- LACRIS Facial Recognition Policy (2019), https://lacris.org/LACRIS%20Facial%20Recognition%20Policy%20v_2019.pdf
- *LBCOP Community Camera Partnership*. (n.d.). Long Beach Police Department. <https://www.longbeach.gov/police/crime-info/lbcop-community-camera-partnership/>
- *Long Beach Police Department*. (2021). *Special Order - Facial Recognition Technology 3–18-21*. <https://citydocs.longbeach.gov/LBPDPublicDocs/DocView.aspx?id=182099&dbid=0&repo=LBPD-PUBDOCS>
- *SB-272 Enterprise Listing*. (2021, July). City of Long Beach. <https://longbeach.gov/globalassets/city-manager/media-library/documents/prc/colb---sb-272-enterprise-listing---july-2021>

3. SWOT Research & Analysis on FRT*

* *Informed Vinzant's submission to the Ad hoc TIC subcommittee-FRT on 3/11/21*

1. Benjamin, R. (2019). *Race After Technology: Abolitionist Tools for the New Jim Code* (1st ed.). Polity.
2. Bradford, B., Yesberg, J. A., Jackson, J., & Dawson, P. (2020). Live Facial Recognition: Trust and Legitimacy as Predictors of Public Support for Police Use of New Technology. *The British Journal of Criminology*. Published. <https://doi.org/10.1093/bjc/azaa032>
3. *BriefCam White Paper Data Protection*. (2020, August). BriefCam. <https://bit.ly/3iwWVa1>
4. Buolamwini, J., & Gebru, T. (2018b). *Gender Shades*. MIT Media Lab. <http://gendershades.org/overview.html>
5. Buolamwini, J., & Gebru, T. (2018). Shades: Intersectional Accuracy Disparities in Commercial Gender Classification. *Proceedings of Machine Learning Research*, 81(1). <https://proceedings.mlr.press/v81/buolamwini18a/buolamwini18a.pdf>
6. CBS News, & Stokes, E. (2020, November 24). *Wrongful arrest exposes racial bias in facial recognition technology*. CBS News. <https://www.cbsnews.com/news/detroit-facial-recognition-surveillance-camera-racial-bias-crime/>

7. Center on Privacy & Technology. (2016). *JURISDICTION: LOS ANGELES*. Georgetown Law. <https://www.perpetuallineup.org/jurisdiction/los-angeles>
8. COMMITTEE ON OVERSIGHT AND REFORM, HOUSE OF REPRESENTATIVES. (2020, January). *FACIAL RECOGNITION TECHNOLOGY (PART III): ENSURING COMMERCIAL TRANSPARENCY AND ACCURACY* (Serial No. 116–82). <https://www.govinfo.gov/content/pkg/CHRG-116hhrg39581/html/CHRG-116hhrg39581.htm>
9. Dave, P. (2020, June 24). *U.S. activists fault face recognition in wrongful arrest for first time*. Reuters. <https://www.reuters.com/article/michigan-facial-recognition/us-activists-fault-face-recognition-in-wrongful-arrest-for-first-time-idUSL1N2E02X3>
10. Edwards, J. & The Virginian-Pilot. (2021, February 26). *Virginia Lawmakers Vote to Restrict Police Biometric Tech*. GovTech. <https://www.govtech.com/security/virginia-lawmakers-vote-to-restrict-police-biometric-tech.html>
11. EPIC. (2021, February 16). *Coalition Letter Biden FRT Moratorium*. Epic.Org. <https://epic.org/privacy/facerecognition/Coalition-Letter-Biden-FRT-Moratorium.pdf>
12. *Face Recognition*. (2021, February 15). Electronic Frontier Foundation. <https://www EFF.org/pages/face-recognition>
13. *FACIAL RECOGNITION TECHNOLOGY: Commercial Uses, Privacy Issues, and Applicable Federal Law* (GAO-15-621). (2015, July). <https://www.gao.gov/assets/gao-15-621.pdf>
14. *Facial Recognition Technology and Law Enforcement: Select Constitutional Considerations* (No. R46541). (2020, September). Congressional Research Service. <https://crsreports.congress.gov/product/pdf/R/R46541>
15. *Federal Law Enforcement Use of Facial Recognition Technology* (No. R46586). (2020, October). Congressional Research Service. <https://crsreports.congress.gov/product/pdf/R/R46586>
16. Ferguson, A. G. (2020). *Facial Recognition and the Fourth Amendment*. *Minnesota Law Review*, 105. https://minnesotalawreview.org/wp-content/uploads/2021/02/Ferguson_MLR-1.pdf
17. Garvie, C., Bedoya, A., & Frankle, J. (2016). *The Perpetual Line-Up*. Perpetual Line Up. Center for Privacy and Technology, Georgetown Law. <https://www.perpetuallineup.org/>
18. Gayle, D. (2020, February 11). *Met police deploy live facial recognition technology*. The Guardian. <https://www.theguardian.com/uk-news/2020/feb/11/met-police-deploy-live-facial-recognition-technology>
19. Gershgorn, D. (2019, August 1). *California Police Are Sharing Facial Recognition Databases to ID Suspects*. OneZero. <https://onezero.medium.com/california-police-are-sharing-facial-recognition-databases-to-id-suspects-3317726d31ad>

20. Grother, P., Ngan, M., & Hanaoka, K. (2019, December). *Face Recognition Vendor Test (FRVT) Part 3: Demographic Effects* (NISTIR 8280). National Institute of Standards and Technology. <https://nvlpubs.nist.gov/nistpubs/ir/2019/NIST.IR.8280.pdf>
21. Hardesty, L. (2018, February 11). *Study finds gender and skin-type bias in commercial artificial-intelligence systems*. MIT News | Massachusetts Institute of Technology. <https://news.mit.edu/2018/study-finds-gender-skin-type-bias-artificial-intelligence-systems-0212>
22. Harris, M. (2021, January 11). *How Facial Recognition Technology Is Helping Identify the U.S. Capitol Attackers*. IEEE Spectrum. <https://spectrum.ieee.org/facial-recognition-and-the-us-capitol-insurrection>
23. *History of NIJ Support for Face Recognition Technology*. (2020, March 5). National Institute of Justice. <https://nij.ojp.gov/topics/articles/history-nij-support-face-recognition-technology>
24. Khoo, L., & Mahmood, M. (2020). Application of facial recognition technology on identification of the dead during large scale disasters. *Forensic Sci International Synergy*, 238–239. <https://doi.org/10.1016/j.fsisyn.2020.07.001>
25. Klare, B., Burge, M., Klontz, J., Bruegge, R., & Jain, A. (2012). Face Recognition Performance: Role of Demographic Information. *IEEE TRANSACTIONS ON INFORMATION FORENSICS AND SECURITY*, 7(6). <https://s3.documentcloud.org/documents/2850196/Face-Recognition-Performance-Role-of-Demographic.pdf>
26. Loudin, A. (2020, March 3). *Police tech can foster (or foil) public trust*. Smart Cities Dive. <https://www.smartcitiesdive.com/news/police-tech-can-foster-or-foil-public-trust/573064/>
27. Raji, I. D., Buolamwini, J., Gebru, T., Lee, J., Mitchell, M., & Denton, E. (2020, February). *Saving Face: Investigating the Ethical Concerns of Facial Recognition Auditing*. Artificial Intelligence, Ethics, and Society (AIES), New York, NY. <https://dl.acm.org/doi/pdf/10.1145/3375627.3375820>
28. Ramey, A. (2021, February 26). *Investigating Alabama's use of facial recognition technology*. WPMI. <https://mynbc15.com/news/local/investigating-alabamas-use-of-facial-recognition-technology>
29. Rowe, E. (2020). Regulating Facial Recognition Technology in the Private Sector. *STANFORD TECHNOLOGY LAW REVIEW*, 24(1).
30. Schippers, B. (2019, August 21). *Facial recognition: ten reasons you should be worried about the technology*. The Conversation. <https://theconversation.com/facial-recognition-ten-reasons-you-should-be-worried-about-the-technology-122137>
31. Singer, N. (2018, July 26). *Amazon's Facial Recognition Wrongly Identifies 28 Lawmakers, A.C.L.U. Says*. The New York Times. <https://www.nytimes.com/2018/07/26/technology/amazon-aclu-facial-recognition-congress.html>

32. Solis, S. (2020, December 22). *Massachusetts police reform: Gov. Charlie Baker 'looks forward' to signing bill after Senate redrafts facial*. Masslive.
<https://www.masslive.com/politics/2020/12/massachusetts-police-reform-gov-charlie-baker-looks-forward-to-signing-bill-after-senate-redrafts-facial-recognition-restrictions.html>
33. Smith, A. (2019, September 5). *More Than Half of U.S. Adults Trust Law Enforcement to Use Facial Recognition Responsibly*. Pew Research Center: Internet, Science & Tech.
<https://www.pewresearch.org/internet/2019/09/05/more-than-half-of-u-s-adults-trust-law-enforcement-to-use-facial-recognition-responsibly/>
34. Takemoto, T., Chivukula, A., & Samuelson Law, Technology & Public Policy Clinic. (2021, February). *Local Surveillance Oversight Ordinances*. Berkeley School of Law.
<https://www.law.berkeley.edu/wp-content/uploads/2021/02/Local-Surveillance-Ordinances-White-Paper.pdf>
35. *Video Content Analytics for Law Enforcement*. (2020, February). BriefCam.
<https://cdn2.hubspot.net/hubfs/3916087/Resources/BriefCam%20Policing%20Solution%20Brief%20Feb%202020.pdf>

4. Other sources

- *ICMA Code of Ethics (Amended June 2020)*. (2020, June 10). International City/County Management Association (ICMA). <https://icma.org/documents/icma-code-ethics-amended-june-2020>
- Long Beach Equity Toolkit:
Office of Equity. (2019). *Long Beach Equity Toolkit for City Leaders and Staff*. City of Long Beach. <https://longbeach.gov/globalassets/health/media-library/documents/healthy-living/office-of-equity/city-of-long-beach-office-of-equity-toolkit>
- Long Beach Privacy Guidelines:
Data Privacy Guidelines. (2021, January). City of Long Beach.
https://www.longbeach.gov/globalassets/smart-city/media-library/documents/final_data-privacy-guidelines
- Long Beach Racial Equity and Reconciliation:
Racial Equity and Reconciliation Initiative Initial Report. (2020, August). City of Long Beach. <https://www.longbeach.gov/globalassets/health/media-library/documents/healthy-living/office-of-equity/reconciliation/report-racial-equity-and-reconciliation-initiative>

Overarching research note: All URLs last accessed on August 9, 2021