

MEMO

To: Technology and Innovation Commission (City of Long Beach)
From: Parisa Vinzant, Commissioner
Date: October 26, 2021
Re: Concerns, Questions and Suggested Action on Facial Recognition Technology

Concerns and questions about Facial Recognition Technology (FRT) that have been received in five past meetings held by the Technology and Innovation Commission, and especially those raised during our September 22nd meeting, must be addressed with urgency by this body.

Key Concerns

The three key concerns arising from research generated by and information received by the Technology and Innovation Commission (TIC) are:

1. Research has shown that facial recognition technology is flawed, inaccurate, and biased.
2. There is an alarming lack of independent certification for specific FRT systems and products that they are free of bias.
3. Clear civil rights dangers of the technology combined with what we know—and do not know—about the Long Beach Police Department's use of FRT calls for thorough scrutiny and remedy.

**Note: The TIC Ad Hoc Subcommittee on FRT has previously documented this through its [memo with research, analysis and suggested actions](#); [research references](#), and [presentations \(July and September\)](#).*

New and disturbing Information was revealed at our September 22nd meeting when Mark Dolfi of the Los Angeles County Sheriff's Department (LASD) gave a presentation about the Los Angeles County Regional Identification System (LACRIS), the FRT currently used by our Long Beach Police Department (LBPd). In his response to questioning we learned that the system violates the civil rights of residents in these additional ways:

- LASD does not notify arrested individuals upon booking that their face will become a permanent part of their FRT mugshot database, LACRIS, which is searchable again and again—a “perpetual lineup.”
- LASD's management of LACRIS does not include any routine scrubbing of its mugshot databases to remove photos of exonerated persons or those not charged or convicted of a crime, although routine scrubbing is an established best practice.
- The onus is fully on the arrested person to hire a lawyer to get a court order from a judge to expunge that person's mugshot from LACRIS. From a racial equity and justice as well as civil liberties perspective, this situation is unacceptable, particularly since [arrest data in LA/LB is disproportionately made up by Black, Indigenous, and People of Color \(BIPOC\)](#) because they are more frequently targeted in policing than White residents.

Also at our 9/22 meeting, LBPd Assistant Chief Wally Hebeish, when questioned about the Department's willingness to adopt the best practices on FRT as presented by the subcommittee, showed that LBPd is not willing to adhere to even the most basic and accepted best practices for FRT,

such as limiting the use of FRT to only serious or violent crimes. In fact, the Department's Special Order on FRT allows it to be used even in the cases of petty crime.

Many community members have expressed concern in verbal and written public comments to our commission that indiscriminate use of FRT would become, in effect, a tool of mass incarceration against our BIPOC groups. This concern has been raised in other municipalities across the country.

We must give serious weight to these concerns, especially since there is currently no independent oversight of city or police use of FRT (and other surveillance technologies based on algorithms) and all information—good and bad—is shielded from the public. However, the public has the right to expect and to receive clear and accurate information from its governing bodies on the use of these invasive technologies, just as it does for *all* other public business.

Unresolved Questions

The research and information that our commission has undertaken and obtained on FRT leaves us with numerous issues and unresolved questions that we must address:

1. Given the current lack of transparency, what do we really know about the successes and failures of LBPD's use of FRT beyond the few anecdotal examples of its usefulness provided by the LBPD? (In other words, how do we really know whether the purported benefits of FRT as an investigative tool outweigh its dangers?)
2. What form should independent oversight take to assure transparency and ongoing assessment?
3. Can the flaws of FRT and, specifically, LACRIS, be fixed or are there just too many inherent and unmitigated issues that make its use too unethical and risky at this time?
4. What recommendations should the TIC make to City Council? What action—accountability systems, transparency mechanisms and processes—should the city consider implementing?

Recommendations for TIC to Consider

Until the underlying civil rights, racial equity and justice, privacy, and ethical concerns are substantively addressed, it is premature to talk about regulating the use of the city's FRT system (LACRIS). At this point, TIC has researched and received ample information and feedback from community members on FRT to know there are serious and unresolved concerns that are causing damage to our residents and the city. It appears vital that this commission recommend that:

- **Step 1.** The City pause its use of FRT until these inherent issues have been addressed and the following actions are taken:
 - **Step 2.** the City creates through ordinance an independent, charter-based commission that has real authority and oversight of these algorithmic-and-surveillance-based technologies across city departments.
 - **Step 3.** The City passes a surveillance technologies vetting framework ordinance that would require regular reports on technology use and impact, and annual reporting for approved technologies.

Our commission was tasked with supporting implementation of the city's Racial Equity and Reconciliation Initiative, thus using an explicit racial equity lens in our evaluation of technology and our

recommendations on FRT are an important part of that duty. Fortunately, we have three relevant resources on equity and ethics to focus our deliberations.

First, the American Society for Public Administration (ASPA) advises that:

- public servants must promote constitutional principles of equality, fairness, representativeness, responsiveness, and due process in protecting citizens' rights and promoting the public good. Further, public servants are to oppose and correct discriminatory and unjust laws and policies. At all times, public servants are to "be prepared to provide information and recommendations that may not be popular or preferred by supervisors or colleagues."

Second, the ethics code from the International City/County Management Association (ICMA) expands upon that latter point, stating that public servants have the duty to inform their governing body of the impacts of decisions, especially when certain groups may be "disproportionately harmed or helped."

Third and closest to home, the Long Beach Equity Toolkit emphasizes the focus on the burdens and benefits of decisions, policies, and proposals as the first of seven basic questions that public servants within Long Beach must consider when applying equity lenses in their work: "Who would benefit or be burdened by this proposal? Would low-income households or communities of color experience a disproportionate burden?" (p. 8).

If we consider the Burdens and Benefits question from the Equity Toolkit, it becomes evident that our communities of color are experiencing a disproportionate burden by the city's use of FRT, a finding that was central to my contributions to the Ad Hoc Subcommittee on FRT and our commission discussions.

While some populations are being harmed by this technology at higher rates than others, all residents lose when their government deploys emerging technology in an indiscriminate and secretive manner, which is also a nationwide trend when it comes to surveillance technologies.

As we know, the bedrock of good governance is transparency and accountability, which in turn helps increase public trust and confidence. The recommendations of the commission must reflect this and center the voices of the community members most negatively affected by this technology.

Thank you for your consideration.