



September 22, 2021

Long Beach Technology and Innovation Commission
411 West Ocean Boulevard, 1st Floor
Long Beach, CA 90802
via email: Alejandra.Garcia@longbeach.gov

RE: Agenda Item 2, September 22, 2021 - LACRIS Facial Recognition Best Practices

Dear Technology and Innovation Commission Members,

Firstly, I want to thank the commission for having a LACRIS representative in attendance. I have been trying to attend one of their public meetings as an LA County resident for a while now, but it has been difficult as they do not follow the notice requirements of the Brown Act despite being a public agency that votes to spend tax dollars. This month they have finally posted an agenda for their meeting on the internet, instead of only on a physical bulletin board in Downtown LA. They still have some kinks to work out as the agenda LACRIS posted for this month's meeting does not list a single agenda item—which is going to make it difficult to discuss anything at that meeting without that discussion being a violation of the Brown Act. (http://file.lacounty.gov/SDSInter/ceo/agendas/1112627_RANBoardMeetingNotification9-23-21_002_.pdf)

Besides the Brown Act, LACRIS also seems to have some basic problems following the California Public Records Act. According to the attached letter from Los Angeles County Sheriff Alex Villanueva, the LBPD does not use LACRIS. That was the response I received when I tried to request public records about LBPD's facial recognition training materials. This is something LACRIS should have already posted online to comply with SB 978, but has not. LACRIS has declined to even accept a Public Records Act request, saying I had to file any requests for LACRIS documents with the LASD.

If an agency cannot correctly follow the Brown Act, California Public Records Act, or SB 978 correctly, then one must seriously doubt their ability to follow the infinitely more complex requirements of the United States Constitution or properly handle the mugshots of the wrongfully arrested.

While I am addressing Public Records response, I would like to take issue with something Asst. Chief Hebeish said at a previous TIC meeting. He rather indignantly said the LBPD had responded to every public records request they had received on FRT. That is untrue as I had five pending requests on FRT at the time he made the statement, some pending since December. These requests, if completed, would show the reason for the massive increase in FRT use in 2020.

The LBPD said it can't give me the records because they are in LACRIS's possession; LACRIS says it cannot give me the records because they belong to the LBPD. For my most recent request, the LASD is back to denying that the LBPD even uses LACRIS, as evidenced by the attached letter from the LA Sheriff.

Both LACRIS and the LBPD have records that would show the dates of the FRT searches and the types of crimes that were being investigated. They have so far refused to provide this information. It is absurd that the Technology and Innovation Commission is being asked to investigate and make recommendations on FRT without being provided this basic information that would let them know if there is a problem. If there is nothing to hide, why hide it?

Without this data we do not know if FRT was being used against protestors in violation of the U.S. Constitution or if it has been an inequitable tool of mass incarceration by using advanced technology in a

disproportionate effort to solve minor property crimes, like shoplifting, while almost half of murders in the City go unsolved.

Put simply, the LBPd needs to explain this increase in use in 2020. The LBPd has not been shy about speaking about their success with FRT, which paints a one-sided picture of FRT use. We still don't know if FRT has ever caused them to detain an innocent person or even the general purpose of the 1000's of searches they ran last year.

If there is no misuse, there should be no issue producing documents containing de-identified data showing the dates of the LACRIS searches and the reason for the searches. LACRIS saves this data for three years, but neither the LBPd, LASD, or LACRIS will produce it.

I have covered my suspicions about LBPd use of FRT in more detail in my previous letter to your commission. What I ask of you today is: do not accept their explanations without proof. They have the data; that they won't share it with you should speak volumes.

I'll finish this letter with two of the questions I submitted to LACRIS for their next meeting, in hopes the LACRIS representative can address them.

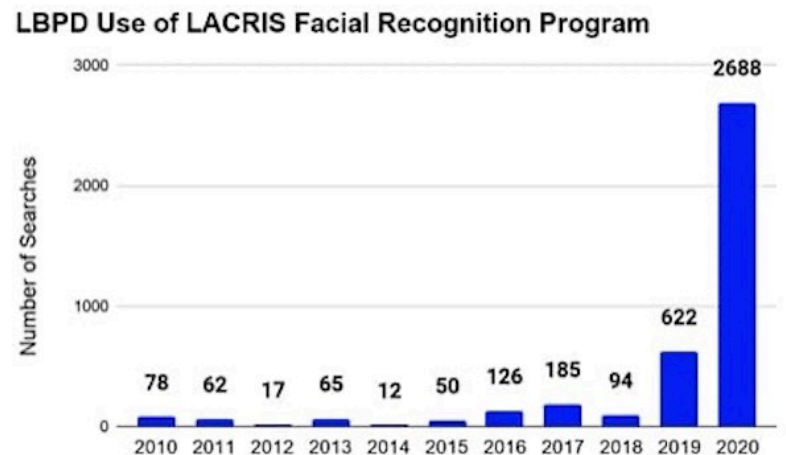
- 1) What happens to the mugshot of someone who is wrongfully-arrested or exonerated? Are they forever in LACRIS's database? How does one get their image removed from LACRIS's database?
- 2) What does it take to trigger an audit of a local police department's use of LACRIS? Has an audit been conducted on the Long Beach Police Department's LACRIS use in 2020, as their use pattern indicates there may be a failure to follow best practices or actual misuse of the system?

(As background: LBPd misuse of technology would not be in the least surprising given the numerous recent technology scandals at the LBPd. The LBPd's ALPR program was so badly run it both targeted innocent protestors in violation of their First Amendment rights, as well as "accidentally" sharing data with ICE in violations of the California Values Act. The LBPd ran a secret drone program for four years until I uncovered this March. Additionally, the LBPd is the only department ever caught using a disappearing messaging app for official communication, something that raised the same Fifth Amendment issues as their undocumented use of FRT).

Hopefully, the work of this commission will illuminate the dangers of this technology to the City Council and convince them of the need for oversight and regulation of police use of facial recognition.

Sincerely,
Greg Buhl
Lead Investigative Researcher at CheckLBPd.org
greg@CheckLBPd.org

Enclosed: LASD correspondence claiming LBPd does not use LACRIS





OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF



July 1, 2021

Greg Buhl
gdbuhl@gmail.com

Dear Mr. Buhl:

PUBLIC RECORDS ACT REQUEST #20-1834MI

This letter is in response to your request for records under the California Public Records Act dated and received by the Los Angeles County Sheriff's Department, Discovery Unit on November 23, 2020.

In your request you are seeking the following:

"I would like to request copies of all LARCIS training materials, contracts, and policies that would have been seen or distributed to the Long Beach Police Department."

Response: LASD has no records responsive to your request. Please note, LASD has not made the LARCIS application available to the Long Beach Police Department. However, in an effort to assist you, as part of the Department's transparency efforts, certain training records are available to the public on our website at www.lasd.org. From the home page, please scroll down to click "Transparency Promise," then click on "LASD Manuals," and select "search." You may enter a keyword such as, "LARCIS."

If you have any questions, please contact Lieutenant Morsi of the Discovery Unit at (323) 890-5000.

Sincerely,

ALEX VILLANUEVA, SHERIFF

Albert M. Maldonado, Captain
Risk Management Bureau

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

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