

FACE SURVEILLANCE MORATORIUM

An Act establishing a moratorium on face recognition and other biometric surveillance systems

S.1385 & H.1538 | Sen. Cynthia Creem & Rep. David Rogers

BACKGROUND

Since at least 2006, the Massachusetts state government has been using face surveillance technology without any legislative authorization or oversight.¹ The government never disclosed this to lawmakers or the public. In other words, for the past 13 years, the Commonwealth of Massachusetts has been using flawed, experimental, and dangerous technology in secret.

Government use of face surveillance poses **unprecedented risks to our civil rights and civil liberties** — and it is **entirely unregulated**. We need checks and balances.

THE BASICS

Face surveillance systems are computer programs designed to analyze images of human faces to identify and track people at a distance, without their knowledge or consent.

Remote biometric surveillance refers to any an automated or semi-automated process that identifies someone at a distance using unique characteristics like their gait or voice.

THE BILL

S.1385/H.1538 would:

- Make it unlawful for the state government or state officials to “acquire, possess, access, or use any biometric surveillance system” — as well as information derived from such systems — without **express authorization** from the legislature;
- Require any future statutes to outline safeguards, standards of use, compliance procedures, and reporting requirements for biometric surveillance systems;
- Make information obtained from biometric surveillance (excluding fingerprints and DNA) inadmissible in court proceedings until appropriate statutes are in place;
- Spur lawmakers, stakeholders, and the public to have a **robust debate** about the widespread use of this unregulated technology.



PRESS  PAUSE
ON FACE SURVEILLANCE

ACLU
Massachusetts

¹ <https://data.aclum.org/wp-content/uploads/2018/06/DOT-facial-recognition-response.pdf>

WHY WE NEED TO PRESS PAUSE

THE RESEARCH

Face and biometric surveillance is **flawed** and reinforces **racial and gender bias**.

- A study by Joy Buolamwini, a researcher at MIT, found that Black women were **35%** more likely than white men to be misclassified by face surveillance technology.
- An expert review of over **1,000 studies** found that “emotion recognition” software is fundamentally flawed.
- A live trial of face surveillance technology in the UK misidentified **4 out of 5** people, according to an independent study.

THE REALITY

This technology is deployed and aggressively marketed right here, right now — **without any regulations**.

In emails uncovered by the ACLU of Massachusetts, the CEO of a face surveillance start-up admits to **Plymouth** municipal authorities that his technology might work only **30% of the time**.² Nonetheless, he pushes aggressively for its adoption in schools, government buildings, and public streets — all in secret, with no public debate or buy-in from elected officials.

THE POLLING

According to an ACLU of Massachusetts poll, voters **overwhelmingly support a moratorium**.

79% Seventy-nine percent of Massachusetts voters support a statewide moratorium on government use of face surveillance technology.

That includes 84% of Democrats, 82% of Independents, and 50% of Republicans.

91% Ninety-one percent of voters think the Commonwealth needs to regulate the government’s ongoing use of face surveillance technology.

76% Seventy-six percent of voters do not think the government should be able to monitor and track people with this technology.

THE MOVEMENT

In tech hubs nationwide — from **San Francisco** and **Oakland**, to **Somerville** and **Cambridge** — cities are taking action to limit government use of face surveillance technology.

Take action today. Join the movement to protect our rights in the digital age.

Learn more and get involved at **aclum.org/presspause**.

LEARN MORE ABOUT THE BILL,
GO TO **[ACLUM.ORG/MORATORIUM](https://aclum.org/moratorium)**

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² <https://data.aclum.org/public-records/plymouth-police-department-face-surveillance-emails/>