

FACE SURVEILLANCE AND RACIAL BIAS

FACE SURVEILLANCE REINFORCES RACIAL AND GENDER BIAS

Face surveillance technology exacerbates existing racial disparities in the policing and criminal legal systems:

- Face surveillance technology **fails to accurately analyze** people with darker skin, often misclassifying Black women as men and assessing Black men as aggressive, even when they have neutral expressions.
- Most software is trained on datasets that overwhelmingly represent white men, and then deployed on datasets that often disproportionately represent Black men (e.g. mugshot databases).
- Misidentifications and inaccurate assessments threaten the safety of people of color who are already subject to disproportionate surveillance, over-policing, and violence at the hands of law-enforcement.
- Even if the technology worked perfectly across racial groups, Black and brown people would suffer disproportionately from its use, just as these people and communities are disproportionately targeted for many other types of surveillance and police harassment.

In Massachusetts, no statute requires police or prosecutors to disclose the use of face surveillance technology in criminal investigations, meaning people may be denied their due process rights to examine information used to detain, arrest, or incriminate them.

As a result, it's possible that people in our state have been wrongfully arrested without knowing it was due to the police's secret use of face surveillance.

Numerous studies have shown that face surveillance technologies are racially biased, particularly against Black women.

- **Government research:** A landmark study by the National Institute of Standards and Technology found that many leading face recognition algorithms exhibit racial bias, with Black and Asian people up to 100 times more likely to be misidentified than white men.
- **MIT research:** A study by Joy Buolamwini at MIT found that face surveillance technology misclassified Black women up to 35 percent of the time, while working nearly perfectly for white men.
- **ACLU test:** Using Amazon's Rekognition software, the ACLU scanned every member of Congress, looking for matches with a mugshot database. The software produced 28 false matches, including a disproportionate number of Black and brown lawmakers.
- **Real lives of real people:** In recent years, multiple Black men have been wrongfully arrested due to facial recognition scans by police in Michigan and New Jersey, spending between 30 hours and 10 days in jail.

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