

AN ACT TO REGULATE FACE SURVEILLANCE

H.135/S.47 || Reps. Dave Rogers & Orlando Ramos | Sen. Cindy Creem

BACKGROUND

In 2020, the legislature enacted historic regulations of dangerous, racially discriminatory facial surveillance technology. Unfortunately, the governor struck those provisions entirely with a misguided amendment. Ultimately, the governor signed much weaker language, which became Section 220 of Chapter 6 of the General Laws. That law improves on the previous state of affairs, but doesn't sufficiently protect racial justice, privacy, due process, or civil liberties.

An Act to Regulate Face Surveillance gives lawmakers an opportunity to fulfill the promise of the original bill enacted in 2020, imposing commonsense checks and balances on government use of face recognition, and prohibiting the use of face surveillance for society-wide spying.

THE BASICS

Face surveillance means using computer programs to analyze images of human faces in order to identify or 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 face, gait, or voice.

THE BILL

An Act to Regulate Face Surveillance would:

- Prohibit government agencies from using face surveillance to track or monitor the general public in places like schools, libraries, parks, and municipal buildings.
- Establish a system for all law enforcement agencies to request face recognition searches for identification purposes via the state police, rather than have every department make separate requests.
- Except in emergency situations, require law enforcement to obtain a regular probable cause warrant before conducting a facial recognition search. (The current law has a much lower standard, allowing searches of people not suspected of any criminal activity.)
- Establish due process protections for people who are identified using facial recognition, including information about the technology used, search results, accuracy and bias rates, and investigative steps taken prior to arrest.

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THE RESEARCH

Face and biometric surveillance are flawed and reinforce racial and gender bias.

- A study by Joy Buolamwini, a researcher at MIT, found that face surveillance technology can misclassify Black women up to 35 percent of the time.
- The federal government's own technology standards agency found that leading facial recognition algorithms exhibit racial and gender biases.
- Multiple people in the U.S. are known to have been falsely arrested based on facial recognition scans—all of them Black men.

THE REALITY

This technology is deployed and aggressively marketed right here, right now — **without adequate 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.** 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 strong regulations on face surveillance.



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



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

THE MOVEMENT

In major hubs nationwide — from San Francisco and Minneapolis, to Boston, Somerville, Cambridge, and Springfield — cities are taking action to limit government use of face surveillance. So far, seven cities and towns in Massachusetts have passed municipal bans on the technology.

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

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

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