

WHY WE NEED STRONGER LEGAL PROTECTIONS

WHAT IS THE CURRENT LAW?

- Police may request facial recognition searches at the Massachusetts State Police (MSP), RMV, and FBI. Except in emergencies, these requests merely require a court order obtained after police show the search is relevant to a criminal investigation — a far lower standard than a warrant requirement.
- Each year, the state must report on its website how often the technology is used, by which agencies, and in which types of criminal investigations.
- The legislature also created a commission to make recommendations about further regulation of government use of face surveillance in Massachusetts. The commission is scheduled to issue a report at the end of 2021, but we already know that existing law is inadequate.

WHAT'S WRONG WITH CURRENT LAW?

Face surveillance still poses unprecedented threats to our civil rights and civil liberties, and current law does not protect us:

- Today, government agencies can acquire and deploy their own face surveillance systems in public spaces with no oversight and no safeguards against abuse, enabling the **widespread tracking and monitoring of ordinary people** as they go about their daily lives.
- Today, police can request facial recognition searches **without a warrant**, relying instead on a much lower standard of judicial approval that does not require probable cause.

- Today, police and prosecutors may **avoid disclosing** the use of face surveillance in criminal proceedings, violating the due process rights of defendants who are entitled to see all evidence used to bring a case against them.

HOW DOES THE NEW BILL FIX THIS?

- Prohibit government agencies, with the exception of the RMV, from acquiring or deploying their own face surveillance systems, ensuring that the general public is not monitored in public spaces by a shadowy patchwork of invasive, unregulated, and biased software.
- Establish a centralized system to ensure adequate and efficient oversight, and to prevent the use of unreliable, racially biased technology.
- Require police to obtain a warrant showing probable cause before they can request facial recognition searches from the MSP, RMV, or FBI—except in emergencies, when there is a threat of imminent physical harm.
- Uphold due process by requiring prosecutors to disclose to defendants when face recognition scans were used to identify and charge them with a crime.

WHO SUPPORTS STRONGER REGULATIONS?

According to an ACLU poll, 91% of Massachusetts voters think the Commonwealth needs to regulate the government's ongoing use of face surveillance, and 76% do not think the government should be able to monitor and track people with this technology.

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