Ban Government Use of Facial Recognition Technology in King County

Dear King County Councilmembers,

The undersigned organizations write to urge you to support Ordinance No. 2021-0091 – an ordinance that would ban government use of facial recognition technology in King County and protect peoples civil rights and civil liberties. We thank CM Jeanne Kohl-Welles and CM Rod Dembowski for sponsoring this important legislation.

Facial recognition is a powerful, privacy-invasive, and racially biased technology that gives the government the power to automatically identify, locate, and track people based on images of their faces. This technology poses unprecedented privacy, civil liberties, and equity concerns. Unlike other forms of identity verification, facial recognition technology can enable invisible and persistent government surveillance on a massive scale. Government agencies can use facial recognition to track individuals' movements and associations without their knowledge or consent, chilling free speech and free association, undermining press freedom, and threatening the free exercise of religion.

Facial recognition technology powers systemic racism and injustice, whether or not this technology operates accurately. However it is important to recognize that facial recognition technology is biased and inaccurate, and its use causes disparate impacts and can have life-or-death consequences. There are now multiple cases in the United States of facial recognition technology implicating Black men in crimes they did not commit, as in the case of Robert Julian-Borchak Williams, a Black

man who was wrongly arrested and jailed due to a false facial recognition match. Many expert studies have found facial recognition technology to be less accurate at identifying women, youth, trans and gender non-confirming people, and people of color, increasing the risk of false matches. A December 2019 study from the National Institute of Standards and Technology on Face Recognition Software found that false positives are up to 100 times more likely for Asian and Black faces when compared to white faces.

We underscore that facial recognition causes disparate impacts when it is incorrect, and it will also lead to harm even when the results are accurate, as the technology will continue to be deployed disproportionately to surveil marginalized communities.

There is a growing movement across the United States to ban face surveillance. Cities including Portland, Boston, and San Francisco have banned government use of facial recognition technology, recognizing that facial recognition tools not only fuel discriminatory surveillance, but also threatens everyone's privacy and civil liberties. Recent state and federal proposals to ban facial recognition technology have garnered widespread support as legislators and the public have become increasingly concerned about the harmful effects of face surveillance on our civil rights and democracy.

King County has the opportunity to pass the country's first county-wide facial recognition ban. King County can be a leader in protecting people's civil rights and civil liberties and advancing racial equity.

Please support Ordinance No. 2021-0091. We the undersigned thank you for considering this pressing issue.