

Anytown USA Police Department Memorandum

To: Chief Paul George

From: SLO Dikran Melkonian

Re: 21st Century Surveillance Technology Memo

February 22, 2021

The technological advancement of 21st century policing, including biometrics such as facial recognition, safe-street lights, license plate readers, gun shot detectors, officer's body-worn cameras and drones, will challenge the fragile line between advancing our communities public safety while not infringing the constitutional protection of our citizen's individual privacy rights.

Types of Technologies:

-“Facial Recognition technology works by capturing, indexing, and scanning databases of millions of people's faces-641 million as of 2019, in the case of the FBI's recognition unit-to identify similarities” (Bhuiyan). “Facial recognition technology automates the process of comparing one photograph to other photographs to find potential matches. The primary government applications for facial recognition in the United States are identity verification, security, and law enforcement investigations” (IACP).

-Technologically advanced “Smart Streetlights” are, “...Fixtures of the international ‘smart city’ landscape...equipped with features that can monitor traffic, weather, and other urban phenomena” (Holder).

-“A hot list is for vehicles of interest wanted in crimes or linked to people of interest in criminal investigations. Software will automatically compare a license plate recorded by the (Automated License Plate Reader) to see if it matches any on the hot list” (CBS).

-“Acoustic gunshot detection is a system designed to detect, record, and locate the sound of gun fire and alert law enforcement. The equipment usually takes the form

of sensitive microphones and sensors. They are usually mounted on street lights, or other elevated structures” (Acoustic).

Legal & Regulatory Structures:

Under Assembly Bill 1215, “Police departments and law enforcement agencies across the state of California will have...to end any existing use of face recognition on body-worn cameras” (Guariglia). “This bill would prohibit a law enforcement agency or law enforcement officer from installing, activating, or using any biometric surveillance system in connection with...or data collected by an officer camera” (A.B 1215). This bill will be in affect until January 2023.

In 2019, Clearview AI allowed over 600 law enforcement agencies to search through “an internal database of more than three billion images (from Google, Facebook, Twitter, IG and others)...to upload an image-if there’s a match-see public photos of the person” (Hernandez). “Federal and state law enforcement officers said... they had used (the Clearview) app to help solve shoplifting, identity theft, credit card fraud, murder and child sexual exploitation cases” (Hill).

In January 2021, Los Angeles Police Commission approved the limited use of facial recognition technology which, “Allows detectives to compare photos of crime suspects to millions of L.A. County inmate mugshots. (LAPD) can only use the database to help them in criminal investigations, and when they need to identify incapacitated, unconscious or dead people” (Cain).

Engagement:

San Diego Police Department, Captain Jeff Jordan explains the importance of departmental collaboration as well as proactive community engagement for the use of

this new and advancing technology in the community. “You need to define quickly what technologies...what use policies you do have, how they're funded, how you're using grants, and you'd better in short order make an inventory.. and not just within your own organization. This impacts the entire city...a collaboration city wide...with our federal law enforcement partners, of other local agencies, including investigative bodies within the City Attorney's office, the District Attorney's office...and a kind of a monumental year ahead of us as we look to overcome these challenges” (Jordan, 5.1).

“Facial recognition technology has always been controversial. It makes people nervous about Big Brother. It has a tendency to deliver false matches for certain groups, like people of color. And some facial recognition products used by the police... haven't been vetted by independent experts” (Hill). This lack of trust in the use of these types of technology in the hands of law enforcement in certain communities needs to be addressed, and the communities reassured that their data won't be compromised and used in an unreasonable and unscrupulous manner.

“I think that's really the hallmark of community policing, understand expectations of the community, understand where we agree. We all want thriving, safe environments...law enforcement always hasn't got it right in regards to surveillance or overstepping, or infringement on people's privacy rights. We have an opportunity to learn from that and get better from that” (Jordan, 6.1).

Privacy & Ethical Considerations:

“Research shows that the technology has fallen short in correctly identifying people of color. A federal study released in 2019 reported that Black and Asian people were about 100 times more likely to be misidentified by facial recognition than white

people” (Bhuiyan). Civil Rights activists are also concerned of the long term ramifications and backlash of this technology. “Facial recognition poses a significant threat to civil liberty and racial justice” (Hernandez). An individual could be deterred to protest as they would be concerned that potential photos of them participating could be negatively used against them for future employment purposes.

“Governments have clashed for years over balancing law enforcement access and user privacy” (Gurman). “If we're going to embrace these technologies, then there has to be protections in there that are really connected to our system of government, to our laws...such that they enhance our lives versus diminishing them. I think there's a balance to be had where privacy and public safety can coexist...creating safe environments where people feel comfortable exercising their first amendment rights” (Jordan, 5.2). “I think in law enforcement we're coming to the realization, particularly regards to civil unrest and doxing, to protect our privacy a little bit more” (Jordan, 6.2).

These leaps in biometric technology can provide significant improvement in identifying perpetrators as well as curtailing potential crimes. Its impact on the safety of the community is essential for collaboration and engagement with city and community leaders, as well as the citizens that will benefit from its implementation. It would be just as irresponsible to close our eyes to this technology that can improve public safety, as it is to use it without the proper safeguards of protecting our communities' trust and privacy rights.

Work Cited:

“Acoustic Gunshot Detection.” *Electronic Frontier Foundation*, 7 Nov. 2019,
www.eff.org/pages/gunshot-detection.

Bhuiyan, Johana. “Facial Recognition May Help Find Capitol Rioters - but It Could Harm Many Others, Experts Say.” *Los Angeles Times*, Los Angeles Times, 4 Feb. 2021, www.latimes.com/business/technology/story/2021-02-04/facial-recognition-surveillance-capitol-riot-black-and-brown-communities.

“Bill Text - AB-1215 Law Enforcement: Facial Recognition and Other Biometric Surveillance.” *California Legislative Information*, 2019, leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1215.

Cain, Josh. “LA Police Commission Approves Facial Recognition Tech for LAPD Detectives.” *Daily News*, Daily News, 13 Jan. 2021, www.dailynews.com/2021/01/12/la-police-commission-approves-facial-recognition-tech-for-lapd-detectives/.

CBS Los Angeles. “LAPD's License Plate Reader System Failing To Protect Driver Privacy, Audit Finds.” *CBS Los Angeles*, CBS Los Angeles, 14 Feb. 2020, losangeles.cbslocal.com/2020/02/14/lapds-license-plate-reader-system-failing-to-protect-driver-privacy-audit-finds/.

Guariglia, Matthew. “Victory! California Governor Signs A.B. 1215.” *Electronic Frontier Foundation*, 9 Oct. 2019, www.eff.org/deeplinks/2019/10/victory-california-governor-signs-ab-1215.

“GUIDING PRINCIPLES FOR LAW ENFORCEMENT’S USE OF FACIAL RECOGNITION

TECHNOLOGY.” *IACP.ORG*, July 2019, learn-us-east-1-prod-fleet02-xythos.content.blackboardcdn.com/5c2103143e6a3/6500695?X-Blackboard-Expiration=1613973600000&X-Blackboard-Signature=hp1QEcjrf9B8Qbhlalr%2FRTOdWcHSWvYIXQBSa7PNCE4%3D&X-Blackboard-Client-Id=962616&response-cache-control=private%2C%20max-age%3D21600&response-content-disposition=inline%3B%20filename%2A%3DUTF-8%27%27IACP%2520LE%2520Facial%2520Rec%2520Guiding%2520Principles%2520July%25202019.pdf&response-content-type=application%2Fpdf&X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Date=20210222T000000Z&X-Amz-SignedHeaders=host&X-Amz-Expires=21600&X-Amz-Credential=AKIAZH6WM4PL5SJBSTP6%2F20210222%2Fus-east-1%2Fs3%2Faws4_request&X-Amz-Signature=40b6e249434f03bd6bb70a6efa8a0cb0cf00046c0e8364b325ba80bcd367be3.

Hernandez, David. “Police One: San Diego Police Praise 'Smart Street Light' Program; Critics Want Public Involvement, Oversight .” *Police 1*, San Diego Union-

Tribune, 16 Mar. 2020, learn-us-east-1-prod-fleet02-xythos.content.blackboardcdn.com/5c2103143e6a3/6466353?X-Blackboard-Expiration=1613887200000&X-Blackboard-Signature=EtCUybCICJ9C%2FwP4l5Mx5jPYb3HFKsG8yJsih%2FXBJrM%3D&X-Blackboard-Client-Id=962616&response-cache-

control=private%2C%20max-age%3D21600&response-content-
disposition=inline%3B%20filename%2A%3DUTF-8%27%27San%2520Diego
%2520police%252C%2520DA%2520ban%2520use%2520of%2520facial%25
20...pdf&response-content-type=application%2Fpdf&X-Amz-Algorithm=AWS4-
HMAC-SHA256&X-Amz-Date=20210221T000000Z&X-Amz-
SignedHeaders=host&X-Amz-Expires=21600&X-Amz-
Credential=AKIAZH6WM4PL5SJBSTP6%2F20210221%2Fus-
east-1%2Fs3%2Faws4_request&X-Amz-
Signature=7edeaf6d76e36a7cfd5232999b7f8232cbd714fd8e563bb4ab63deb92
9ea2539.

Hill, Kashmir. "The Secretive Company That Might End Privacy as We Know It." *The New York Times*, The New York Times, 18 Jan. 2020, www.nytimes.com/2020/01/18/technology/clearview-privacy-facial-recognition.html.

Holder, Sara. *In San Diego, 'Smart' Streetlights Spark Surveillance Reform*. 6 Aug. 2020, learn-us-east-1-prod-fleet02-xythos.content.blackboardcdn.com/5c2103143e6a3/6550463?X-Blackboard-Expiration=1613206800000&X-Blackboard-Signature=bxrAm0wUIp91CGcWwPnGRquxVGJ8eX1WT6uqtLMAbb8%3D&X-Blackboard-Client-Id=962616&response-cache-control=private%2C%20max-age%3D21600&response-content-disposition=inline%3B%20filename%2A%3DUTF-8%27%27A%2520Surveillance%2520Standoff%2520Over%2520_Smart_%2520Streetlights%2520-%2520Bloomberg.pdf&response-content-type=application%2Fpdf&X-Amz-

Algorithm=AWS4-HMAC-SHA256&X-Amz-Date=20210213T030000Z&X-Amz-SignedHeaders=host&X-Amz-Expires=21600&X-Amz-Credential=AKIAZH6WM4PL5SJBSTP6%2F20210213%2Fus-east-1%2Fs3%2Faws4_request&X-Amz-Signature=91ffc42ff21f67d1573d3327f04ba6d08e9182e8229cff66956c5512db4d384d.

Jordan, Jeff, and Erik Fritsvold. *5.1 Spotlight Expert Surveillance, Ethics & Technology*

Part I. University of San Diego, 2010, learn-us-east-1-prod-fleet02-xythos.content.blackboardcdn.com/5c2103143e6a3/6550617?X-Blackboard-Expiration=1613206800000&X-Blackboard-Signature=BGZBIYImh%2FVjAAfKfPcxjimjWmdCzSvzao6eiqNKO5g%3D&X-Blackboard-Client-Id=962616&response-cache-control=private%2C%20max-age%3D21600&response-content-disposition=inline%3B%20filename%2A%3DUTF-8%27%27Presentation%25205.1%2520Spotlight%2520Expert%2520Surveillance%2520C%2520Ethics%2520%2526%2520Technology%2520Part%2520I-Transcript.pdf&response-content-type=application%2Fpdf&X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Date=20210213T030000Z&X-Amz-SignedHeaders=host&X-Amz-Expires=21600&X-Amz-Credential=AKIAZH6WM4PL5SJBSTP6%2F20210213%2Fus-east-1%2Fs3%2Faws4_request&X-Amz-Signature=2ff63cc6877b30823876b15a46b44608e47b4e4775bf454f772183903806d72c.

Jordan, Jeff. *Presentation 5.2: Jeff's Corner - Surveillance Intellectual Evolution &*

Leadership Challenges. University of San Diego, 2020, learn-us-east-1-prod-fleet02-xythos.content.blackboardcdn.com/5c2103143e6a3/6559508?X-Blackboard-Expiration=1613206800000&X-Blackboard-Signature=IxRb3HTda%2FBKCV4dt9WRQI8iHKP%2FxlwCeXzecnjUDnE%3D&X-Blackboard-Client-Id=962616&response-cache-control=private%2C%20max-age%3D21600&response-content-disposition=inline%3B%20filename%2A%3DUTF-8%27%27M5_Pres_5.2_Transcript.pdf&response-content-type=application%2Fpdf&X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Date=20210213T030000Z&X-Amz-SignedHeaders=host&X-Amz-Expires=21600&X-Amz-Credential=AKIAZH6WM4PL5SJBSTP6%2F20210213%2Fus-east-1%2Fs3%2Faws4_request&X-Amz-Signature=01fdabd9f8054f91849cb80ab65da6cf2e37f0f57262d43ecb58d9d75bfe17b.

Jordan, Jeff, and Erik Fritsvold. : *Presentation 6.1 Spotlight Expert Surveillance, Ethics*

& Technology Part II. University of San Diego, 2020, learn-us-east-1-prod-fleet02-xythos.content.blackboardcdn.com/5c2103143e6a3/6550619?X-Blackboard-Expiration=1613973600000&X-Blackboard-Signature=VDqhsVtAxm%2FS66WtgDDF1azqqDKNPEMly1SOMrv%2F6Ro%3D&X-Blackboard-Client-Id=962616&response-cache-control=private%2C%20max-age%3D21600&response-content-disposition=inline%3B%20filename%2A%3DUTF-8%27%27Presentation%252

06.1%2520Spotlight%2520Expert%2520Surveillance%2520C%2520Ethics%25
20%2526%2520Technology%2520Part%2520II-Transcript.pdf&response-
content-type=application%2Fpdf&X-Amz-Algorithm=AWS4-HMAC-SHA256&X-
Amz-Date=20210222T000000Z&X-Amz-SignedHeaders=host&X-Amz-
Expires=21600&X-Amz-
Credential=AKIAZH6WM4PL5SJBSTP6%2F20210222%2Fus-
east-1%2Fs3%2Faws4_request&X-Amz-
Signature=c0d6cedd16fa7605aa546b16ccdbfd38123e6fc3a2bb65f6b37742f42
49b8021.

Jordan, Jeff. "Presentation 6.2 Jeffs Corner-Activist & Global Perspectives on
Surveillance and Ethics." *University of San Diego*, 2020, learn-us-east-1-prod-
fleet02-xythos.content.blackboardcdn.com/5c2103143e6a3/6550465?X-
Blackboard-Expiration=1613973600000&X-Blackboard-
Signature=MG4PfRyoZqxCX5VYcsjCRk6RLTavLraXFjB%2BaikMm8k%3D&X-
Blackboard-Client-Id=962616&response-cache-control=private%2C%20max-
age%3D21600&response-content-
disposition=inline%3B%20filename%2A%3DUTF-8%27%27Presentation%252
06.2%2520Jeffs%2520Corner-
Activist%2520%2526%2520Global%2520Perspectives%2520on%2520Surveill
ance%2520and%2520Ethics-Transcript.pdf&response-content-
type=application%2Fpdf&X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-
Date=20210222T000000Z&X-Amz-SignedHeaders=host&X-Amz-

Expires=21600&X-Amz-

Credential=AKIAZH6WM4PL5SJBSTP6%2F20210222%2Fus-

east-1%2Fs3%2Faws4_request&X-Amz-

Signature=db9d03adb499d8ecc2c860cac35c31bbe589e23ec9a5bc17d04300e

95ea39639.