Request for Information (RFI) on Public and Private Sector Uses of Biometric Technologies: Responses

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WRITTEN STATEMENT of

Data for Black Lives

Before the

Office of Science and Technology Policy (OSTP)

January 6, 2022

Dear Dr. Eric Lander, President's Science Advisor and Director of the White House Office of Science & Technology Policy (OSTP) and Dr. Alondra Nelson, OSTP Deputy Director for Science & Society:

Data for Black Lives is a movement of activists, organizers, and mathematicians committed to the mission of using data science to create concrete and measurable change in the lives of Black people.

Since the advent of computing, big data and algorithms have penetrated virtually every aspect of our social and economic lives. We recognize that these new data systems have tremendous potential to empower communities. Tools like statistical modeling, data visualization, and crowd-sourcing, in the right hands, are powerful instruments for fighting bias, building progressive movements, and promoting civic engagement.

We value the use of data for technological innovation and recognize its significance in bettering the lives of millions of people. Whether it's through identifying and responding to community members who lack access to the internet, collecting data to implement tools that support community members with disabilities or chronic illnesses, or the use of data to understand and engage in the political process -- data is leveraged for technological innovation and the evolution of humankind.

However, at Data for Black Lives we also understand that data is too often wielded as an instrument of oppression, reinforcing inequality and perpetuating injustice. As an example, redlining was a data-driven enterprise that resulted in the systematic exclusion of Black communities from key financial services. Facial recognition, a form of biometric data, poses a similar, more dangerous threat to our lives.
We agree with your assessment that “Data sets that fail to represent American society can result in virtual assistants that don’t understand Southern accents; facial recognition technology that leads to wrongful, discriminatory arrests; and health care algorithms that discount the severity of kidney disease in African Americans, preventing people from getting kidney transplants.” Several groundbreaking research efforts have made these disparities clear.

Prior to the misidentification cases of Robert Williams, Michael Oliver, Nijeer Parks, and Lamya Robinson, research showed the risk of these technologies and how they might harm Black and brown people the most. The Gender Shades Study by Joy Buolamwini, Timnit Gebru, and Deborah Raji recognized the discrepancies in how facial recognition sees or does not see darker skin tones among other findings. Research from Georgetown’s Center on Privacy and Technology pointed to the ways facial recognition was already being manipulated by law enforcement. And the Our Data Bodies research collective rooted their research in marginalized neighborhoods in Charlotte, North Carolina, Detroit, Michigan, and Los Angeles, California, further exposing the impact of vast networks of local surveillance. Community members that Our Data Bodies interviewed expressed that they felt that their information was being extracted from them for the benefit of corporations, law enforcement, and governmental institutions, not for their benefit. They indicated that the smallest “mistakes” in their lives (i.e., an inability to afford their water bills) was trailing them and preventing them from upward mobility. They also indicated that they felt targeted by surveillance structures, whether they were a formerly incarcerated resident who had served their time, trying to get back on their feet, or a person who had been previously evicted from their home, trying to make a fresh start. The feeling of being targeted and not valued as a human being was consistent across all three cities.

Data for Black Lives discovered through our own organizing and research in Detroit, Michigan, a city with a near 80% Black population, that commitments to surveilling communities of color is only growing. Despite Detroit’s median household income of under $31,000 per year (a number sliced nearly in half through job loss, since the pandemic), quality-of-life issues have rarely been addressed by city government, and instead, biometric surveillance has prevailed.

Much like your current efforts, Detroiters understand the significance of challenging the City’s Constitution, and attempted to pursue a Detroiters’ Bill of Rights. Dozens of social justice organizations, hundreds of impacted residents, and some city officials engaged in numerous meetings with an elected charter revision commission in an attempt to amend the City’s Charter. The Detroiters’ Bill of Rights, which became Proposal P, was in response to a decades-long
effort by Detroiter to be seen. Demanding that their city government work for them, Proposal P was real hope for a new, more racially equitable Detroit. But as with most progressive efforts, a massive, well-funded propaganda campaign of disinformation succeeded in swaying public opinion against the historic attempt to pass Proposal P.

In the words of Professor Peter Hammer, “As public money is diverted to private projects, Detroiter are told to be patient. They are told that the benefits will ‘trick down’ to them over time. In truth, these benefits remain tightly controlled in private hands. Little is trickling down anywhere.”

One of the most contentious points of Proposal P, was an effort to rid Detroit of the mass surveillance, public-private partnership known as Project Green Light, and its companion technology facial recognition. The Detroit Police Department had been using facial recognition for over a year under a standard operating agreement, without a public hearing, and with no oversight from the civilian oversight body. Since a facial recognition policy was implemented following over a year of persistent public outcry, we have been made aware that although Detroit is 79% Black, facial recognition is used almost exclusively on Black residents.¹ We have also been made aware that even though the policy is to be used for violent crimes only, it is still being used for non-violent crimes.

Last year, Detroit City Council had a hearing on renewing contracts for facial recognition technology and hundreds of residents attended in protest. However, the Detroit City Council not only approved an additional $220,000 to extend the DataWorks Plus facial recognition contract, they also recently approved an additional $51,000 for BriefCam, which would allow a rapid search of videos across locations, despite the fact that the current facial recognition policy prohibits real-time tracking.²

Detroiter are suffering a great deal of economic hardship. Thousands of residents were overtaxed more than $600 million dollars leading to massive tax foreclosures, a situation which

Water shutoffs, which community leaders had to fight to end despite Detroiter's suffering thousands of deaths during the pandemic - - are on hold until 2022, but still a looming threat to our health and safety. Our infrastructure is crumbling, and residents suffered tremendous damage to their homes during recent flooding, on several occasions.

Surveillance is not safety. Massive investment in surveillance programs like Project Green Light, will not create the type of environment Detroiter's deserve. Movement around Detroit is being regulated by the thousands of flashing green lights. Although not as bright as the floodlights being resisted in New York City public housing, if your bedroom is behind one of these lights, you simply do not get a good night's sleep. The lights never go off.

Many residents live under the constant feeling that they are in a perpetual line-up, being monitored everywhere they go. It has had an impact on the businesses they visit, although they are sometimes still forced to patronize establishments that use facial recognition out of necessity. The ubiquitous feeling of being surveilled is difficult to describe. One that keeps your shoulders tense with the dread that you might be the next person misidentified and falsely accused of a crime because the face recognition algorithm thinks your driver's license or state ID matches one of the images captured at a crime scene.

If research and history is any indication, the four known misidentification cases, including the misidentification of a 14 year old child who was kicked out of a skating rink, are just the tip of the iceberg. It is our fear that we will look up forty years from now, if we do nothing, and have to exonerate people (some posthumously) who spent decades in jail because they were arrested by a faulty, racially biased algorithm. Or worse, we may never find out who they are.

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5 Rebecca Smith, “Project Green Light: Surveillance and the Spaces of the City,” University of Michigan Carceral State Project, April 2021, https://storymaps.arcgis.com/stories/14dd97b35cb4a4298786c75855f8080
Much like Detroit, Atlanta is expanding its usage of mass surveillance. For example, Atlanta is expanding the use of automatic license plate readers as part of building a citywide network of cameras that feeds into a real-time crime center. The public is being told that the license plate readers’ intended use is tracking stolen vehicles or vehicles with warrants, but an investigation shows that police agencies are also gathering data about travel patterns of people regardless of their connection to any crime.⁷

If we fail to act, we will continue to see cities like Detroit and Atlanta fall further and further into the realm of an authoritarian-regime style social credit system. We will find ourselves surrounded by surveillance cameras, real-time crime centers, drones, and facial recognition, funneling more and more Black, Brown, and Indigenous residents unjustly into the criminal justice system. We have already learned a great deal since the rise of mass incarceration. Facial recognition has the potential to increase the incarceration disparity to a degree that we may not be able to quantify.

It's time we rid ourselves of data weapons (any technological tool used to surveil, police and criminalize Black and Brown communities) before the harm is irreversible. We have a long way to go in increasing racial equity within our police departments. We should not be exacerbating existing inequity by turning over policing to artificial intelligence.

If policing by AI continues in Detroit, Atlanta, and other predominantly Black and Brown communities, it will most likely be packaged and rolled out across vulnerable communities across the United States.

Thank you in advance for reading and internalizing our plea. Our data, biometric or otherwise, should not be weaponized against us.

Sincerely,

Yeshimabeit Milner
Founder/Executive Director, Data for Black Lives

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