



WRITTEN STATEMENT of TAWANA PETTY  
National Organizing Director, Data for Black Lives

Before the

Subcommittee on Crime, Terrorism, and Homeland Security

House Committee on the Judiciary

Hearing on: Facial Recognition Technology: Examining Its Use by Law Enforcement

Tuesday, July 10, 2021

Dear Chair, Vice-Chair, Ranking Member and Members:

My name is Tawana Petty. I am a lifelong resident of the City of Detroit. I serve as the National Organizing Director at Data for Black Lives, a convening member of the Detroit Digital Justice Coalition and a non-resident fellow of the Digital Civil Society Lab at the Stanford Center on Philanthropy and Civil 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. The Detroit Digital Justice Coalition is comprised of people and organizations in Detroit who believe that communication is a fundamental human right. We attempt to secure this right through activities that are grounded in the digital justice principles of: access, participation, common ownership, and healthy communities. The Digital Civil Society Lab aims to understand and inform civil society in a digitally dependent world.

I 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 (myself included), 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 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 communities, most prominently Black communities.

Prior to the misidentification cases of Robert Williams, Michael Oliver and Nijeer Parks, I stood before Detroit's Board of Police Commissioners and the Detroit City Council to plead the case that misidentification cases were inevitable. I cited the Gender Shades Study by Joy Buolamwini, Timnit Gebru and Deborah Raji and I cited the NIST Study, both of which recognized the discrepancies in how facial recognition sees or does not see darker skin tones. I also cited a study by Georgetown's Center on Privacy and Technology, which pointed to the ways facial recognition was already being manipulated by law enforcement.

I spoke about the feeling residents had of being watched, but not seen. A sense I learned from my research work with Our Data Bodies, a research collective concerned about the ways our communities' digital information is collected, stored, and shared by government and corporations. We rooted our research in marginalized neighborhoods in Charlotte, North Carolina, Detroit, Michigan, and Los Angeles, California. We interviewed approximately 150 residents who consistently expressed for us that they felt that their information was being extracted from them for the benefit of corporations, law enforcement and governmental institutions, but 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 and was trying to get back on their feet, or a person who had been previously evicted from their home but was trying to make a fresh start. The feeling of being targeted but not valued as a human being was consistent across all three cities.

I spoke these concerns before commissioners and city officials for several months on a weekly basis. I spoke about the median household income of Detroiters being under \$31,000 per year, a number sliced nearly in half through job loss, since the pandemic. I spoke about the impact that quality-of-life issues had on quality-of-life crime and provided potential solutions for making a positive impact on the lives of residents, so that we could all begin to feel safer. I pleaded with the civilian oversight body to end the Detroit Police Department's use of facial recognition, because I knew that one day, they would

arrest the wrong the person, or worse, place them in a situation where either them or the officer could lose their life.

Despite my consistent pleas and the testimonials of hundreds of residents, submitted petitions, demonstrations and town halls, the Board of Police Commissioners did not ban facial recognition, but decided to finally put a policy in place to govern it. A policy that was not put in place until the public began to demand a ban. In fact, the public was not aware that facial recognition was being used.

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 the policy has been put in place, we have been made aware of two known misidentification cases involving Detroit Police and a third in New Jersey. We have also been made aware that facial recognition in Detroit is used 100% of the time on Black residents, and despite the fact that the policy is to be used for violent crimes only, it is still being used for non-violent crimes. It is also important to note that under the current policy, the Detroit Police Department is prohibited from tracking residents in real-time. However, the Detroit City Council not only approved an additional \$220,000 to extend the DataWorks Plus facial recognition contract (despite massive protests last year and hundreds of residents attending the hearing in protest), but they also recently approved an additional \$51,000 for BriefCam, which would allow a rapid search of videos across locations.

Detroiters are suffering a great deal of economic disparity. Thousands of residents were overtaxed more than \$600 million dollars leading to massive tax foreclosures, a situation which has not been rectified. Water shutoffs, which community leaders had to fight to end despite Detroiters 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 the recent flooding, with more flooding on the horizon.

Surveillance is not safety. Massive investment in mass surveillance programs like Project Green Light, which prioritize police presence to private businesses (identified as priority 1) over the safety of residents, while incorporating facial recognition, will not create the type of environment Detroiters deserve. Our movements around our city are being regulated by the thousands of flashing green lights that never go off. If your bedroom is behind one of these lights, you simply don't get a good night sleep. I live under the constant feeling that I am in a perpetual line-up, being monitored everywhere I go. It has had an impact on the businesses I visit, although sometimes I am still forced to patronize establishments that use facial recognition out of necessity. The ubiquitous feeling of being surveilled is

sometimes 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 three known misidentification cases are just the tip of the iceberg. It is my fear that we will look up 40 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.

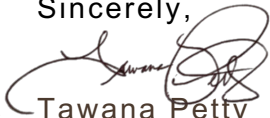
If we fail to act, we will continue to see cities like Detroit fall further and further into the realm of a China-like social credit systems, surrounded by surveillance cameras, real-time crime centers, drones and facial recognition, funneling more and more Black residents unjustly into the criminal justice system. We have already learned a great deal since the rise of mass incarceration. Facial recognition has the potential increase the incarceration disparity to a degree that we won't even be able to quantify.

It's time we rid ourselves of this technology 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.

I have spoken mostly from my perspective as a Detroiter, but I do so with the understanding that if racial inequity succeeds in Detroit, it will most likely be packaged and rolled out across Black and Brown communities across the United States.

Please consider ending police use of facial recognition technology. Our data, biometric or otherwise, should not be weaponized against us.

Sincerely,



Tawana Petty  
National Organizing Director,  
Data for Black Lives