

## Written Testimony for Government use of Facial Recognition Technology

Adam Howlett <howletta707@gmail.com>

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To: Manning, Jacqueline O. (HOU) <Jacqueline.O.Manning@mahouse.gov>

### Written Testimony

#### Public Comment

### Government Use of Facial Recognition Technology

Dear Senator Eldridge, Representative Day, and members of the Commission,

Good morning. My name is Adam Howlett I am writing to provide some comments about the use of facial recognition technology in Massachusetts. I respectfully ask that the Commission recommend the legislature strengthen existing facial recognition law to ensure Massachusetts residents and visitors are shielded from discriminatory, dragnet surveillance and other harms.

With the internet being such a useful tool in everyday life I see that my children are going to be able to enjoy these freedoms that the internet brings. My fears come to life when I see the many ways that facial recognition can be used. I fear that these technologies can be used against a person in ways that would violate the civil liberties and the rights in which I was raised upon. I just hope that my children can grow up in a place where they know that they are protected everytime they turn on their computer and snap a picture to share with their family.

In December 2020, Governor Baker signed into law “An Act Relative To Justice, Equity And Accountability In Law Enforcement In The Commonwealth,” an omnibus police reform legislation. The law, codified in Chapter 253 of the Acts of 2020, contains several provisions pertaining to government agencies’ use of facial recognition technology.

While I support some of those provisions, namely the creation of this Commission, the regulations governing police use of facial recognition fall far short of what we need.

One of the main concerns with these laws is that it does not restrict which public agencies can or cannot acquire and possess a facial recognition system. The law merely mentions the Registrar of Motor Vehicles (R.M.V) and the State Police (M.S.P) as possessing F.R.T. systems but does not explicitly restrict other agencies from buying or leasing their own systems. This law only regulates facial recognition and does not mention or provide for other remote biometric recognition technologies that are as risky and harmful as facial recognition .

Thankfully, lawmakers have addressed these concerns in legislation filed this session. H.135, An Act To Regulate Face Surveillance, sponsored by Representatives Rogers and Ramos, and S.47, An Act To Regulate Face Surveillance, sponsored by Senator Creem, provide for some useful policy solutions to outlined above.

I ask if you can take into consideration and establish that the only two agencies would be able to use the technology directly. The agencies are the R.M.V and the M.S.P . As to the former ,the use of the technology is allowed to verify an individual's identity when issuing licenses, permit , or other documents. As to the latter , the bills establish the facial recognition searches performed by the M.S.P , whether for its own use or on behalf of other law enforcement agencies, should only be used to investigate violent felonies after a warrant is issued under probable cause, except in cases involving an emergency or the identification of a deceased person.

I encourage you to consider bills H.135 and S.47 when you decide on further regulations of the use of biometric surveillance technology by government entities. We need strong regulations to ensure it doesn't infringe on our civil rights and civil liberties, and this legislation provides an excellent model.

Thank you for your attention and consideration.

Adam Howlett  
185 Brooks Rd  
Templeton MA 01468