JULY 30, 2021 PUBLIC WITNESS
HEARING RESPONSE FOR THE RECORD

The Honorable Jamie Eldridge, Co-Chair
The Honorable Michael Day, Co-Chair
Massachusetts Special Commission on Facial Recognition
24 Beacon Street, Room 136
Boston, Massachusetts 02133

RE: July 30, 2021 Public Witness Hearing Response for the Record

Dear Co-Chairs Eldridge and Day and Members of the Commission:

It was a pleasure to provide testimony before the Massachusetts Special Commission on Facial Recognition. We appreciated the opportunity to talk with you about the important work investigators do all over the country using our technology to provide leads that have helped solve difficult and serious criminal cases. As you heard, many of these difficult cases involve children, whose photos would not appear in state databases, as well as criminals who cross state borders. The results that may be generated by our technology from an image are then designed to be used as a lead in an investigation, just like DNA or a fingerprint found at a crime scene, but not as the sole source of identification.

Clearview AI has established stringent policies and procedures to ensure that the Clearview AI technology is only used for its intended purpose, with guardrails in place to protect against the use of the technology, in ways that our product was not designed.

LAW ENFORCEMENT ONBOARDING POLICIES AND PROCEDURES

- Access to Clearview AI's technology is only available to active law enforcement personnel authorized to use the application by their agency. This is perhaps the most important fact for policymakers to consider. Agencies use our technology as a forensic tool to provide leads that assist in criminal investigations after crimes have been committed.

- The vetting process for new users requires a detailed application to be submitted. This application requires information including agency name, size, and type as well as supervisory permission.

- Application information including credentials is verified by a trained Clearview AI employee. Verification ensures that both the end-user as well as command staff supervisors are authorized to pilot the technology.

- Secure procedures are established before Clearview AI will set up an account. This helps to ensure that the technology cannot be accessed by anyone who is not authorized.

- Clearview AI requires applicants to certify that they agree to abide by the Clearview AI Terms of Service and the Clearview AI User Code of Conduct.

- During our training, law enforcement personnel are trained to understand that results from Clearview AI should not be used as the sole evidence for an arrest. Users are periodically reminded with a popup every 24 hours with a message to this effect. Furthermore, all "percentage match" scores or "distance" scores are not visible to the end-user, preventing the use of our algorithmic score as evidence in court, and ensuring the end-user establishes independent support for a search result.

- Once a Clearview AI account has been established and training provided, the onus lies on the account administrator to add and verify additional users. However, Clearview AI has established features to safeguard the additional user process. For example, Clearview AI requires that the email address of additional users contain the same domain as the existing agency (ex. admin@oxfordal.gov can only add other officers with another oxfordal.gov email address). Clearview AI also requires that users accounts be set up using their law enforcement email address and phone number.

- When logging in, 2FA (Two Factor Authentication) is required by Clearview AI accounts to ensure the user conducting the facial recognition searches is the same one that signed up for the service. This means that users must verify a code sent to their law enforcement email address in order to log in to the system which helps prevent account sharing.

- Before any search is conducted on the Clearview AI platform, the user must fill out an intake form with a case number and crime type. Administrators of the platform can use this data to generate usage reports on the types of crimes their agency is solving and to further enhance their audit process.

- We encourage each customer using Clearview AI to create a facial recognition policy around their use of facial recognition to further educate their community on how it can be used to keep their communities safe.

We appreciate the Commission's effort to design facial recognition technology in a way that protects civil liberties but also does not limit this important tool for law enforcement.

Thank you again for your time.

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CEO & Co-Founder

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