

Testimony in favor with amendments of SB182

Criminal Procedure - Facial Recognition Technology - Requirements, Procedures, and Prohibitions

To: Hon. William Smith, Jr., Chair, Hon. Jeff Waldstreicher, Vice-chair and members of the Senate Judicial Proceedings Committee

From: Jerry Kickenson

Date: February 6, 2024

I am writing in **favor of Senate Bill 182**, Criminal Procedure - Facial Recognition Technology - Requirements, Procedures, and Prohibitions

Facial recognition technology can be a useful law enforcement tool, but many studies have demonstrated that the technology is also subject to bias and errors that can cause great harm, both to mistakenly identified residents and by misdirecting an investigation:

- When Artificial Intelligence Gets It Wrong
(<https://innocenceproject.org/when-artificial-intelligence-gets-it-wrong/#:~:text=The%20use%20of%20such%20biased.match%20%E2%80%94%20all%20six%20were%20Black>)
- The Computer Got It Wrong: Facial Recognition Technology and Establishing Probable Cause to Arrest
(<https://heinonline.org/HOL/LandingPage?handle=hein.journals/waslee79&div=21&id=&page=>)
- The Bias in the Machine: Facial Recognition Technology and Racial Disparities
(<https://mit-serc.pubpub.org/pub/bias-in-machine/release/1?readingCollection=34db8026>)
- Facing Injustice: How Face Recognition Technology May Increase the Incidence of Misidentifications and Wrongful Convictions
(https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4101826)

This bill will create useful constraints on the use of facial recognition technology in law enforcement, and most importantly require a state wide policy on its use that can prevent bias and errors.

I respectfully urge you to reach a **favorable** report for SB182.

Respectfully yours,

Jerry Kickenson

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