June 24, 2021, VIA EMAIL

Councilmember/Vice-Mayor Rex Richardson
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Re: **Recent LBPD Actions Undermining the Goals of the Framework on Reconciliation**

Dear Councilmember Richardson,

I am writing about a disturbing development regarding the LBPD's use of facial recognition and other police technologies that is in direct opposition to a stated goal and the overall spirit of the Framework on Reconciliation.

When you proposed the Framework on Reconciliation you said, "we can set a framework to build community trust and redefine our relationship with law enforcement with transparency and reform." That was a noble aim, and Chief Luna expressed similar sentiments at the time.

When the Framework was drafted it listed, "Explore the practice of facial recognition technology and other predictive policing models and their disproportionate impacts on Black people and people of color by reviewing evidence-based practices" as a medium term, two year goal.

Documents obtained from the LBPD show the department was not transparent on facial recognition (and likely predictive policing) in past communications with the press and in previously completed public records requests. That lack of transparency continued into their participation in the reconciliation efforts. It is an undeniable fact that the LBPD has used facial recognition in secret for a decade and there is ample evidence the LBPD was an early beta-tester of the PredPol predictive policing algorithm created by the LAPD and UCLA.

This Friday at 3pm the Public Safety Committee and the LBPD are likely taking the first steps towards legitimizing these technologies in a process designed to exclude public participation.

I am assuming this would be of great importance to you given that the people were promised facial recognition and predictive policing would be addressed as part of the Framework on Reconciliation—an endeavor I know is dear to your heart.

Repeated calls to the city clerk and Public Safety Committee members offices have not been able to shed any light on what technologies the police will be discussing. The item is listed as "recommendation to receive and file a report from Police on the use of current and emerging technology for public safety."

We cannot get a clear answer if the LBPD will be filing a written report or if it will be available to review before the meeting tomorrow. We are also told that at the committee head's discretion anyone that signs up to speak may be speaking ahead of the police presentation—with the topic of the police presentation not being fully revealed until after we speak.

This is not the way to redefine the community's relationship with the LBPD.

The recent exposure of the LBPD's facial recognition program by CheckLBPD.org and FORTHE media show the LBPD's participation in the Framework was neither transparent nor trustworthy. The LBPD should not be allowed to side-step the reconciliation process and slip back into old practices now that a year has passed since the Murder of George Floyd. (forthe.org/journalism/lbpd-facial-recognition/)

At the time the Framework was drafted, the LBPD had been using facial recognition for a decade—with dozens of officers running 300 face searches a month on three different platforms. The LBPD also had a secret drone program that included drones in the air on the days and nights of the Black Lives Matters protests last summer. (beachcomber.news/content/lbpd-drone-program-lacks-rules)

The program was common knowledge among LBPD leadership. A retired LBPD Lieutenant, who oversaw the expansion of the LBPD's ALPR program that recently came under ACLU scrutiny, is now a sales representative for Vigilant Solutions. That company provided a private facial recognition database the LBPD began using in 2018 in a multi-year free trial. (beachcomber.news/content/aclu-alleges-lbpd-use-license-plate-reader-data-illegal)

This Vigilant Solutions' employee has been the person tasked by LBPD leadership with conducting LBPD training on facial recognition. His October 22, 2020 training session left much to be desired from a civil liberties standpoint as it dismissively mocked the Constitutional concerns legal experts at the ACLU and elsewhere have raised regarding facial recognition. (Video available here: checklbpd.org/facial-recognition-part-one/)

It seems incredibly unlikely that anyone on the long list of Framework on Reconciliation stakeholders was informed about the active, decade-old LBPD facial recognition program. All who I have been able to make contact with were unaware of the program, which would explain why the word "explore" was used by the Framework.

The only way for this to have happened is that many city employees listed on Framework Initial Report (including from the City Attorney's office, City Manager's office, and the LBPD) allowed a process to go forward based on either lies or mistaken assumptions they chose not to correct.

The LBPD's facial recognition program was so extensive and long running that there is no practical way its knowledge was solely confined to the LBPD. As my research on drones, cell phone signal interception, and social media monitoring shows, many city departments are involved when the LBPD adopts a new technology.

The department's past Framework contributions and whatever they are planning tomorrow are not building trust, community engagement, or a meaningful partnership. The need to address facial recognition properly could not be greater—at no point in the facial recognition program has the LBPD had a policy to ensure safe and Constitutional use.

The LBPD is apparently back to business as usual and the Public Safety Committee is ready and waiting with its rubber stamp.

The recording of the LBPD's Vigilant Solutions' facial recognition training reveals that as of October the LBPD was making plans to allow the Vigilant Solutions a role in drafting Long Beach's facial recognition policy—while denying the public and the Framework both the truth and any opportunity to participate.

This is not right; it is a betrayal of the small steps toward reform that have been made.

As I am sure you know, facial recognition makes errors along racial lines and false matches and sloppy police work have led to the wrongful arrests of multiple Black men in recent years.

Beyond that, even when it works perfectly it is a tool of mass incarceration and unequal justice. Facial recognition is the exact type of police technology that creates a tale of two cities when improperly used.
(See Georgetown Law's highly regarded study, "Perpetual Line-up", perpetuallineup.org)

The technology relies on mugshot databases filled with a disproportionate number of young Black men compiled using past racist policing. That combined with an ever increasing number of minor crimes caught on tape, means the types of arrests generated by facial recognition will mirror past biased patterns only hidden behind a veneer of technological neutrality.

The LBPD should not be allowed to use this technology. Their past history shows this: from the TigerText scandal, to their secret drone program, to sharing data with ICE in violation of the California and Long Beach Values Act.

There is no good reason to have a rushed meeting on "emerging technologies" that the LBPD has used in secret for a decade. There is one bad reason—the reason is to exclude the people from a policy decision in which they were promised a voice.

I hope as the elected representative that proposed the ongoing reconciliation process you will do everything in your power to make sure police surveillance technology is handled in an open and

transparent manner. Councilmember and Head of the Public Safety Committee Suely Saro also made a campaign promise that mirrors the Frameworks commitment.

Saro spoke of deep concern about facial recognition, calling it and similiar technology "antithetical to a free society". Saro stated "our default position on these technologies should be that they should not be used. Any changes to that policy should have to be carefully scrutinized and evaluated through an open and public process."

We are being denied that promised process and the Framework on Reconciliation's goal is being rendered meaningless.

While it seems unlikely the LBPD will ever give up facial recognition technology, there are steps we as a community can take to make sure it is used safely and in ways that do not contribute to a racially-biased criminal justice system.

Detroit paved the way in this. When their facial recognition program failed to prevent officers from arresting and charging the wrong man the city did a full review of the technology's flaws and its effects on criminal justice.

With pressure and input from groups like Data for Black Lives, the department enacted a new facial recognition policy. That policy sets strict standards for human review designed to check both the biases of the algorithm and any cross-racial identification problems created by having a single officer responsible for double-checking a mistake-prone algorithm matches. wired.com/story/defending-black-lives-means-banning-facial-recognition/ blog.d4bl.org/introducing-nomoredataweapons/

Detroit also limited the technology's use to serious criminal matters where violent criminals can be taken off the streets, instead of allowing it to become just another tool of unequal justice and mass incarceration.

We should follow their lead. At the very least we should be having a public discussion of these important issues that involves all stakeholders—not the rushed, LBPD-led, mystery hearing we are having tomorrow.

Sincerely,

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