



August 25, 2021

Long Beach Technology and Innovation Commission  
411 West Ocean Boulevard, 1st Floor  
Long Beach, CA 90802  
via email: Alejandra.Garcia@longbeach.gov

**RE: Agenda Item 2, Aug. 25, 2021 - Facial Recognition**

Dear Technology and Innovation Commission Members,

I wanted to use my letter today to address some points raised at your last meeting. In my opinion there is no body better equipped to tackle this issue in the City than the Technology and Innovation Commission. TIC is charged by ordinance to “advise and make recommendations to the City Council on matters pertaining to technology and innovation within the City,” and to specifically evaluate and advise on “emerging technology and its uses in City government and the community at large.” Though facial recognition is in use by many police departments, including by the LBPD, it is still considered an emerging technology and clearly falls under the jurisdiction of this commission

While facial recognition is an equity issue, any regulation that is passed will mainly be technological in nature. It is much easier for a technology expert to get a good grasp on equity issues, than it is for an already over-burdened equity expert to get a good grasp on technology issues. Thus, TIC should not consider suggesting the transfer of this work to the Equity and Human Relations Commission. The City’s Office of Equity and Human Relations Commission have their hands full with other equally pressing, non-technology equity issues. Putting this on their plate would mean it either goes unaddressed or causes them to take time away from their other important equity fights.

Racial Equity should be a concern of every city department and commission. You should not shy away from confronting issues like facial recognition because they touch on equity. With this being said, it is important to keep your eyes on the long-term equity prize: structural change of bringing greater transparency and accountability to LBPD’s use of facial recognition and related surveillance technologies. This will likely only come through providing a recommendation to City Council to enact a surveillance technologies ordinance—one that includes an external civilian-led body with review and oversight powers and duties.

The LBPD’s secret decade-long use of the technology shows they cannot be trusted to lead on overseeing themselves. Other departments in the city, like the City Attorney and Technology and Information Division, have had their chances and always chose to rubber-stamp these secret programs. No City officials cared if the LBPD secretly used drones or facial recognition without policies in place to ensure safe and Constitutional use.

Now the City’s Racial Equity and Reconciliation process, along with the information that CheckLBPD has uncovered on LBPD’s unchecked facial recognition program, has opened an opportunity for this resident-led commission to collaborate with community members to develop a new reality for technology in the City.

An opportunity based on a shared understanding and vision for the city's use and/or prohibition on invasive and racially-biased technology.

At the commission's study session last week, there seemed to be confusion by some commissioners about the commission's function and duties as it pertains to facial recognition and the broader discussion of surveillance technologies. If you doubt yourselves or what is the correct action to take on this issue I urge you to look to the words of the Chairperson of the Long Beach Public Safety Commission. These were her words less than a year ago—before she became part of the political machine that runs this city. She knew the right thing to do then, nothing has changed except the political calculus.

**“I am deeply concerned about the uses and potential abuses of facial recognition and surveillance technology. Surveillance is antithetical to a free society, and we should be very skeptical of attempts to implement mass surveillance schemes. 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”**

-City Council Candidate Suely Saro, October 28, 2020, KLBP (99.1) / FORTHE Media

One final point, despite Mr. Hebiesh's claims last month that he had responded to all my CPRA requests on facial recognition—there are in fact five pending requests. I have been requesting records regarding the LBPD's use of LACRIS since last year from both the LBPD and LASD. Neither agency has been forthcoming with the most critical records—the use logs or audit documents that would show misuse.

The LBPD said it cannot give me the records because they are in LACRIS's possession; LACRIS says it cannot give me the records because they belong to the LBPD. Asst. Chief Hebeish tells the LBPD has fully complied with all CPRA requests. They have not. If you would like to see the proof of that, feel free to contact me.

If there is no misuse, there should be no issue producing documents containing de-identified data showing the dates of the LACRIS searches and the reason for the searches. LACRIS saves this data for three years, but neither the LBPD, LASD, or LACRIS will produce it. I have filed CPRA requests on all three. I have covered my suspicions in my last letter to your commission.

The police have the data; that they will not share it should speak volumes. What I ask of you today is to not accept their explanations without proof.

Sincerely,

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