

March 19, 2019

Dear Members of the House Innovation, Technology, and Economic Development Committee:

We, Asian Counseling and Referral Service (ACRS)—an organization committed to promoting social justice and the empowerment of Asian Americans and Pacific Islanders and other underserved communities—are writing to urge this Committee to oppose HB 1854 / SB 5376, particularly due to the weak face surveillance provisions in the bill.

Technology has too often been used to surveil and oppress communities of color, reinforcing inequality and perpetuating injustice. We believe that facial recognition technology poses an enormous threat to Asian Americans and Pacific Islanders and other communities of color. Not only have expert studies proven that current facial recognition technology is biased and inaccurate, but history also demonstrates that every time a surveillance tool has been developed, it has been used to disproportionately surveil marginalized communities. Such unwarranted surveillance still continues today, and unchecked use of facial recognition technology will perpetuate historical and systematic injustices.

We believe that the face surveillance provisions in HB 1854 / SB 5376 enable a face surveillance infrastructure that would harm the people of color, immigrants, and refugees that make up many of the communities in Washington state. Such an infrastructure would allow for the widespread adoption of racially-biased technologies that would disproportionately harm already marginalized communities. The bill fails to protect Washington's communities of color from oversurveillance and racially-biased use of facial recognition technology.

Of great concern is Section 16, which permits the warrantless, suspicion-less use of face surveillance by law enforcement in public places in all cases other than "ongoing surveillance of specified individuals." This provision allows for use of facial recognition technology as long as it is "in support of law enforcement activities," which can be construed in almost every imaginable way. America's recent history of unconstitutionally detaining Japanese Americans during WW2 and illegally surveilling suspicion-less Muslims after 9/11 for "law enforcement activities" does not ease our worries about the negative impacts of this bill.

Communities of color continue to endure the racial biases and prejudices that have shaped our society. Technology can easily replicate and amplify those biases if adequate safeguards are not put in place. We believe HB 1854 / SB 5376 do not create meaningful protections for the communities of color in Washington and we strongly urge this Committee to oppose HB 1854 / SB 5376.

Signed

ACRS