

March 20, 2019

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

We—El Centro de la Raza, an organization that advocates for social justice on behalf of the Latino community here in Washington state—are writing to urge this Committee to oppose SB 5376, which we believe does not adequately protect communities of color in Washington from powerful surveillance technology.

A key principle of our organization is to work to eliminate institutionalized racial, sexual, age, and economic forms of discrimination which hamper the human potential in our society. We are concerned that the weak facial recognition provisions in SB 5376 allow for the creators and buyers of facial recognition technology to further entrench institutionalized inequalities by disproportionately surveilling already over-surveilled communities.

We are particularly concerned about Section 16 of SB 5376, which would allow for almost limitless use of facial recognition technology by law enforcement agencies. Given the racial biases already present in our policing system, it is likely that such use of facial recognition technology will only exacerbate existing biases. We are worried that this weak provision will legitimize the use of biased and inaccurate face surveillance.

There are countless examples of immigrant communities of color being disproportionately and unjustly surveilled. Such unjust surveillance will continue to grow as law enforcement increasingly uses technology to target immigrants and people of color. Just last year, U.S. Immigration and Customs Enforcement (ICE) approached Seattle City Light with an administrative subpoena demanding information on a particular customer location, including phone numbers and information on related accounts.<sup>1</sup> ICE now has agency-wide access to a nationwide network of license plate readers controlled by Vigilant Solutions.<sup>2</sup> Law enforcement access to license plates is alarming, but law enforcement access to face surveillance tools is of unprecedented concern. You can leave your car at home, but you can't do the same for your face.

We believe that the weak face surveillance protections in SB 5376 contribute to the creation of a face surveillance infrastructure that would harm immigrants and people of color that make up many of the communities in Washington state. We do not support building an infrastructure to further entrench institutionalized forms of discrimination with racially-biased technologies.

We believe SB 5376 does not create meaningful protections for the diverse communities we serve in Washington and we strongly urge this Committee to oppose SB 5376.

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<sup>1</sup> <https://crosscut.com/2018/02/immigration-officials-subpoena-city-light-customer-info>

<sup>2</sup> <https://www.theverge.com/2018/3/1/17067188/ice-license-plate-data-california-vigilant-solutions-alpr-sanctuary>

Signed

El Centro de la Raza