September 8, 2020

Portland City Council
1221 SW 4th Avenue
Room 130
Portland, OR 97204

Re: Government use of face recognition technology in Portland, OR.

Mayor Wheeler and Honorable Members of the Portland City Council:

We write to you today on behalf of thirty-nine civil society organizations, and more importantly, over one hundred Portlanders who have signed the accompanying petition to end government use of face recognition technology in our City.
Roughly one year ago, San Francisco became the first US city to acknowledge the threats to privacy that face recognition usage poses, and that City's legislators took the important step of banning use of the technology by its government agencies. Since then, lawmakers in several other cities—including Oakland, CA, and Somerville, MA—have followed suit and enacted their own privacy-protective legislation. We, the undersigned groups and individuals, encourage the Portland City Council to likewise move forward along this path by banning municipal agency use of face recognition.

Governments should not trade public safety, privacy, and freedom of expression for merely potential gains of a technology that is short on results and long on promises and proven harms.

The proliferation of surveillance cameras throughout our City invites intrusive tracking of the movements of large numbers of individuals—as they go about their daily lives—and reveals an abundance of intimate personal details. Face recognition is a particularly invasive form of surveillance as it can be used without the knowledge, consent, or participation of the persons being watched. The people of Portland should not be subject to this invasion of their privacy and essential freedoms.

Relentless and constant monitoring negatively impacts people’s privacy in many ways and can cause direct, ongoing harm, resulting in a chilling effect on their actions and associations with other people.

In his majority opinion in the watershed Carpenter v. United States (2018), Supreme Court Chief Justice John Roberts wrote: “A person does not surrender all Fourth Amendment protection by venturing in the public sphere.” Yet, government use of face surveillance threatens to do just that.

In addition to problems related to civil liberties, face recognition technology currently has accuracy issues, especially when used against women and people of color\(^1\),\(^2\),\(^3\). While technological advances may improve accuracy, even if the technology someday functions flawlessly, automated surveillance and collection of biometric data will still violate our personal privacy and conflict with the City’s own privacy principles adopted last year.

Furthermore, amassing faceprints or ‘face templates’ can lead to mission creep and data breaches. With a database full of faceprints, agencies may be tempted to find new uses for that data. The mere creation of these databases opens your constituents to a wealth of unintended privacy concerns as well. Unlike a password, driver's license, or other identification documents, our faces cannot be easily changed once a database is compromised or otherwise made vulnerable to malicious actors.

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Over one hundred Portlanders have signed a petition to ban government use of face recognition technology in Portland. Omnipresent face surveillance is not inevitable. You have the power to stop its creep. We ask that you listen to your constituents, and take action now.

Sincerely,

A Legacy of Equality, Leadership and Organizing (LELO)
ACLU of Oregon
Advocacy for Principled Action in Government
Alliance for Democracy, Portland
BerniePDX
Center for Human Rights and Privacy
Committees of Correspondence for Democracy and Socialism, Corvallis chapter
Constitutional Alliance
Council on American-Islamic Relations - Oregon
Crytpoparty Ann Arbor
Data Privacy Group of Lewis & Clark Law School
Defending Rights & Dissent
Don't Shoot Portland
EFA Cedar Rapids Affiliate
Electronic Frontier Foundation (EFF)
Ethics In Technology
Fight for the Future
Interfaith Movement for Immigrant Justice
Media Alliance
National Lawyers Guild - Portland
Oakland Privacy
OpenMedia
PDX Privacy
Personal Telco Project
Portland Central America Solidarity Committee (PCASC)
Portland Tenants United
Portland United Against Hate
Portland-Metro People’s Coalition
Portland’s Techno-Activism 3rd Mondays
Privacy Times
Project Waves
Restore The Fourth
S.T.O.P. - Surveillance Technology Oversight Project
Secure Justice
Students Against Data Abuse
TechActivist
Washington Association of Criminal Defense Lawyers
Washington Defender Association
Whatcom Peace and Justice Center
Use of face surveillance by law enforcement and other government agencies invades Fourth Amendment freedoms of privacy and chills First Amendment freedoms of speech and association. Face surveillance technology has already been used to target individuals engaged in First Amendment-protected activity. And the threat of this especially pernicious form of surveillance extends far beyond political rallies. Images captured outside houses of worship, medical facilities, schools, community centers, and homes would reveal familial, political, religious, and sexual partnerships.

Data theft is another threat. Digital security professionals regularly warn that it’s not a matter of if a given system will be breached, but when. Government agencies have a notorious history of failing to adequately secure from theft the sensitive personal information and biometric data that government stockpiles. Unlike a driver’s license or social security number, when a breach occurs, our faces cannot be reissued.

As community members concerned with our own privacy and safety, as well as that of our families and neighbors, we stand together in committed support of an immediate end to the government’s use of face surveillance.

Signed

A. M. Stern    Don Jacobson    Ken Han    Paul Buchman
Adam Kauffman    DR Gaylord Skip King    Ken Ross    Paul DeStefano
Aileen Converse    Edward Averill    Kevin Savetz    Phil Goldsmith
Alana Liechty    Elliott Robbins    Kirby Kuehl    Priscilla Carlson
Alex Hamlin    Eric Anholt    Kurt Liebezeit    Rio Shayne
Aris Bloms    Erica Maranowski    Laurel Rogers    Rob Ling
Austin Millan    Erik Swanson    Lewis Brown    Rosalind Lewis
BC Shelby    Erin Conroy    Linda Alband    Rowan Everard
Ben Reichert    Francoise Brun-Cottan    Lisa Anderson    Russ Gorman
Beth Levin    gaia bear    Lois Narzisi    rv branham
Blaed Spence    Gracie Campbell    Loree St. Claire    sadie prior
Brandon Bressi    Hans Heintze    lyric apted    Sam Grover
Brannan McGill    Heather Birdsong    M. Rita Olson    Samuel Dusciuc
Brian Hewitt    Iva Dubyak    MacKenzie Stout    Samuel Harry
Bridget Wyatt    Ivan Needham    Maite Robles    Sandra Decker
Bruce Hyman    Jacob Cross    Maksym Movchan    Sandra Joos
Camen Jensen    James Castle    Mark Marshall    Sarah Cardin
Chris Bushick    Janice Coleman    Mark Smallwood    scott mahood
Chris Eykamp    Jeffrey Mandel    Mary Rudy    Seaian Wood
Christopher Hawley    Jennifer Handshev    Matt Glidden    Sean bailey
Cindy Quale    Jennifer Stoffel    Matt Gumbel    Shadric Hasselaar
Cleo Forman    Jeremy Kleyla    Matt Robinson    Shawn Helm