



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

JAY D. LIVINGSTONE
STATE REPRESENTATIVE
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Committees:
Vice Chair, Public Service
Consumer Protection and Professional Licensure
Municipalities and Regional Government
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August 2, 2021

Hon. Michael Day, House Chair
Special Commission on Facial Recognition
State House, Room 136
Boston, MA 02133

Hon. Jamie Eldridge, Senate Chair
Special Commission on Facial Recognition
State House, Room 511-C
Boston, MA 02133

RE: H.135/S.47 *An Act to regulate face surveillance*

Dear Chair Day and Chair Eldridge,

I am writing today to express my support for H.135/S.47 “An Act to regulate face surveillance.” This legislation aims to prevent the use of face surveillance which monitors the people of the Commonwealth without consent, to establish due process protections for those identified using facial recognition systems, and to provide clarity for law enforcement agencies on technology procedures. This critical legislation would effectively protect the citizens and communities of the Commonwealth.

I am confident in recent research, which has confirmed the prevalence of systemic bias in face surveillance systems. An intensive study done in 2018 concluded that standard facial analysis algorithms misclassified African American women nearly thirty-five percent of the time, compared to correctly classifying Caucasian men with nearly unflawed consistency. The Federal Government has also reported on bias issues in face recognition software and found that the systems generally work best on middle-aged Caucasian men’s faces and are scarcely as accurate for people of color, women, children, or the elderly. These error-prone surveillance systems have biases embedded in them, which has devastating impacts on community members across Massachusetts.

This legislation will create a thoughtful process to evaluate this matter and safeguard our constituents and the diverse constituencies of the Commonwealth. You have my support throughout this process. Please do not hesitate to contact me directly via email at Jay.Livingstone@mahouse.gov or via phone at (617) 910- 6892.

Sincerely,

Jay Livingstone
State Representative
8th Suffolk District