June 9, 2020

Boston City Council

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Testimony in Support of
Ordinance Banning Facial Recognition Technology in Boston

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Dear City Councilors,

I speak today on behalf of the Boston Teachers Union and our over 10,000 members in support of the ordinance banning facial recognition technology in Boston presented by Councilors Wu and Arroyo. Boston must pass this ordinance to join Springfield, Somerville, Cambridge, Brookline, and Northampton in protecting racial justice, privacy, immigrant rights, and freedom of speech.

We strongly oppose the use of this technology in our public schools. Boston Public Schools should be safe environments for students to learn, explore their identities and intellects, and play. Face surveillance technology threatens that environment. The technology also threatens the rights of our BTU members, who must be able to go to work without fearing that their every movement, habit, and association will be tracked and catalogued. To our knowledge this technology is not in use in our schools, but we have already witnessed some experimenting with it, although it was unclear if it was authorized. Two years ago, members of the Boston Teachers Union who were working in the summer program for students with disabilities contacted the union to let us know that they were being asked to sign in using a facial recognition app called Tanda.

The central office didn't know about this program, and to this day, we don't know how it came about. While the district quickly stopped using the photo portion of this app and informed the union that all photos have been deleted, this incident is indicative of how easy it is for private security or HR companies to sell a technology to a well-intentioned principal or superintendent who does not have expertise in the tech field.

The dangers of face surveillance in Boston Public Schools

Face surveillance in schools transforms all students and their family members as well as employees into perpetual suspects, where each and every one of their movements can be automatically monitored. The use of this technology in public schools will negatively impact students' ability to explore new ideas, express their creativity, and engage in student dissent—an especially disturbing prospect given the current youth-led protests against police violence.

Even worse, the technology is frequently biased and inaccurate, which raises concerns about its use to police students of color. Academic, peer-reviewed studies show face surveillance algorithms are too often racially-biased, particularly against Black women, with inaccuracy rates up to 35 percent for that demographic.[1] Today, Black and brown students are more likely to be punished for perceived misbehavior. Face surveillance will only perpetuate and reproduce this situation, calcifying discrimination and racial profiling within schools, and growing the opportunity gap.

When used to monitor children, this technology fails in an essential sense, because it has difficulty accurately identifying young people as their faces change. Research[2] that tested five "top performing commercial-off-the shelf" face recognition systems shows that there is a negative bias when they are used on children. In other words, these systems "perform poorer on children than on adults."

The reason is that these systems are "modeled fully through the use of adult faces" and children "look different from adults" in such a way that they cannot be considered their "simply scaled down versions." Ultimately, the researchers conclude that "the existence of bias (…) can be considerable and warrants a deeper understanding of the implications of face recognition for children."

On top of this, face surveillance technology regularly misgenders transgender people,[3] and will have a harmful impact on transgender young people in our schools. Research shows that automatic gender recognition, a subfield of face surveillance technology, "consistently operationalises gender in a trans-exclusive way, and consequently carries disproportionate risk for trans people subject to it."[4] At a time when transgender children are being stripped of their rights at a national level,[5] Boston must protect transgender kids in our schools.

Moreover, face surveillance in schools will contribute to the "school-to-prison pipeline,"[6] threatening children's welfare, educational opportunities, and life trajectories. Already, children from marginalized communities are too often funneled out of public schools and into the juvenile and criminal justice systems. Face surveillance will inevitably grease this pipeline: False positives will

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[1] Joy Buolamwini et al, "Gender Shades," MIT Media Lab. https://www.media.mit.edu/projects/gender-shades/overview/

[2] Nisha Srinivas, Karl Ricanek, et.al, Face Recognition Algorithm Bias: Performance Differences on Images of Children and Adults, The IEEE Conference on Computer Vision and Pattern Recognition (CVPR) Workshops, 2019, available at http://openaccess.thecvf.com/content_CVPRW_2019/papers/BEFA/Srinivas_Face_Recognition_Algorithm_Bias_Performance_Differences_on_Images_of_Children_CVPRW_2019_paper.pdf

[3] Facial Recognition Software Regularly Misgenders Trans People, Matthew Gault, Feb. 19, 2019, https://www.vice.com/en_us/article/7xnwed/facial-recognition-software-regularly-misgenders-trans-people

[4] Os Keyes, The Misgendering Machines: Trans/HCI Implications of Automatic Gender Recognition, University of Washington, USA, available at https://ironholds.org/resources/papers/agr_paper.pdf

[5] Rebecca Klein, Trump Admin To Transgender Kids: We Won't Deal With Your Civil Rights Complaints, The Huffington Post, January 2018, available at https://www.huffpost.com/entry/transgender-office-for-civil-rights_n_5a5688ade4b08a1f624b2144?guccounter=1

[6] School-to-prison pipeline, ACLU, available at https://www.aclu.org/issues/racial-justice/race-and-inequality-education/school-prison-pipeline

result in unnecessary interactions with law enforcement, lost class time, disciplinary action, and potentially even a criminal record.

Finally, face surveillance technology will harm immigrant families. In this political climate, immigrants are already fearful of engagement with public institutions, and face surveillance systems would further chill student and parent participation in immigrant communities. Boston schools must be welcoming and safe spaces for all families. But in the absence of a citywide law barring school systems from adopting face surveillance technology, we worry the harms will be borne predominately by these students and families, who are already struggling in often unequal, unfair systems.

The City of Boston must take action now to ensure children and BTU workers are not subject to this unfair, potentially biased, and chilling scrutiny. The educational community cannot tolerate such an intrusion. In order to protect young people and our educational community, we must stop face surveillance in schools before it begins.

I encourage you to press pause on the use of face surveillance by government entities in the City of Boston by supporting and passing this crucial ban. We cannot allow Boston to adopt authoritarian, unregulated, biased surveillance technology.

Thank you for your attention and consideration.

Erik Berg
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