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Chair Lydia Edwards
Committee on Government Operations
Boston City Council

Testimony in Support of Banning Face Surveillance in Boston

Dear Chair Edwards, members of the Committee, and members of the Boston City Council,

My name is Dr. Nita Bharti. I am an expert in quantitative biology, infectious disease dynamics, and public health surveillance. I am writing to offer my strongest support of the ordinance before you to ban facial surveillance technologies in Boston's municipal government.

It is my understanding that the Boston Police Department currently uses video analytics technology made by a company called BriefCam. The most recent version of BriefCam's software includes technologies designed to track people's interactions and mask wearing, to respond to the Covid-19 pandemic.¹ The City of Boston should not adopt this technology. The ban before you would preclude the Boston Police Department from upgrading to this new version of BriefCam's system. In order to protect privacy and public health, this ban must pass.

The ban before you is particularly urgent given the highly troubling use of technologies like face surveillance to support Covid-19 response efforts in countries like China and Russia. These kinds of approaches should not be adopted in the United States, because they undermine public trust—a basic requirement for effective pandemic response. Passing this ban would send a strong message to Boston's residents, the Commonwealth of Massachusetts, the nation, and the world: Public health arises from community and government relations built on trust, not predatory and needless spying.

On top of these clear harms, it is unlikely these approaches would provide any real public health benefit. Take contact tracing as an example. High-risk interactions for COVID-19 transmission, called 'close contacts,' have been defined by the CDC as an interaction "within 6 feet of a person for at least 15 minutes" between an infected and a susceptible person.² People are typically able

¹ BriefCam, "Video Analytics for Public Health Use Cases," BriefCam.com. <https://www.briefcam.com/video-analytics-for-public-health-use-cases/>.

² <https://www.cdc.gov/coronavirus/2019-ncov/php/contact-tracing-comms.html>

to recall these kinds of lengthier interactions during traditional contact tracing interviews with a trained public health contact tracer. In outdoor spaces—the very places with large numbers of government-owned and operated surveillance cameras—the risk of transmission declines significantly.³ Sidewalks and crosswalks where fleeting interactions may occur are actually considered very low risk. Because these outdoor, passing interactions do not constitute high-risk contact, face surveillance technologies and cameras simply will not meaningfully contribute to the management of this pandemic. To the contrary, the use of these technologies will undermine public trust in the government’s response to the pandemic—the very last thing Boston should allow.

Passive surveillance strategies using face surveillance are only useful when trying to assess contacts that people cannot be prompted to recall, such as fleeting interactions with strangers. Fortunately, these interactions are very unlikely to result in transmission, and thus identifying these interactions in the context of this pandemic is a poor use of resources. Attempting to use contact tracing to follow-up interactions that are not close contacts for Covid-19 testing is a further misallocation of resources.

Overall, in order to stop Covid-19 transmission, it would be far more effective to allocate funds towards increased testing capacity and traditional human and interview-based contact tracing, rather than in face or other biometric surveillance technologies. Broad testing integrated with traditional contact tracing would be far more effective than passive face surveillance.

When used in conjunction with physical distancing, universal mask wearing is protective against transmission.⁴ Public health communication and risk messaging in Massachusetts should focus on advocating widely for this approach. Due to these necessary public health interventions, the usability of facial recognition software and technologies are largely rendered useless. Most Massachusetts residents wear protective face coverings and any facial recognition software accuracy rates would decrease substantially.

Face surveillance during this pandemic would simply become mask surveillance. Mask surveillance is not effective for identifying individuals involved in fleeting contacts, and fleeting contacts do not pose a reasonable risk of coronavirus transmission. I argue strongly that the more responsible public health prevention of universal mask wearing negates the functionality of face surveillance strategies. When considering the relative efficacy in preventing the transmission of respiratory viruses, the former is better than the latter. Further, the City of Boston should not use automated surveillance technologies like BriefCam’s to detect people who are not wearing masks. This type of surveillance undermines public trust and will drive people away from, rather than towards, government help. Any loss of trust that could deter participation in testing or contact tracing must be actively avoided.

Overall, implementing any type of face surveillance technology to help manage the Covid-19 pandemic is an objectively ineffective idea, whether or not people care about the importance of privacy rights—and they should. It is shocking and dangerous how willing people are to give up

³ <https://www.sciencemag.org/news/2020/05/why-do-some-covid-19-patients-infect-many-others-whereas-most-dont-spread-virus-all>

⁴ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>

basic civil liberties in the face of threats that they do not fully understand. In this instance, however, there is no public health benefit in implementing these face surveillance strategies. It is an attempt to steal individual privacy in return for nothing. Please vote in favor of a strong face surveillance ban.

Thank you for your consideration of this matter, and for your public service.

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