March 19, 2019

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

We, OneAmerica, are the largest immigrant and refugee advocacy organization in Washington State, organizing with and advocating for diverse communities including Latinx, African, and Asian communities. We are writing to urge this Committee to oppose HB 1854 / SB 5376 because we believe the provisions on facial recognition have great potential to harm immigrants and communities of color in Washington state. Rather than the approach taken in HB 1654 sponsored by Rep. Cindy Ryu—which would have placed a moratorium on the technology and ensured meaningful action on bias—the bill before this Committee instead lays the groundwork to build a facial recognition infrastructure that will almost certainly be used to target immigrant communities.

As an organization founded immediately after September 11, 2001 to address the backlash, hate crimes, and discrimination against immigrant communities of color, we have worked to combat the unjust targeted surveillance that continues today. The use of license plate readers to track mosque-goers in New York City for years after 9/11, and the NYPD's decade-long suspicionless surveillance of Muslims (which failed to find a single terrorist) are just two examples of unwarranted surveillance of immigrants and communities of color. Facial recognition provides law enforcement agencies unprecedented surveillance capabilities, and we are concerned that the bill does not provide adequate protections for the communities that will be the most impacted.

We know that facial recognition technology has a racial bias problem, being far more inaccurate at identifying people with darker skin tones. Last year, MIT Media Lab published findings that facial recognition software from IBM, Microsoft, Amazon, and Face++ are less able to identify gender in people of color than in white people.[1] Additionally, the ACLU found that Amazon's facial recognition technology falsely matched 28 members of Congress with mugshots, with a disproportionate number of false matches being people of color. Given our already present racial disparities in policing, unregulated facial recognition technology has immense potential for abuse in the hands of law enforcement.

We are concerned that the facial recognition provisions in HB 1854 / SB 5376 will subject communities of color in Washington to even more disproportionate surveillance and cause harm to the mission of racial justice and equity. We strongly urge this Committee to oppose HB 1854 / SB 5376.

Signed

OneAmerica

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[1] Buolamwini, J. and Gebru, T., 2018. Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification. *Proceedings of Machine Learning Research.* Available at: http://proceedings.mlr.press/v81/buolamwini18a/buolamwini18a.pdf [Accessed 19 February 2019].