



June 26, 2024

The Honorable Phil Ting  
 1021 O Street, Suite 5220  
 Sacramento, California 95814

Re: AB 1814 – as amended 6/12/2024  
**OPPOSE**

Dear Assemblymember Ting:

We are 65 civil rights, racial justice, reproductive justice, LGBTQI, immigrants' rights, and privacy organizations writing to express our opposition to AB 1814. In a time where rights and

safety are already under attack and we face potentially even more threats on the horizon, California needs laws that ensure that any growth of dangerous surveillance infrastructure is prevented, not further entrenched.

### **Face Recognition is Dangerous Surveillance Technology**

Face recognition use by law enforcement is among the most invasive surveillance technology that exists. It is already well-understood how this dangerous surveillance technology has been improperly used to wrongfully accuse people of crimes, target immigrants, intimidate activists, and can also threaten the safety of people seeking reproductive rights and gender-affirming care.

Face recognition supercharges the government's power to surveil people of color and other marginalized groups and threatens our rights to privacy and free expression. We cannot freely organize, seek reproductive health care, or attend a place of worship if we fear that our faces, who we are, where we go, and what we do can be recorded by the police.

The fact that face recognition is simply too dangerous and corrosive to our rights and safety to be used by law enforcement is why companies like Amazon, Microsoft, and IBM do not sell it to police. It is why 20 U.S. communities across the country have already banned the government's use of face recognition technology. It is why progressive leadership in the United States Congress recently introduced a bill that would prohibit government use of facial recognition and also conditions funding to localities on adopting similar prohibitions. The only responsible standard for face recognition is to prohibit its use by governments. Prohibitions on government use of facial recognition protect our civil rights, reduce dangerous encounters and wrongful detentions, and impede the creation of dangerous biometric databases that would further threaten already vulnerable communities in California.

### **AB 1814 Does Not Protect Rights and Safety and Places California Communities in Danger**

Rather than ensuring that face surveillance cannot be used to threaten the lives, rights, and safety of Californians, AB 1814 proposes a woefully inadequate band-aid that emboldens police to expand dangerous face recognition and just writes into law the same failed rules that have already played a role in the wrongful arrests of innocent people—particularly Black men. If AB 1814 is passed, it would effectively greenlight a surveillance technology that is racist, unreliable, and anti-democratic.

Law enforcement use of face surveillance is a direct threat to the lives of diverse community members and civil rights. With regularity, we are learning stories about Black victims of this surveillance technology, like Robert Williams, wrongfully arrested in his driveway with his wife and daughter watching, and Porcha Woodruff, wrongfully arrested while nine months pregnant. Both were jailed because police misused face recognition and ignored warnings like those mandated by AB 1814—evidence enough that this bill will not prevent egregious mistakes. By allowing police to scan and identify people without limitation, AB 1814 will also increase unnecessary police interactions that too often have the potential to escalate into fatal encounters. This will remain true regardless of how accurate face recognition technology becomes. AB 1814 does nothing to prevent widespread use of face surveillance and creates an environment for its expansion to target people

and further magnify the bias and over-policing that disproportionately harms communities of color, immigrants, and other minority groups.

The face surveillance systems and reference photograph databases sanctioned by AB 1814 will also pose a serious risk to abortion seekers, immigrants, and LGBTQI people. The national attacks on abortion rights, bodily autonomy, and trans people demand that California provide a haven for those seeking reproductive or gender-affirming care. Instead, AB 1814 lacks any restriction on the creation and maintenance of biometric databases that agencies in other states may seek to access to take enforcement action against immigrants, LGBTQI people, or people seeking abortions. Federal immigration agencies have already been caught tapping into and demanding access to facial recognition databases in other states. The only way to truly protect people from these increased risks is not to allow dangerous surveillance infrastructure to expand.

### **AB 1814 Will Not Protect People**

Rather than recognizing and addressing the widely understood harms of face surveillance, AB 1814 does nothing to prevent law enforcement from using face surveillance to identify and track people across the state. Further, even the limited restriction this bill imposes to not use face recognition as the sole basis for probable cause is itself unworkable and difficult to enforce. There is no way for people to find out if facial recognition is used against them and no mechanism to make sure the police comply with the law.

In a time where our rights are under attack, we expect and want our California lawmakers to pass laws that truly support and advance civil rights, racial justice, LGBTQI rights, reproductive rights, and immigrants' rights.

We expect and want our lawmakers to pass laws that live up to the promise of our fundamental constitutional rights to privacy and free expression—laws that actually protect us by stopping new surveillance systems in their tracks, rather than wrongly claiming to control face surveillance with weak language that has already failed to protect people.

AB 1814 invites foreseeable harm, particularly for already vulnerable community members, and further greases the wheels for greater and even more dangerous surveillance.

We are 65 civil rights, racial justice, immigrants' rights, reproductive justice, LGBTQI, and privacy organizations working with community members, and we oppose AB 1814.

Sincerely,

[SIGNATURES REDACTED]

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