



October 21, 2019

The Honorable Carolyn Maloney, Acting Chair  
The Honorable Jim Jordan, Ranking Member  
Committee on Oversight and Reform  
United States House of Representatives  
Washington, DC 20515

Dear Acting Chair Maloney and Ranking Member Jordan:

We write in strong opposition to legislative efforts to impose a moratorium, ban, or other undue limitation on the ability for federal, state, and local law enforcement agencies to use facial recognition technology in support of their missions.

The alarmist rhetoric we have heard recently in congressional hearings, by the media, by some Members of Congress, and by certain interest groups regarding law enforcement's use of this technology does not match the reality of how it is used across the country today. We acknowledge that there are many ways facial recognition technology *can* be used, and that some of those uses cause public concern. But carefully considered policies can mitigate – and currently are mitigating – privacy, civil rights, and civil liberties risks associated with the technology. Taking advantage of advanced technology to drive better public safety outcomes is essential in the 21<sup>st</sup> century. A ban or moratorium on facial recognition technology would only take away a tool that is helping to get justice for crime victims and assistance for people in crisis.

We agree with the statement made by Chairman Cummings during the House Oversight and Reform Committee hearing on June 4, 2019 that Congress “should be conducting oversight of this issue to develop common sense, concrete proposals” to address law enforcement use of facial recognition technology. We stand ready to engage in that effort with all interested parties, and urge Congress to take an *objective* look at how facial recognition technology is being used today by law enforcement agencies in the United States to solve crimes and save lives.

Facial recognition technology has been described by critics in a way that has led to misleading headlines that have little basis in fact. This has resulted in calls to “ban” the technology outright or place a “moratorium” on its use until some future date. Policy responses are being advanced without a real understanding of how law enforcement uses facial recognition technology in practice. The fact is that agencies using the technology are treating the results as a “tip” or a “lead” only, and

understand that limits and safeguards need to be put in place through clear policies to ensure the public understands how and when it is being used.

Consider several examples of how law enforcement successfully uses facial recognition technology today:

- compare a picture taken at a crime scene to images of known people in a mugshot database in order to generate a lead in a criminal investigation;
- compare a cell phone camera image of an unconscious crime victim to a publicly available database of facial images to notify relatives or generate investigative leads to find out who hurt them;
- compare a cell phone camera image of an elderly person to driver's license photos to help determine if they have been reported missing;
- compare an image of potential child sexual exploitation to known images of exploitation to help identify potential child victims and perpetrators;
- compare a still image from a retail store's CCTV archive to a database of mugshot images to help generate a lead in a robbery case;
- compare an image posted publicly on social media by an individual claiming they want to end their life to a database of driver's license photos to help identify that person so that help can be quickly dispatched.

Considering these examples – and countless others like them that law enforcement generates every day – it is clear that banning facial recognition technology would have a detrimental impact on public safety. While critics talk of widespread public surveillance, law enforcement agencies limit their use of the technology primarily to criminal investigations and events that impact the public's safety.

We understand the public's concern about protection of their privacy and civil rights. With clear, publicly available policies we believe those concerns can be addressed. We stand prepared to work with lawmakers to identify safeguards that will ensure the public's confidence. At the same time, any consideration of restrictions should be balanced by consideration of how those limitations would restrict the ability of law enforcement to generate investigative leads, solve crimes, and provide help to those in need. We call on Congress to review how the technology works in the majority of use cases today, including by gathering empirical evidence of how effectively law enforcement is using it in the field and by engaging in direct discussions with law enforcement agencies.

Law enforcement has thoughtfully approached the adoption of facial recognition technology over the past several years. The International Association of Chiefs of Police released a technology policy framework in 2014.<sup>1</sup> The Criminal Intelligence Coordinating Council released a comprehensive policy development guide for law enforcement use of facial recognition technology in 2017.<sup>2</sup> The IJIS Institute published a Facial Recognition Use Case Catalogue earlier this year outlining particular public safety applications and successes of the technology.<sup>3</sup> Agencies have developed and adopted

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<sup>1</sup> <https://www.theiacp.org/sites/default/files/all/i-iacp%20Technology%20Policy%20Framework%20January%202014%20Final.pdf>

<sup>2</sup> <https://www.bja.gov/Publications/Face-Recognition-Policy-Development-Template-508-compliant.pdf>

<sup>3</sup> [https://cdn.ymaws.com/www.ijis.org/resource/collection/93F7DF36-8973-4B78-A190-0E786D87F74F/Law Enforcement Facial Recognition Use Case Catalogue.pdf](https://cdn.ymaws.com/www.ijis.org/resource/collection/93F7DF36-8973-4B78-A190-0E786D87F74F/Law%20Enforcement%20Facial%20Recognition%20Use%20Case%20Catalogue.pdf)

facial recognition technology use policies to address challenges involved with this tool, including the potential for inaccurate results based on skin color. All of these efforts must be taken into account in any policy discussion on facial recognition.

We encourage you and your staff to work with law enforcement practitioners, prosecutors, technology developers, and other stakeholders to build greater understanding of facial recognition technology and how it is used to protect the public. Any consideration of this issue should be based on *all* the facts and grounded in a real-world understanding of how this technology helps crime victims and investigators. We look forward to working with you as you consider how to preserve this important tool while protecting the public's privacy, civil liberties, and civil rights.

Sincerely,

Association of State Criminal Investigative Agencies  
Association of Prosecuting Attorneys  
FBI Agents Association  
Federal Law Enforcement Officers Association  
International Association of Chiefs of Police  
Major Cities Chiefs Association  
Major County Sheriffs of America  
National Alliance of State Drug Enforcement Agencies  
National Association of Police Organizations  
National District Attorneys Association  
National Fusion Center Association  
National Narcotic Officers' Associations' Coalition  
National Sheriffs Association  
Sergeants Benevolent Association

Cc: Members of the House Oversight and Reform Committee;  
Chairman Jerrold Nadler, Ranking Member Doug Collins, and Members of the House Committee on the Judiciary;  
Chairman Bennie Thompson, Ranking Member Mike Rogers, and Members of the House Committee on Homeland Security;  
Chairman Ron Johnson, Ranking Member Gary Peters, and Members of the Senate Homeland Security and Governmental Affairs Committee;  
Chairman Lindsey Graham, Ranking Member Dianne Feinstein, and Members of the Senate Committee on the Judiciary  
Speaker Nancy Pelosi  
House Minority Leader Kevin McCarthy  
Senate Majority Leader Mitch McConnell  
Senate Minority Leader Chuck Schumer