Legislation Details (With Text)

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Title:	Resolution Directing the Appropriate Use of Facial Recognition Technology				
Sponsors:	Ayesha Ghazi Edwin, Cynthia Harrison, Chris Watson, Travis Radina, Linh Song, Christopher Taylor				
Indexes:					
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Date	Ver.	Action By	Action	Result
6/3/2024	3	City Council	Approved	Pass

Resolution Directing the Appropriate Use of Facial Recognition Technology
Reviewed by: Andre Anderson, Police Chief
Jen Janetsky, Assistant City Attorney

Whereas, The Ann Arbor City Council finds that facial recognition technology poses unique and significant civil rights and civil liberties threats to residents and visitors of the City of Ann Arbor;

Whereas The Ann Arbor City Council finds that facial recognition technology is historically less accurate in identifying women, young people, and people of color, potentially placing these persons at increased risk of false positive identifications;

Whereas, The Ann Arbor City Council finds that facial recognition technology has an extremely limited view of gender, and that software that excludes transgender, non-binary, agender or genderqueer people may prove discriminatory, harmfully misgendering such persons;

Whereas, The Ann Arbor City Council finds that facial recognition technology does not currently have the ability to see disability in an accurate and non-discriminatory way;

Whereas, The Ann Arbor City Council finds that the biases built into existing facial recognition technology systems and databases lead to potentially biased identification results;

Whereas, The Ann Arbor City Council finds that the broad application of facial recognition technology in public spaces constitutes an unacceptable mass violation of privacy, which can chill the exercise of constitutionally protected free speech;

Whereas, The ACLU has received reports of at least seven wrongful arrests due to police reliance on incorrect face recognition results, and in nearly every one of those instances the person wrongfully arrested was Black;

Whereas, There have been a number of recent cases reported in the national news where undue reliance on facial recognition technology has resulted in serious mistakes, up to and including the arrest and charging innocent people;

Whereas, A misplaced belief in the scientific accuracy of facial recognition technology can unfairly undermine other evidence placing the presumption of innocence in peril;

Whereas, The International Association of Chiefs of Police advises that a face recognition search result is “a strong clue, and nothing more, which must then be corroborated against other facts and investigative findings before a person can be determined to be the subject whose identity is being sought.”; and

Whereas, The Ann Arbor City Council finds that the benefits of using facial recognition technology as the principal or sole basis for the identification, arrest or prosecution of a suspect are greatly outweighed by the potential harms;

RESOLVED, That the City of Ann Arbor asks the City Administrator to meet with the Ann Arbor Police Department to direct the enactment of policy to ensure that while facial recognition technology may be used as an investigative tool in conjunction with other evidence, it must never be used as the principal or sole basis for identification, arrest, or prosecution in the City of Ann Arbor;

RESOLVED, That the City of Ann Arbor directs the Ann Arbor City Attorney’s Office to implement policy ensuring that extra care and caution is used when making charging decisions in cases where facial recognition technology is used as a part of a lawful investigation, and that criminal charges are never brought where facial recognition technology is the principal or sole basis used to identify a suspect; and

RESOLVED, That the Ann Arbor City Council calls on the Washtenaw County Prosecutor’s Office, the Michigan Office of the Attorney General, and all law enforcement entities in Washtenaw County and the State of Michigan to adopt similar policies aimed at remedying the potential harms posed by facial recognition technology.

Sponsored by: Councilmembers Ghazi Edwin, Harrison, Watson, Song, Radina and Mayor Taylor

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