June 25, 2018

Mayor Buddy Dyer
Commissioner Jim Gray
Commissioner Tony Ortiz
Commissioner Robert F. Stuart
Commissioner Patty Sheehan
Commissioner Regina I. Hill
Commissioner Samuel B. Ings
Orlando City Council
400 South Orange Avenue
Orlando, FL 32801

Dear Mayor Dyer and Orlando City Council,

The ACLU of Florida writes to demand that the Orlando City Council immediately direct of the suspension of any face surveillance deployment or use by city agencies and departments. Records obtained by the ACLU of Florida and public reporting has shown that the Orlando Police Department is deploying Amazon's Rekognition face surveillance system in public places without inviting a public debate, obtaining local legislative authorization, or adopting rules to prevent harm to Orlando community members.[1] We also urge you to listen to the Orlando community leaders who wrote to Police Chief Mina last week demanding the Department end its use of face surveillance.[2]

Upholding Orlando's commitment to protecting its diverse residents requires the suspension of this program. Mayor Dyer has said that "in Orlando, diversity and inclusion are a vital part of our way of life."[3] Deputy City Attorney Jody Litchford has reassured Orlando residents that "the undocumented community has nothing to fear from the Orlando Police Department."[4] These are welcome overtures in light of the Orlando Police Department's history of racial profiling and use of excessive force.[5] Yet the City's commitments to keep all residents safe are undermined by the City's secretive deployment of face surveillance technology.

Face surveillance systems like Rekognition present a grave threat to Orlando residents and visitors. These systems enable the mass location tracking of residents without criminal suspicion. Amazon's product is primed for such abuse.[6] Amazon offers a "person tracking" feature that it says "makes investigation and monitoring of individuals easy and accurate" for "surveillance applications."[7] Amazon says Rekognition can be used to identify "all faces in group photos, crowded events, and public places such as airports."[8] Finally, Amazon has even advertised Rekognition for use with officer body cameras, which would fully transform those devices into mobile surveillance cameras aimed at the public.[9]

We are concerned that Orlando will use Rekognition exactly as Amazon has marketed the product: to track people without their knowledge or consent. This is not a theoretical concern – in a recent presentation, an Amazon executive discussing Orlando's system said the City could use it to track people, including the mayor.[10] Orlando authorities could just as easily use Rekognition to track political protesters, immigrants, and people of color.

We are not persuaded by the Police Chief's assertion that Orlando's current face surveillance system is restricted in scope as of today, as no City policies or rules meaningfully restrict the Police Department from rapidly expanding the system in the near future by, for example, activating it across the City's public-facing cameras or adding it to the many body cameras Orlando police officers use every day.[11]

People should be free to walk down the street without being watched by the government. Face surveillance in Orlando threatens this freedom, particularly where government agencies deploy it without community debate, without local legislative oversight, and without rules to prevent abusive use.

Therefore, we demand that Orlando immediately suspend its use of Rekognition and any other face surveillance system under consideration or operation. Specifically, the Orlando City Council should prohibit City government agencies from using any facial recognition system as long as the City Council cannot ensure the privacy, free speech, and due process rights of all Orlando residents and visitors are properly and equally protected, and that any such system is free from bias or inaccuracy that may disproportionately impact people on the basis of race, ethnicity or national origin, or otherwise harm individuals subject to face recognition. The Council should also memorialize this face surveillance moratorium in a resolution or ordinance.

At the time of this letter, we are not aware of any public evidence that Amazon or the Orlando Police Department has produced to meaningfully address the above concerns. Orlando's continued use of Rekognition under such circumstances – and in light of the profound civil liberties and civil rights concerns raised by face surveillance – is simply reckless. If Orlando police were to deploy Rekognition to track or target community members, particularly communities of color, immigrants, and Muslim Americans already under threat in this political climate, the resulting misuse could be outright dangerous for community members. For these reasons, Orlando must immediately suspend its use of Rekognition.

We look forward to the City Council's swift action and a healthy public debate over this technology. Please let us know if you would like to discuss our concerns in further detail, or if you have any questions.

Sincerely,

Nancy Abudu
Legal Director
ACLU of Florida

cc: Police Chief John Mina

[1] Ryan Gillespie & Gal Tziperman Lotan, *Downtown Orlando has 3 Amazon facial-recognition cameras, police chief says – contrary to earlier claim*, Orlando Sentinel, May 24, 2018, http://www.orlandosentinel.com/news/breaking-news/os-amazon-orlando-police-cameras-downtown-20180524-story.html; Martin Kaste, *Orlando Police Testing Amazon's Real-Time Facial Recognition*, NPR, May 22, 2018, https://www.npr.org/2018/05/22/613115969/orlando-police-testing-amazons-real-time-facial-recognition.

[2] A copy of the letter that Orlando community partners sent to Police Chief Mina can be found here: http://www.aaiusa.org/arab_american_institute_orlando_groups_call_on_chief_mina_to_end_use_of_facial_recognition.

[3] Is Orlando a 'sanctuary city?' What's a 'sanctuary city?', Feb. 10, 2017, http://floridapolitics.com/archives/231909-orlando-sanctuary-city-whats-sanctuary-city.

[4] Orlando draws ire of immigration activists over Trust Act, Nov. 19, 2017, http://www.orlandosentinel.com/news/politics/political-pulse/os-orlando-sanctuary-cities-activists-20171114-story.html

[5] Press Release, *New ACLU Report On Orlando Police Practices: Public Safety, Public Trust, Profiling And Excessive Use Of Force*, Dec. 10, 2009, https://www.aclu.org/news/new-aclu-report-orlando-police-practices-public-safety-public-trust-profiling-and-excessive-use.

[6] Amazon states that Rekognition can identify people in real-time by instantaneously searching databases containing tens of millions of faces. Press Release, *Amazon Rekognition announces real-time face recognition, Text in Image recognition, and improved face detection*, Nov. 21, 2017, https://aws.amazon.com/about-aws/whats-new/2017/11/amazon-rekognition-announces-real-time-face-recognition-text-in-image-recognition-and-improved-face-detection.

[7] *Q: What is Person Tracking*, Rekognition FAQ, https://aws.amazon.com/rekognition/faqs/#Video_Analytics/.

[8] *Amazon Rekognition Announces Real-Time Face Recognition, Support for Recognition of Text in Image, and Improved Face Detection*, AWS AI Blog, Nov. 21, 2017, https://aws.amazon.com/blogs/machine-learning/amazon-rekognition-announces-real- time-face-recognition-support-for-recognition-of-text-in-image-and-improved-face-detection/.

[9] Amazon Rekognition product page (archived on Feb. 25, 2018), https://web.archive.org/web/20180225100337/https:/aws.amazon.com/rekognition/.

[10] *Image & Video Rekognition based on AWS - Ranju Das, GM of Amazon Rekognition, AWS*, YouTube, https://youtu.be/sUzuJc-xBEE.

[11] The Orlando Police Department first piloted a body camera program in 2014. http://www.cityoforlando.net/police/technology/. It has since deployed cameras on at least 435 patrol officers. Dec. 6, 2017, https://www.clickorlando.com/news/orlando-police-all-patrol-officers-now-equipped-with-body-cameras.