City of Milwaukee
City Clerk's Office

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MEMORANDUM

To: Tony Snell Rodriguez, Chair, Equal Rights Commission
From: Dave Gelting, Legislative & Fiscal Services Specialist
Date: June 30, 2025
Subject: Facial Recognition Technology

On June 13, 2025, you requested information about how facial recognition technology (FRT) is being used in peer cities, particularly in Philadelphia and other Wisconsin municipalities. Specifically, the request is to better understand:

- The positive outcomes and challenges associated with its use.
- The guardrails or safeguards cities have put in place to prevent disparities and misuse.
- Oversight mechanisms and best practices that ensure equitable and responsible application.

This research focuses on municipal use of FRT, particularly by police departments. Airports, stadiums, school districts, and other private or quasi-private entities use FRT for various purposes, but are not within the scope of this research.

Positive Outcomes and Challenges

There is little publicly available information specific to peer cities' positive outcomes associated with the use of FRT. While the Milwaukee Police Department communicated a number of success stories related to its use of FRT to the Fire and Police Commission on April 17, 2025,[1] similar communications from peer city police departments were not found in this research.

Industry publications detail positive outcomes resulting from the use of FRT.[2] The technology enables police departments to generate timely investigative leads in situations where it would otherwise be impossible or extremely resource and time intensive, helping lead to the apprehension of dangerous criminals. The technology automates and exponentially speeds up a procedure that, if at all, has otherwise been performed manually. Historically, a detective may sit at a desk with a tall stack of mug shots and page through them to look for a potential match, or a

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[1] Milwaukee Police Department, Facial Recognition Success Stories, undated, https://milwaukee.legistar.com/View.ashx?M=F&ID=14046372&GUID=4F519A31-DDAB-4BC0-A6E7-CA51FA7C4E8B

[2] Security Industry Association, July 16, 2020, "Facial Recognition Success Stories Showcase Positive Use Cases of the Technology" https://www.securityindustry.org/2020/07/16/facial-recognition-success-stories-showcase-positive-use-cases-of-the-technology/

department may post an image of a suspect on a news program to ask the public to provide identification.

These traditional procedures are not immune to error. Though humans are generally very good at identifying faces, the comparison of human and machine accuracy in this task is an active field of research. By 2018, the accuracy of computer algorithms in identifying two images of the same person had matched that of highly-trained human professionals.[3]

A challenge associated with the use of FRT is not altogether different than that of traditional identification techniques: the identification may be incorrect. Incorrect identification of a person through the use of FRT has contributed to highly publicized court cases, such as that of Robert Williams in Detroit, who had been arrested and detained for a crime he did not commit.[4] This challenge is compounded by claims that existing FRT is less accurate when attempting to identify faces with darker skin.[5]

Another challenge is related to the possibility that FRT could be deployed in ways that threaten civil liberties. Because the technology is computerized and automated, powerful computers are cheap and plentiful, and cameras are ubiquitous in public life, this technology makes mass surveillance possible. The way that FRT is deployed by the Chinese government serves as an example of the dangers that FRT critics warn against.[6] FRT critics, such as the Electronic Frontier Foundation, claim that "law enforcement use of face recognition technology poses a profound threat to personal privacy, political and religious expression, and the fundamental freedom to go about our lives without having our movements and associations covertly monitored and analyzed." [7]

Safeguards, Oversight, and Best Practices
Because the concerns regarding FRT typically center on two separate issues (incorrect identification and unwanted or illegal government surveillance), potential safeguards may focus on one or the other issue. Of course, prohibiting the use of FRT will safeguard against both concerns, and some cities have elected to do so. To address the incorrect identification of suspects, cities may adopt police department polices that detail how FRT analysis may and may not be used in an investigation, or require that use of FRT is disclosed to the defense at trial. To

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[3] National Institute of Standards and Technology, May 29, 2018, "NIST Study Shows Face Recognition Experts Perform Better With AI as Partner" https://www.nist.gov/news-events/news/2018/05/nist-study-shows-face-recognition-experts-perform-better-ai-partner

[4] American Civil Liberties Union, Cases, Williams v. City of Detroit, https://www.aclu.org/cases/williams-v-city-of-detroit-face-recognition-false-arrest

[5] Forbes, May 25, 2023, "Racism And AI: Here's How It's Been Criticized For Amplifying Bias" https://www.forbes.com/sites/ariannajohnson/2023/05/25/racism-and-ai-heres-how-its-been-criticized-for-amplifying-bias/

[6] Reuters, March 30, 2021, "China found using surveillance firms to help write ethnic-tracking specs" https://www.reuters.com/article/world/china-found-using-surveillance-firms-to-help-write-ethnic-tracking-specs-idUSKBN2BM1ED/

[7] Electronic Frontier Foundation, Face Surveillance, https://www.eff.org/aboutface

address the potential for unwanted or illegal government surveillance, cities may require elected official approval of, reports on, or audits of FRT programs.

This research identified only one Wisconsin city with a policy regarding FRT. The City of Madison prohibits city departments from using FRT,[8] and has a city-wide surveillance technology and surveillance data management policy.[9] This policy requires departments to gain common council approval before purchasing or using surveillance technology that is connected to the city's computer network, and requires an annual review and report on such technology.

Of 15 peer cities to Milwaukee, six have policies regarding the use of FRT or surveillance technology broadly. The Philadelphia Police Department has a policy for its use of FRT.[10] Department members who use FRT must be trained, authorized, and may only use departmentally-authorized software. The policy stresses that FRT is an investigative tool only, and results are not indicative of a positive identification. An electronic log of FRT use must be maintained, and this log shall be accessible to the department's audit and inspections unit, which will conduct at least one audit annually.

In Pittsburgh, PA, the city council passed legislation that requires its approval before the Department of Public Safety uses FRT or predictive policing technology.[11] If such technology is pursued, the Pittsburgh Department of Public Safety must communicate a request that contains specific information, such as the purpose of the technology, the anticipated authorized users, how data will be collected, retained, and analyzed, and the safeguards that would protect against violations of civil rights and liberties. Notably, the legislation does not require city council approval if the Department of Public Safety uses technology regulated, operated, maintained, and published by another government entity. This exception is highlighted by critics of the legislation, because the State of Pennsylvania operates an FRT system that is available to all law enforcement agencies in the state, and the legislation does not require the Pittsburgh Department of Public Safety to request city council permission prior to using that FRT resource.

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[8] City of Madison, File 62413, Creating Section 23.64 of the Madison General Ordinances establishing a Ban on the Use of Face Surveillance Technology, https://madison.legistar.com/LegislationDetail.aspx?ID=4702248&GUID=4D8DBA62-B0BA-49CF-85F3-DCB7CCFA06AE&Options=&Search=

[9] City of Madison, File 59300, Creating Section 23.63 of the Madison General Ordinances to establish Surveillance Technology guidelines for Departments, https://madison.legistar.com/LegislationDetail.aspx?ID=4318039&GUID=DBDE2725-BD49-4062-8C51-A69F5349C520&Options=ID|Text|&Search=59300

[10] Philadelphia Police Department, Directive 5.32, Use of Facial Recognition Software, https://www.phillypolice.com/wp-content/uploads/2024/11/D5.32-REV-8-29-23-REDACTED.pdf

[11] Public Source, September 22, 2020, "Pittsburgh City Council votes to regulate facial recognition and predictive policing" https://www.publicsource.org/pittsburgh-city-council-vote-regulate-facial-recognition/

As a result of a settlement agreement, the Detroit Police Department updated its FRT-related policies in 2024.[12] At the time, the American Civil Liberties Union (ACLU) described it as "the nation's strongest police department policy on FRT." [13] Directive 203.11, Eyewitness Identification and Lineups and Directive 307.5, Facial Recognition, were revised, and new policy components included:

- A prohibition from arresting people based solely on facial recognition results, or on the results of photo lineups directly following a facial recognition search.
- A prohibition from conducting a lineup based solely on a facial recognition investigative lead without independent and reliable evidence linking a suspect to a crime.
- Police training on facial recognition technology, including its risks and dangers and that it misidentifies people of color at higher rates.
- An audit of all cases since 2017 in which facial recognition technology was used to obtain an arrest warrant.

In 2020, the City of Boson, MA prohibited the use of FRT by city departments and prohibited any city official from obtaining facial surveillance information from third parties.[14] In 2021, the City of Minneapolis, MN also prohibited the use of FRT by city departments.[15]

The City of St. Louis Board of Aldermen passed a community control over police surveillance bill in 2024, which requires board approval of all surveillance technology and annual reports on surveillance technology in use.[16] The St. Louis Metropolitan Police Department has released its 2025 annual report on surveillance technology, which includes a report on its mugshot recognition technology, which is a type of FRT.[17] The report details, among other things, the types of criminal investigations FRT may be used for, a prohibition from using FRT to investigate actions or speech protected by the First Amendment to the United States Constitution, and an instruction that:

> "*A possible facial comparison match is only a lead, requiring additional investigative steps. An arrest is not made until the investigator establishes, with other corroborating*

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[12] Memo from Detroit Police Chief James E. White to QuanTez Pressley, Chairperson, Board of Police Commissioners, April 3, 2024, https://detroitmi.gov/sites/detroitmi.localhost/files/events/2024-04/Facial%20Recognition%20Policy.pdf

[13] American Civil Liberties Union, Press Release, June 28, 2024, "Civil Rights Advocates Achieve the Nation's Strongest Police Department Policy on Facial Recognition Technology" https://www.aclu.org/press-releases/civil-rights-advocates-achieve-the-nations-strongest-police-department-policy-on-facial-recognition-technology

[14] WBUR Boston, June 24, 2020, "Boston Bans Use Of Facial Recognition Technology. It's The 2nd-Largest City To Do So" https://www.wbur.org/news/2020/06/23/boston-facial-recognition-ban

[15] The Minnesota Daily, February 20, 2021, "Minneapolis City Council unanimously votes yes on facial recognition technology ban" https://mndaily.com/265671/city/minneapolis-city-council-unanimously-votes-yes-on-facial-recognition-technology-ban/

[16] City of St. Louis, Board Bill Number 185 in Session 2023-2024, Regulating the City's Use of Surveillance Technology, https://www.stlouis-mo.gov/government/city-laws/board-bills/boardbill.cfm?bbDetail=true&BBId=16396

[17] St. Louis Metropolitan Police Department, Surveillance Technology Report, https://slmpd.org/technology/

evidence, that the suspect identified as a possible match is the perpetrator of the crime being investigated. In all steps of the use of the technology, there is a human component to ensure that the technology is not the sole deciding factor in the photo comparison."

The National League of Cities (NLC) published a facial recognition guide for cities in 2021.[18] While the report does not claim to be a set of best practices, it does provide suggestions for how cities can better approach the topic of FRT. NLC recommends that cities:

- Engage with residents to develop policies, and be transparent about facial recognition use.
- Establish a training program for law enforcement and other users of a facial recognition system.
- Limit the scope of facial recognition use to reduce the risk of misidentifications and privacy violations.
- Institute rigorous standards for data storage and cybersecurity to ensure protection of citizens' biometric data.
- Follow best practices for drafting contracts to ensure accuracy and reduce legal risk.

Please let me know if you would like any additional information on this topic.

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[18] National League of Cities, April 19, 2021, Facial Recognition Report, https://www.nlc.org/resource/facial-recognition-report/