

MEMORANDUM IN SUPPORT

Date: October 27, 2025

To: All Assembly Members, New York State Assembly; All Senators, New York State Senate; Governor Kathy Hochul

From: The Legal Aid Society

Re: Memorandum in Support of Law Enforcement Biometrics Ban ([S.5609 Salazar](#)/[A.1045 Glick](#))

Since 1876, the Legal Aid Society has provided free legal services to New York City residents who are unable to afford private counsel. Annually, through our criminal, civil, and juvenile offices, our staff handles approximately 300,000 cases for low-income families and individuals. In addition to representing individual clients, the Legal Aid Society works to advance systemic change through affirmative litigation and policy advocacy.

The Legal Aid Society is acutely aware of the ways in which law enforcement's use of biometric technologies can prejudice our clients' rights and make New Yorkers less safe. For example, facial recognition technology is incapable of reliably matching faces, and yet law enforcement is using it to attempt to identify criminal suspects and arrest people. We routinely see the NYPD using facial recognition on still shots taken from bodega security cameras or other footage that is blurry, taken from odd angles, or otherwise unable to accurately portray a person's face. The NYPD sometimes alters the still shots to make it more likely that their facial recognition technology will come up with a match—which only compounds the risk that the wrong person will be selected as the criminal suspect. Such alterations can include modifications to hair, head coverings, or make-up.¹ Officers have even used photos of celebrities who they believe resemble a suspect to try to find a match using facial recognition.²

For our clients who have been wrongly arrested based on false facial recognition matches, the consequences cannot be overstated. On top of the physical and emotional trauma of being arrested—sometimes in front of their children or neighbors—they suffer extreme psychological distress and lose professional licenses, job opportunities, and standing in their communities. These consequences are falling disproportionately on our Black clients, because (1) facial recognition technology tends to be less accurate in matching darker faces (as well as younger or older faces, female faces, and those with disabilities or medical conditions that affect their facial features),³ and (2) surveillance cameras whose

¹ Jocelyn Strauber & Jeanene Barrett, *An Assessment of NYPD's Response to the POST Act* (Nov. 2022), at 26, https://www.nyc.gov/assets/doi/reports/pdf/2022/POSTActReport_Final_11032022.pdf.

² Khari Johnson, *NYPD Used Facial Recognition and Pics of Woody Harrelson to Arrest a Man*, VENTUREBEAT (May 16, 2019), <https://venturebeat.com/2019/05/16/nypd-used-facial-recognition-and-pics-of-woody-harrelson-to-arrest-a-man/>; Clare Garvie, "Garbage In, Garbage Out: Face Recognition on Flawed Data," GEORGETOWN LAW CENTER ON PRIVACY AND TECHNOLOGY (May 16, 2019), <https://www.flawedfacedata.com>.

³ See, e.g., Joy Buolamwini, *Unmasking the Bias in Facial Recognition Algorithms*, MIT MANAGEMENT SLOAN SCHOOL (Dec. 13, 2023), <https://mitsloan.mit.edu/ideas-made-to-matter/unmasking-bias-facial-recognition-algorithms>; National Academies of Sciences, Engineering, and Medicine, *Facial Recognition Technology: Current Capabilities, Future Prospects, and*

footage can be run through the NYPD's facial recognition are disproportionately concentrated in non-white neighborhoods.⁴

Most wrongful arrests based on facial recognition are never disclosed to the public. Our clients are often hesitant to talk to the press about the worst day of their lives, and sometimes we're unable to get the documentation we need to show exactly how and why the NYPD's facial recognition technology failed. But as law enforcement is increasingly relying on this unreliable and dangerous technology, the number of wrongful arrests is increasing and some affected individuals are starting to come forward.⁵

In February of 2025, a woman reported to police that she had been flashed by a 5-foot-6 Amazon delivery worker. The NYPD obtained surveillance footage and used facial recognition technology to identify our client, Trevis Williams, as a possible match for the suspect. Mr. Williams is 8 inches taller and 70 pounds heavier than man described by the woman. And location data from his phone showed that he was 12 miles away from the alleged crime. But instead of investigating further, police went ahead and arrested Mr. Williams. Mr. Williams spent more than two days in jail because the NYPD used unreliable technology to supplant traditional police work.⁶ During his time in jail, Mr. Williams feared the erroneous charges could place him on a sex offender registry, making it impossible for him to continue his counseling work with autistic adults or even pick up his 12-year-old son from school. He described feeling humiliated, terrified, and on the verge of panic attacks.⁷

In Detroit, Porcha Woodruff, an innocent Black woman, was wrongfully arrested and held in jail for 11 hours—while eight months pregnant—after being misidentified by facial recognition and falsely accused of robbery and carjacking.⁸ Her time in jail caused serious medical complications, including contractions and sharp pain, leading her to be hospitalized immediately upon release. Three Black fathers, two in Detroit and one in New Jersey, were wrongfully arrested and jailed following faulty facial recognition matches, and these cases each had devastating, lasting consequences.⁹ In

Governance at 56, THE NATIONAL ACADEMIES PRESS (2024), <https://doi.org/10.17226/27397>; Matt Burgess, *When Face Recognition Doesn't Know Your Face Is a Face*, WIRED (Oct. 15, 2025), <https://www.wired.com/story/when-face-recognition-doesnt-know-your-face-is-a-face/>.

⁴ *Inside the NYPD's Surveillance Machine*, AMNESTY INTERNATIONAL, <https://banthescan.amnesty.org/decode>.

⁵ See, e.g., Maria Cramer & Kashmir Hill, *How the N.Y.P.D.'s Facial Recognition Case Fell Apart*, N.Y. TIMES (Aug. 26, 2025), <https://www.nytimes.com/2025/08/26/nyregion/nypd-facial-recognition-dismissed-case.html>; Kashmir Hill, *Eight Months Pregnant and Arrested After False Facial Recognition Match*, N.Y. TIMES (Aug. 6, 2023), <https://www.nytimes.com/2023/08/06/business/facial-recognition-false-arrest.html>; Khari Johnson, *How Wrongful Arrests Based on AI Derailed 3 Men's Lives*, WIRED (Mar. 7, 2022), <https://www.wired.com/story/wrongful-arrests-ai-derailed-3-mens-lives/>; Kashmir Hill, *Another Arrest, and Jail Time, Due to a Bad Facial Recognition Match*, N.Y. TIMES (Dec. 29, 2020), <https://www.nytimes.com/2020/12/29/technology/facial-recognition-misidentify-jail.html>.

⁶ See generally Maria Cramer & Kashmir Hill, *How the N.Y.P.D.'s Facial Recognition Case Fell Apart*, N.Y. TIMES (Aug. 26, 2025), <https://www.nytimes.com/2025/08/26/nyregion/nypd-facial-recognition-dismissed-case.html>.

⁷ *Id.*

⁸ Kashmir Hill, *Eight Months Pregnant and Arrested After False Facial Recognition Match*, N.Y. TIMES (Aug. 6, 2023), <https://www.nytimes.com/2023/08/06/business/facial-recognition-false-arrest.html>.

⁹ Khari Johnson, *How Wrongful Arrests Based on AI Derailed 3 Men's Lives*, WIRED (Mar. 7, 2022), <https://www.wired.com/story/wrongful-arrests-ai-derailed-3-mens-lives/>.

another particularly worrisome case, a Black man was wrongfully arrested in Georgia for a crime committed in Louisiana and spent six days in jail, despite the fact that had never been to Louisiana.¹⁰

Moreover, even if facial recognition technology became more accurate, it would still be an unjustifiably dangerous police tool. Facial recognition technology allows law enforcement to retroactively identify individuals who expect anonymity as they move about their daily lives. It has been used to surveil, identify, and target protestors, chilling free speech and punishing New Yorkers for exercising their constitutional rights.¹¹ This has been true for at least a decade. In 2015, the Baltimore Police Department used facial recognition and social media images to identify individuals who were protesting the death of Freddie Gray.¹² In 2020, it was reported that the NYPD used facial recognition to target Derrick Ingram for his leadership of a peaceful Black Lives Matter protest. Police later surrounded Mr. Ingram's home with more than 50 officers as part of a retaliatory raid.¹³ And in 2024, the New York City Fire Department used facial recognition technology to identify a 21-year-old protester so that the NYPD could arrest him.¹⁴

Because of its documented biases, its replication of historically flawed police practices, and its invasive nature, facial recognition is not suitable for law enforcement use. That's why the Legal Aid Society emphatically supports the Law Enforcement Biometrics Ban (A.1045/S.5609). This bill would prohibit law enforcement in New York from using biometric recognition technology, including facial recognition technology. It would also convene a state Task Force to examine the issue in depth and propose a comprehensive set of standards for use of such technology in the future if it is to be allowed.

The longer New York waits to ban police use of facial recognition technology, the further New York falls behind other states—including Maine, Vermont, and New Hampshire—that have already passed bans to protect their populations from these unreliable, destructive tools.¹⁵ Over twenty cities or counties, including San Francisco, Boston, and Baltimore, have also recognized the severity of the threat the technology poses in the hands of law enforcement.¹⁶

¹⁰ Sudhin Thanawala, *Facial Recognition Technology Jailed a Man for Days. His Lawsuit Joins Others from Black Plaintiffs*, AP NEWS (Sep. 25, 2023), <https://apnews.com/article/mistaken-arrests-facial-recognition-technology-lawsuits-b613161c56472459df683f54320d08a7>.

¹¹ George Joseph & Jake Offenhartz, *NYPD Used Facial Recognition Technology in Siege of Black Lives Matter Activist's Apartment*, GOTHAMIST (Aug. 14, 2020), <https://gothamist.com/news/nypd-used-facial-recognition-unit-in-siege-of-black-lives-matter-activists-apartment>.

¹² Kevin Rector and Alison Knezevich, *Maryland's Use of Facial Recognition Software Questioned by Researchers*, *Civil Liberties Advocates*, THE BALTIMORE SUN (Oct. 18, 2016), <https://www.baltimoresun.com/news/crime/bs-md-facial-recognition-20161017-story.html>.

¹³ George Joseph & Jake Offenhartz, *NYPD Used Facial Recognition Technology in Siege of Black Lives Matter Activist's Apartment*, GOTHAMIST (Aug. 14, 2020), <https://gothamist.com/news/nypd-used-facial-recognition-unit-in-siege-of-black-lives-matter-activists-apartment>.

¹⁴ Samantha Maldonado, *NYPD Bypassed Facial Recognition Ban to ID Pro-Palestinian Student Protester*, THE CITY (Jul. 18, 2025), <https://www.thecity.nyc/2025/07/18/nypd-fdny-clearview-ai-ban-columbia-palestinian-protest/>.

¹⁵ ME LD 1585, HP 1174, 130th Legislature, 1st Special Session, https://legislature.maine.gov/legis/bills/display_ps.asp?LD=1585&snum=130; N.H. Rev. Stat. § 105-D:2, <https://casetext.com/statute/new-hampshire-revised-statutes/title-7-sheriffs-constables-and-police-officers/chapter-105-d-body-worn-cameras/section-105-d2-use-of-body-worn-cameras>; VT S.124 (2020), <https://legislature.vermont.gov/Documents/2020/Docs/BILL/S/S-0124/S-0124%20As%20Passed%20by%20Both%20House%20and%20Senate%20Unofficial.pdf>.

¹⁶ S.F. Admin. Code 19B (2019), <https://sfgov.legistar.com/View.ashx?M=F&ID=7206781&GUID=38D37061-4D87-4A94-9AB3-CB113656159A>; Boston Admin. Code 16-62,

Banning police use of facial recognition is necessary to protect New Yorkers from wrongful arrest and over-policing, and to protect New Yorkers' right to protest and exercise their constitutional rights. We urge the legislature to pass, and the Governor to sign, the Law Enforcement Biometrics Ban (A.1045/S.5609).

If you have any questions, please contact Laura Moraff, Staff Attorney in The Legal Aid Society's Digital Forensics Unit: LMoraff@legal-aid.org; (929) 536-1637.