

Federal Government Working on Whole Body Recognition System - What Could Possibly Go Wrong?

March 18, 2022 - Over the years, the use of facial recognition software has been controversial to say the least. Both the federal government and various state and local governments have deployed facial recognition systems. And in many cases, public opposition to those systems has forced some of them to be closed down. But public opposition apparently hasn't done anything to halt development of such systems. A group known as the Intelligence Advanced Research Projects Activity (IARPA) is working on a whole-body recognition system for the intelligence community. And it's goal is to be able to identify anyone they want to from more than 1/2 a mile away.

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The actual program name is BRIAR (Biometric Recognition & Identification at Altitude & Range). The goal is to be able to identify people from altitude - probably using drones - and at a range of 1,000 meters or more. That would mean that from the moment you step out of your home in the morning, you could be followed at a relatively great distance, identified anywhere you go, and you would never know it. This brings up a number of troubling questions.

First, does anyone really trust the government with this kind of capability? If the last several years have shown us anything, it is that the government often abuses its power. We've seen this with the use of Stingrays; a system that can intercept cell phone calls without anyone being aware. Both federal and state governments have used these systems without warrants and attempted to prosecute people with information obtained through them. There have been several cases in which prosecutors have had to drop their cases because defense attorneys suspected Stingray use and asked about it. Without a warrant, their use is illegal.

We've also seen the use of GPS tracking systems without warrants. The Supreme Court got involved in one of those cases and ruled that the practice was illegal.

The bottom line here is that there are currently no regulation determining how the government can use technology such as this, and the government has already shown that without strong regulations it will abuse its power. Furthermore, congress has shown almost no inclination to regulate government use of technology against the interests of innocent American citizens. Just taking these issue into consideration, BRIAR in the hands of the government is a horrible idea. But it isn't the worst idea.

The second question to be asked is, how long will it take BRIAR's technology to fall into the hands of commercial interests? Our bet is that it will happen almost immediately.

The reason for this is simple. If a commercial entity can use BRIAR's technology to spy on just about anyone, then no search warrant will be required for the government to obtain that data. They simply need to subpoena it from that commercial entity.

All levels of government have learned this little trick. It's a way for them to completely skirt the illegal search and seizure requirements place on them by the 4th Amendment. And since issuing a subpoena is much easier than obtaining a search warrant, all levels of government use this method frequently.

Any use of BRIAR or similar systems within the borders of the United States needs to be heavily regulated. It should be when a search warrant is issued. And any commercial entities using this type of technology should be restricted from selling that data to anyone... including the government... and the only way they should be able to turn data over to the government is when a court supervised search warrant is issued. Anything else should be unacceptable.

by Jim Malmberg

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