

TO: Mayor of Chicago

FROM: Giao Dinh, Chief Legal Counsel

SUBJECT: Crisis in Chicago

DATE: October 11, 2021

Timothy Ivory Carpenter v. United States of America (Carpenter v. United States) was argued in November 2017 and concluded in June 2018. It was a case concerning the privacy of digital cell phone data. According to Sorkin (2018), the F.P.I. used phone numbers obtained and provided by Carpenter, who was arrested and linked to the series of armed robberies. With these phone numbers, the F.B.I. can obtain the cell phone data to cite the locations where or when crimes were committed and the records of transactions from the cell service providers by applying the three orders from the magistrate judges, under the Stored Communication Act (Sorkin, 2018; Carpenter V. United States, n.d.). Seizing the expansion of digital technology, the chance to search, track, identify, and recognize crimes, shooters, or even other violent offenders, is easier as it cuts a half-effort off on the traditional model of policing. One of the proposed methods has been recommended for police: facial recognition cameras, the next level of surveillance. In China, facial recognition cameras are very familiar in Chinese civilian daily life (Bosonin, 2017). These AI facial recognition cameras are not only used for scanning and tracking, but also for other purposes, such as clocking employees into work, screening when entering or exiting educational campuses or subway stations, and identifying those who wear masks during COVID, etc. (Borak, 2021).

Based on the decision held in Carpenter v. United States, the government was violating the Fourth Amendment when using the obtained phone numbers to access and cite the location from the historical records of cell phone data without a search warrant. There was no search warrant when

the F.B.I. obtained cell site-location records from the cell service providers. The case did not end up about how successful government surveillance was on every move and the location of where the Carpenter was, but it did draw attention to the search warrant and the invasion of privacy on the cell phone data location. The surveillance also included the records of everyone, whether they were related or not, to the armed robbery series. The observation did not last for the short term, but it did last every day for about five years (Sorkin, 2018). This was unconstitutional in how government monitoring and keeping track of every movement secretly violated the expectations of privacy and society about what law enforcement should do or be able to (Garvie & Moy, 2019). Besides, there will be some potential risks if the government replaces all traditional surveillance models with AI facial recognition (e.g., tracking or investigating), even though it is more advantageous to capture precise locations and faces than the old method of obtaining cell site-location information.

Furthermore, the use of AI facial recognition cameras will become the next subject or issue to be discussed as well as a privacy concern. However, in the different categories as seen, it is more of a real-time video surveillance system, and has been seen in certain areas in the United States and everywhere in China. Civilians who believe their privacy is being violated will oppose the installation of AI facial recognition cameras throughout the city. In addition, facial recognition cameras do not always work at their best as they are unable to recognize communities of color and any specific differences based on age, gender, and race when unable to identify. The amount of funds for the high quality and quantity of facial recognition cameras will need to be considered if the price is rising as the demand is high. These cameras should continue to be installed in public places and any specific locations if constant violations occur.

References

Borak, M. (2021, January 26). Facial recognition is used in China for everything from refuse collection to toilet roll dispensers and its. . . South China Morning Post.
<https://www.scmp.com/tech/innovation/article/3119281/facial-recognition-used-china-everything-refuse-collection-toilet>

Bosonin, P. (Director). (2017). *Next-Level Surveillance: China Embraces Facial Recognition* [Film]. Wall Street Journal. <https://www.youtube.com/watch?v=Fq1SEqNT-7c>

Carpenter v. United States. (n.d.). Oyez. <https://www.oyez.org/cases/2017/16-402>

Garvie, C., & Moy, L. M. (2019, May 16). America Under Watch | Face Surveillance in the United States. America Under Watch. <https://www.americaunderwatch.com/>

Sorkin, A. D. (2018, June 22). In *Carpenter*, the Supreme Court Rules, Narrowly, for Privacy. *Newyorker*. <https://www.newyorker.com/news/daily-comment/in-carpenter-the-supreme-court-rules-narrowly-for-privacy>