

**From:** [Jon Pincus](#)  
**To:** [KCC - Committee Assistants \(Email Group\)](#)  
**Subject:** Facial recognition and trans, non-binary, and gender non-conforming people  
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Councilmembers,

Thank you for your ongoing attention to this important issue. Looking back over the public comments, a couple of people mentioned the trans, non-binary, and gender non-conforming perspectives, but nobody had time to go into detail on it. [Os Keyes' testimony](#) in a 2019 state legislature hearing was really powerful ... here's a brief excerpt:

This technology is deeply threatening to trans existences, particularly the existences of trans people of colour. This is for a couple of reasons. The first is simply that the technology is often biased. It is less accurate with trans people; it is less accurate with people of colour. And so when you take it and deploy it, it is more likely to flag trans people as incongruent, unexpected; to falsely identify us as matches, or highlight us for attention.

If this happens – if someone is flagged, whether due to dataset bias or a simple error, and reported up to an operator – trans people are also more likely to face unpleasant and often violent outcomes. Because we are incongruent, because we are often unexpected, there is a long history of government entities, be it the police or the housing administration, discriminating against us.

As they go on to note, the National Transgender Survey's 2015 report on Washington State, found that 60% of trans people who had interacted with the police experienced mistreatment. 33% experience discrimination in public accommodations. The numbers are far worse for trans people of colour, particularly trans women of colour. Non-binary and gender-nonconforming people face similar discrimination. Using facial recognition technology would increase this kind of discrimination even if the systems were accurate and unbiased. The biases make it even worse. And these particular biases often fly below the radar -- the NIST studies for example don't even look at bias against trans and non-binary people, let alone the intersectional biases against trans women of color.

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