



Privacy in the face of surveillance: Fourth Amendment considerations for facial recognition technology

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Facial recognition technology adds a new dimension to government and police surveillance. If these organizations were to employ active surveillance using facial recognition technology, the implication could mean that people appearing in public places no longer have an expectation of privacy in anonymity. Real-time identification using facial recognition surveillance technology is not currently ready for successful employment by law enforcement or government agencies, but the speed with which the technology is being developed means that a constitutional challenge to this new technology will serve as a turning point for the future of Fourth Amendment privacy jurisprudence and shape the future of surveillance in the digital age. This book explores the history and current state of facial recognition technology and examines the impacts of surveillance on privacy expectations. This book also reviews existing Fourth Amendment legal protections of privacy through a review of cases relating to government surveillance and privacy. The research effort finds that while facial recognition surveillance does not expressly violate current privacy protections, the courts have historically matured with advancing technology, and future court decisions are likely to decide soon whether the Fourth Amendment leans more toward safeguarding privacy or security when it comes to facial recognition surveillance.

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