

**BOARD of SUPERVISORS**



**City Hall**  
**1 Dr. Carlton B. Goodlett Place, Room 244**  
**San Francisco, CA 94102-4689**  
**Tel. No. 554-5184**  
**Fax No. 554-5163**  
**TDD/TTY No. 554-5227**

June 10, 2020

The Honorable Scott Wiener  
California State Senator  
California State Capitol, Room 5100  
Sacramento, CA 95814-4900

Re: Board of Supervisors Resolution No. 217-20

Dear Senator Wiener:

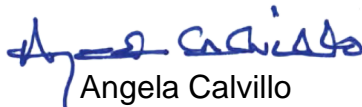
On May 12, 2020, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 217-20 (Opposing California State Assembly Bill No. 2261 (Chau) - Facial Recognition Technology), which was enacted on May 22, 2020.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 217-20 (File No. 200427)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: [board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org).

Sincerely,

  
Angela Calvillo  
Clerk of the Board

- c. Members of the Board of Supervisors, Supervisors Aaron Peskin, Ahsha Safai, Rafael Mandelman  
Sophia Kittler, Mayor's Liaison to the Board of Supervisors  
Eddie McCaffrey, Mayor's Manager of State and Federal Legislative Affairs  
Andres Power, Mayor's Policy Director  
Rebecca Peacock, Mayor's Office  
Paul Yoder, Karen Lange, Erica Smith, City Lobbyists - Shaw/Yoder/Antwih Inc.

1 [Opposing California State Assembly Bill No. 2261 (Chau) - Facial Recognition Technology]

2

3 **Resolution opposing California State Assembly Bill No. 2261, authored by Assembly**  
4 **Member Edwin Chau, which would preempt San Francisco’s precedent-setting**  
5 **prohibition on government acquisition and use of facial recognition technology and**  
6 **thereby imperil the public health and safety of San Francisco residents and visitors.**

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8 WHEREAS, On May 21, 2019, the San Francisco Board of Supervisors  
9 overwhelmingly approved legislation to provide necessary oversight of local government’s use  
10 of surveillance technology, and to prohibit the acquisition and use of facial recognition  
11 technology; and

12 WHEREAS, In prohibiting government acquisition and use of facial recognition  
13 technology, the San Francisco Board of Supervisors stated that “the propensity for facial  
14 recognition technology to endanger civil rights and civil liberties substantially outweighs its  
15 purported benefits, and the technology will exacerbate racial injustice and threaten our ability  
16 to live free of continuous government monitoring;” and

17 WHEREAS, San Francisco’s prohibition on government acquisition or use of facial  
18 recognition technology was soon followed by other Bay Area jurisdictions including the City of  
19 Berkeley, the City of Oakland and the Bay Area Rapid Transit system; and

20 WHEREAS, San Francisco’s prohibition on government acquisition or use of facial  
21 recognition technology was a precedent-setting initiative which has sparked United States  
22 Congressional Oversight Committee hearings and shifted the public discourse around the  
23 acceptable and unacceptable level of intrusion of governmental entities into the private lives of  
24 its citizens; and

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1           WHEREAS, Facial recognition technology has nevertheless emerged as the  
2 technology of choice for the federal deportation state, including being used by Immigration  
3 and Customs Enforcement (ICE) to scan state driver’s license databases and billions of facial  
4 images scraped from the Internet by companies like Clearview AI to identify and track  
5 immigrants and citizens across the country; and

6           WHEREAS, On February 14, 2020, Assembly Member Edwin Chau of California’s 49th  
7 Assembly District introduced Assembly Bill No. 2261 (AB 2261), which, in pertinent part, gives  
8 free reign to governmental agencies across the state to acquire and use facial recognition  
9 surveillance technology without a warrant and in a manner which would disproportionately  
10 harm communities of color, religious minorities and other marginalized groups; and

11           WHEREAS, AB 2261 would also preempt and invalidate San Francisco’s precedent-  
12 setting prohibition on government acquisition and use of facial recognition technology, which  
13 was based on widespread understanding that this technology disproportionately misidentifies  
14 children, women and people of color, and – even if accurate – would unleash an  
15 unprecedented and psychologically damaging mass surveillance state; and

16           WHEREAS, AB 2261 green lights the use of facial recognition to blacklist residents to  
17 deny them health care services, housing, jobs and other basic necessities, without adequate  
18 protections to prevent companies from selling face recognition systems that they know to be  
19 biased; and

20           WHEREAS, AB 2261 is being peddled by big tech companies as a solution to real  
21 problems that it will only exacerbate, at a time when the public health and safety of residents  
22 and visitors must be guided by health experts and accurate science, not lobbyists for big tech  
23 firms; and

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1           WHEREAS, San Francisco is a Charter City organized under the Constitution of the  
2 State of California with supreme authority over the regulation of “municipal affairs;” now,  
3 therefore, be it

4           RESOLVED, That the City and County of San Francisco opposes Assembly Bill No.  
5 2261, which is an attack on the public health and safety of all San Francisco residents and  
6 visitors, and in particular on women, low-income communities, communities of color, religious  
7 minorities and other marginalized individuals and groups in San Francisco; and, be it

8           FURTHER RESOLVED, That the record on AB 2261 is inadequate to warrant the  
9 preemption of laws specifically designed to protect San Francisco and other Bay Area  
10 residents and visitors from facial recognition technology and is an unwarranted and unlawful  
11 intrusion on the City and County of San Francisco’s supreme authority over municipal affairs;  
12 and, be it

13           FURTHER RESOLVED, That a copy of this Resolution be forwarded to San  
14 Francisco’s state delegation.

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 200427

Date Passed: May 12, 2020

Resolution opposing California State Assembly Bill No. 2261, authored by Assembly Member Edwin Chau, which would preempt San Francisco's precedent-setting prohibition on government acquisition and use of facial recognition technology and thereby imperil the public health and safety of San Francisco residents and visitors.

May 05, 2020 Board of Supervisors - CONTINUED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

May 12, 2020 Board of Supervisors - ADOPTED

Ayes: 10 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Walton and Yee
Noes: 1 - Stefani

File No. 200427

I hereby certify that the foregoing Resolution was ADOPTED on 5/12/2020 by the Board of Supervisors of the City and County of San Francisco.

[Handwritten signature of Angela Calvillo]

Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

05/22/2020

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

[Handwritten signature of Angela Calvillo]

Angela Calvillo
Clerk of the Board

05/22/2020

Date

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Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

June 10, 2020

The Honorable David Chiu  
California State Assembly Member  
California State Capitol, Room 4112  
P.O. Box 942849  
Sacramento, CA 94249-0017

Re: Board of Supervisors Resolution No. 217-20

Dear Assembly Member Chiu:


On May 12, 2020, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 217-20 (Opposing California State Assembly Bill No. 2261 (Chau) - Facial Recognition Technology), which was enacted on May 22, 2020.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

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If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: [board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org).

Sincerely,

  
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Clerk of the Board

- c. Members of the Board of Supervisors, Supervisors Aaron Peskin, Ahsha Safai, Rafael Mandelman  
Sophia Kittler, Mayor's Liaison to the Board of Supervisors  
Eddie McCaffrey, Mayor's Manager of State and Federal Legislative Affairs  
Andres Power, Mayor's Policy Director  
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Paul Yoder, Karen Lange, Erica Smith, City Lobbyists - Shaw/Yoder/Antwih Inc.

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6 **thereby imperil the public health and safety of San Francisco residents and visitors.**

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8 WHEREAS, On May 21, 2019, the San Francisco Board of Supervisors  
9 overwhelmingly approved legislation to provide necessary oversight of local government’s use  
10 of surveillance technology, and to prohibit the acquisition and use of facial recognition  
11 technology; and

12 WHEREAS, In prohibiting government acquisition and use of facial recognition  
13 technology, the San Francisco Board of Supervisors stated that “the propensity for facial  
14 recognition technology to endanger civil rights and civil liberties substantially outweighs its  
15 purported benefits, and the technology will exacerbate racial injustice and threaten our ability  
16 to live free of continuous government monitoring;” and

17 WHEREAS, San Francisco’s prohibition on government acquisition or use of facial  
18 recognition technology was soon followed by other Bay Area jurisdictions including the City of  
19 Berkeley, the City of Oakland and the Bay Area Rapid Transit system; and

20 WHEREAS, San Francisco’s prohibition on government acquisition or use of facial  
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1           WHEREAS, Facial recognition technology has nevertheless emerged as the  
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3 and Customs Enforcement (ICE) to scan state driver’s license databases and billions of facial  
4 images scraped from the Internet by companies like Clearview AI to identify and track  
5 immigrants and citizens across the country; and

6           WHEREAS, On February 14, 2020, Assembly Member Edwin Chau of California’s 49th  
7 Assembly District introduced Assembly Bill No. 2261 (AB 2261), which, in pertinent part, gives  
8 free reign to governmental agencies across the state to acquire and use facial recognition  
9 surveillance technology without a warrant and in a manner which would disproportionately  
10 harm communities of color, religious minorities and other marginalized groups; and

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Tails
Resolution

File Number: 200427

Date Passed: May 12, 2020

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File No. 200427

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Unsigned

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Mayor

05/22/2020

Date Approved

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05/22/2020

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California State Assembly Member  
California State Capitol, Room 6026  
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Re: Board of Supervisors Resolution No. 217-20

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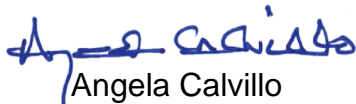
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