

File No. 200427

Committee Item No. \_\_\_\_\_

Board Item No. 19

# COMMITTEE/BOARD OF SUPERVISORS

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Committee: \_\_\_\_\_  
Board of Supervisors Meeting

Date: \_\_\_\_\_  
Date: May 5, 2020

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### OTHER

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Prepared by: Lisa Lew  
Prepared by: \_\_\_\_\_

Date: May 1, 2020  
Date: \_\_\_\_\_

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.**

7

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

24  
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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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# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only