

1 [Supporting California State Senate Bill 1186 (Hill) - Stop Secret Surveillance Act]

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3 **Resolution declaring support for California State Senate Bill No. 1186 (SB 1186), the**
4 **Stop Secret Surveillance Act, authored by Senator Jerry Hill, requiring law enforcement**
5 **agencies to hold public hearings and generate Surveillance Use Policies governing the**
6 **information collected by surveillance technology.**

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8 WHEREAS, The United States of America and its various law enforcement agencies
9 have relied for more than 150 years on the surveillance of American citizens, of foreign
10 nationals and of various communities to prosecute crimes, but also to suppress and chill
11 protest and other lawful activities, and, in many instances, to use private information to
12 publicly embarrass and blacklist individuals from various facets of public life; and

13 WHEREAS, Surveillance technologies have evolved from less sophisticated forms of
14 eavesdropping to wiretapping and, particularly since the advent of the Internet, highly
15 sophisticated network-enabled devices capable of, among other things, tracking real time
16 movement of individuals and groups and identifying individuals through facial recognition,
17 while cross-referencing identities against broad databases containing potentially sensitive
18 private information; and

19 WHEREAS, Surveillance technologies have been used recently to partner with private
20 security companies to surveil environmental activists, indigenous leaders and community
21 members to control protests of the Dakota Access Pipeline and Keystone XL Pipeline; to allow
22 law enforcement provocateurs to infiltrate those same protests; to successfully implement no-
23 fly zones to black out media coverage during heightened law enforcement crackdowns; to
24 profile communities for the purposes of creating false associations and characterizations of
25 peaceful protesters as domestic terrorists; to scrutinize and surveil Black Lives Matter activists

1 and label them “Black Identity Extremists”; and to otherwise surveil individuals and groups
2 over extensive periods of time, raising extensive civil liberties concerns; and

3 WHEREAS, Lawmakers in Oakland, Palo Alto and Santa Clara County have
4 successfully proposed laws to bring the community and elected representatives into decisions
5 by local police to acquire these powerful and invasive surveillance technologies, resulting in
6 policies regarding law enforcement use of surveillance drones and the revelation and ultimate
7 restriction of controversial surveillance activities at Oakland’s Domain Awareness Center; and

8 WHEREAS, California State Senate Bill No. 1186 (SB 1186), authored by Senator
9 Jerry Hill, would, beginning July 1, 2019, require law enforcement agencies, as defined in the
10 legislation, to submit to their governing bodies at a regularly scheduled hearing, open to the
11 public, a proposed Surveillance Use Policy for the use of each type of surveillance technology
12 capable of monitoring and collecting audio, visual, locational, thermal, or similar information
13 on any individual or group; and

14 WHEREAS, SB 1186 would require law enforcement agencies to submit amendments
15 to any Surveillance Use Policy for each new type of surveillance technology sought to be
16 used, to publicly post the policy and any amendments on the agency’s website, to report back
17 at approved intervals regarding the use of the surveillance technology, and would prohibit a
18 law enforcement agency from selling, sharing, or transferring information gathered by
19 surveillance technologies except to another law enforcement agency as permitted by law and
20 the terms of the Surveillance Use Policy; and

21 WHEREAS, SB 1186 would also allow any person to bring an action for injunctive relief
22 to prevent any violation of SB 1186, including enjoining any unauthorized use of surveillance
23 technology without a publicly vetted and approved Surveillance Use Policy, and would require
24 a law enforcement agency to discipline an employee who knowingly or intentionally uses
25 surveillance technology in violation of any provision of SB 1186; and

1 WHEREAS, As of the date of introduction of this Resolution, SB 1186 has successfully
2 passed through the Senate Public Safety Committee and the Senate Judiciary Committee,
3 and is scheduled for further Committee hearings in the coming weeks; now, therefore be it

4 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
5 supports SB 1186 as a mechanism for allowing local impacted residents and communities to
6 have their voices heard regarding the collection, storage and use of personal information
7 about them through the use of surveillance technologies; and be it

8 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
9 Francisco urges our local delegation representing San Francisco in the State Legislature to
10 support SB 1186 - the Stop Secret Surveillance Act - and further urges the California State
11 Legislature and Governor Jerry Brown to sign SB 1186 into law; and be it

12 FURTHER RESOLVED, That the Clerk of the Board be directed to send a copy of this
13 resolution to the office of Senator Jerry Hill, and to the offices of San Francisco's
14 representatives in the State Legislature.