

File No. 180551

Committee Item No. _____

Board Item No. 14

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____
Board of Supervisors Meeting

Date: _____
Date: JUNE 12, 2018

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OTHER

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | California State Senate Bill No. 1186 April 24, 2018 |
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Prepared by: Jocelyn Wong
Prepared by: _____

Date: May 31, 2018
Date: _____

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

2
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.**

7
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.
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AMENDED IN SENATE APRIL 24, 2018

SENATE BILL

No. 1186

Introduced by Senator Hill

February 15, 2018

An act to add Chapter 15 (commencing with Section 54999.8) to Part 1 of Division 2 of Title 5 of the Government Code, relating to law enforcement agencies.

LEGISLATIVE COUNSEL'S DIGEST

SB 1186, as amended, Hill. Law enforcement agencies: surveillance: policies.

Under existing law, a city or county is empowered to perform duties including providing for public safety and law enforcement. A city or county is authorized, either directly or indirectly, to prescribe policies and regulations for law enforcement agencies under its jurisdiction.

This bill would, beginning July 1, 2019, require each law enforcement agency, as defined, to submit to its governing body at a regularly scheduled hearing, open to the public, a proposed Surveillance Use Policy for the use of each type of surveillance technology and the information collected, as specified. The bill would require the law enforcement agency to cease using the surveillance technology within 30 days if the proposed plan is not adopted. The bill would require the law enforcement agency to submit an amendment to the surveillance plan, pursuant to the same open meeting requirements, for each new type of surveillance technology sought to be used. The bill would require the policy and any amendments to be posted on the agency's Internet Web site. The bill would also require the agency to make specified reports, at approved intervals, concerning the use of surveillance technology, and to make those reports available on the agency's Internet

Web site. The bill would prohibit a law enforcement agency from selling, sharing, or transferring information gathered by surveillance technology, except to another law enforcement agency, as permitted by law and the terms of the Surveillance Use Policy. The bill would provide that any person could bring an action for injunctive relief to prevent a violation of these provisions and, if successful, could recover reasonable attorney's fees and costs. The bill would require an agency to discipline an employee who knowingly or intentionally uses surveillance technology in violation of these provisions, as specified. The bill would authorize an agency to temporarily use surveillance technology during exigent circumstances, as specified, without meeting the requirements of these provisions, provided that, among other things, the agency submits a specified report to its governing body within 45 days of the end of the exigent circumstances, except as specified.

~~The bill would establish separate procedures for a sheriff's department or a district attorney to establish their own Surveillance Use Policies, instead of submitting them through their governing body. The procedures would include holding a noticed public hearing on the proposed policy, posting the policy on the department's Internet Web site, amending the policy to include new types of surveillance technology, and publishing a biennial report regarding the department's use of surveillance technology, as specified.~~

The bill would also establish procedures for the Department of the California Highway Patrol and the Department of Justice to establish their own Surveillance Use Policies. The bill would, among other things, require that these agencies ensure that the collection, use, maintenance, sharing, and dissemination of information or data collected with surveillance technology is consistent with respect for individual privacy and civil liberties, and that the policy be publicly available on the agency's Internet Web site. The bill would also require that if these agencies intend to acquire surveillance technology, they provide 90 days advance notice on the agency's Internet Web site, as specified.

The bill would make legislative findings in support of these provisions.

Because this bill would impose additional requirements on local public agencies, it would impose a state-mandated local program.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open

meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, with regard to certain mandates, no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) While law enforcement agencies increasingly rely on
4 surveillance technologies because those technologies may enhance
5 community safety and aid in the investigation of crimes, those
6 technologies are often used without any written rules or civilian
7 oversight, and the ability of surveillance technology to enhance
8 public safety should be balanced with reasonable safeguards for
9 residents' civil liberties and privacy.
10 (b) Promoting a safer community through the use of surveillance
11 technology while preserving the protection of civil liberties and
12 privacy are not mutually exclusive goals, and policymakers should
13 be empowered to make informed decisions about what kind of
14 surveillance technologies should be used in their community.
15 (c) Decisions about whether to use surveillance technology for
16 data collection and how to use and store the information collected
17 should not be made by the agencies that would operate the
18 technology, but by the elected bodies that are directly accountable
19 to the residents in their communities who should also have
20 opportunities to review the decision of whether or not to use
21 surveillance technologies.

1 SEC. 2. Chapter 15 (commencing with Section 54999.8) is
2 added to Part 1 of Division 2 of Title 5 of the Government Code,
3 to read:

4
5 CHAPTER 15. SURVEILLANCE POLICIES FOR LAW ENFORCEMENT

6
7 54999.8. The following definitions apply for purposes of this
8 chapter:

9 (a) "Exigent circumstances" means a law enforcement agency's
10 good faith belief that an emergency involving danger of death or
11 serious physical injury to any person requires use of a surveillance
12 technology or the information it provides.

13 (b) "Governing body" means the elected body that oversees the
14 law enforcement agency or an appointed overseeing body if there
15 is no elected body that provides direct oversight of the law
16 enforcement agency.

17 (c) "Law enforcement agency" means any police department,
18 sheriff's department, district attorney, county probation department,
19 transit agency police department, school district police department,
20 the police department of any campus of the University of
21 California, the California State University, or community college,
22 the Department of the California Highway Patrol, and the
23 Department of Justice.

24 (d) (1) "Surveillance technology" means any electronic device
25 or system with the capacity to monitor and collect audio, visual,
26 locational, thermal, or similar information on any individual or
27 group. This includes, but is not limited to, drones with cameras or
28 monitoring capabilities, automated license plate recognition
29 systems, closed-circuit cameras/televisions, International Mobile
30 Subscriber Identity (IMSI) trackers, global positioning system
31 (GPS) technology, software designed to monitor social media
32 services or forecast criminal activity or criminality, radio frequency
33 identification (RFID) technology, body-worn cameras, biometric
34 identification hardware or software, and facial recognition hardware
35 or software.

36 (2) "Surveillance technology" does not include standard public
37 agency hardware and software in widespread public use and not
38 used by the law enforcement agency for any surveillance or
39 surveillance-related functions, such as televisions, computers,
40 printers, parking ticket devices, case management databases,

1 medical equipment used to diagnose, treat, or prevent disease or
2 injury, fingerprint scanners, ignition interlock devices, cellular or
3 standard telephones, and two-way radios, or other similar electronic
4 devices.

5 54999.85. (a) (1) Except as provided in paragraph (4), on or
6 before July 1, 2019, a law enforcement agency that uses, or
7 accesses information from, surveillance technology shall submit
8 to its governing body a Surveillance Use Policy to ensure that the
9 collection, use, maintenance, sharing, and dissemination of
10 information or data collected with surveillance technology is
11 consistent with respect for individuals' privacy and civil liberties.
12 The policy shall be in writing and made publicly available on the
13 agency's Internet Web site prior to the public hearing and after
14 adoption.

15 (2) Except as provided in paragraph (4), the governing body, at
16 a regularly scheduled hearing pursuant to the Ralph M. Brown Act
17 (Chapter 9 (commencing with Section 54950) of Part 1 of Division
18 2 of Title 5 of the Government Code), shall consider the policy
19 for adoption by resolution or ordinance on the regular, nonconsent
20 calendar and shall provide an opportunity for public comment
21 before adopting the resolution or ordinance.

22 (3) Except as provided in paragraph (4), if a submitted
23 Surveillance Use Policy is not adopted by resolution or ordinance
24 by the governing body, the law enforcement agency shall cease
25 use of surveillance technologies within 30 days of the hearing and
26 until the time that a Surveillance Use Policy is adopted.

27 ~~(4) (A) On or before July 1, 2019, a sheriff's department or a~~
28 ~~district attorney that uses or accesses information from a~~
29 ~~surveillance technology shall hold a properly noticed public hearing~~
30 ~~and provide an opportunity for public comment before adopting~~
31 ~~a Surveillance Use Policy, which shall ensure that the collection,~~
32 ~~use, maintenance, sharing, and dissemination of information or~~
33 ~~data collected with surveillance technology is consistent with~~
34 ~~respect for individual privacy and civil liberties. The policy shall~~
35 ~~be in writing and shall be made publicly available on the agency's~~
36 ~~Internet Web site prior to the public hearing and after adoption.~~

37 (B)

38 (4) On or before July 1, 2019, if the Department of Justice or
39 the Department of the California Highway Patrol use or access
40 information from a surveillance technology, the agency shall adopt

1 a Surveillance Use Policy, which shall ensure that the collection,
2 use, maintenance, sharing, and dissemination of information or
3 data collected with surveillance technology is consistent with
4 respect for individual privacy and civil liberties. The policy shall
5 be in writing and shall be made publicly available on the agency's
6 Internet Web site. Nothing in this section shall be construed to
7 limit or repeal any obligation of the Department of Justice or the
8 Department of the California Highway Patrol to comply with any
9 requirement found in any other law.

10 (b) The policy shall pertain to any surveillance technologies
11 already in use or relied upon for information by the law
12 enforcement agency and shall include, in separate sections specific
13 to each unique type of surveillance technology, a description of
14 each surveillance technology used or relied upon for information
15 by the law enforcement agency. Each section covering a separate
16 technology shall, at a minimum include the following:

17 (1) Authorized purposes for using the surveillance technology.

18 (2) Types of data that can be and is collected by the surveillance
19 technology.

20 (3) A description of the job title or other designation of
21 employees and independent contractors who are authorized to use
22 the surveillance technology or to access data collected by the
23 surveillance technology. The policy shall identify and require
24 training for those authorized employees and independent
25 contractors.

26 (4) Title of the official custodian, or owner, of the surveillance
27 technology responsible for implementing this section.

28 (5) A description of how the surveillance technology will be
29 monitored to ensure the security of the information and compliance
30 with applicable privacy laws.

31 (6) The length of time information gathered by the surveillance
32 technology will be retained, and a process to determine if and when
33 to destroy retained information.

34 (7) Purposes of, process for, and restrictions on the sale, sharing,
35 or transfer of information to other persons and whether, if so, how
36 the collected information can be accessed by members of the
37 public, including criminal defendants.

38 (8) A process to maintain a record of access of the surveillance
39 technology or information collected by the surveillance technology.
40 At a minimum, the record shall include all of the following:

1 (A) The date and time the technology is used or the information
2 is accessed.

3 (B) The data elements the employee used to query the
4 information.

5 (C) The username of the employee who uses the technology or
6 accesses the information, and, as applicable, the organization or
7 entity with whom the person is affiliated.

8 (D) The purpose for accessing the information or using the
9 technology.

10 (9) The existence of a memorandum of understanding or other
11 agreement with another local agency or any other party, whether
12 or not formalized, for the shared use of the surveillance technology
13 or the sharing of the information collected through its use,
14 including the identity of the parties.

15 (c) (1) Except as provided in paragraph (4), after July 1, 2019,
16 if a law enforcement agency intends to acquire a new type of
17 surveillance technology after the adoption of the policy required
18 by subdivision (a), the agency shall submit an amendment to the
19 policy to include the new type of technology as a new section of
20 the policy and submit the amendment to its governing body for
21 approval consistent with subdivision (a).

22 (2) Except as provided in paragraph (4) and Section 54999.95,
23 the amendment shall be submitted prior to requesting funds for
24 acquiring, using, or accessing information from the technology
25 and shall be submitted to the governing body at a properly noticed
26 public meeting on the regular, nonconsent calendar and the
27 governing body shall provide an opportunity for public comment
28 before adopting the amendment.

29 (3) Except as provided in paragraph (4), the amendment shall
30 be in writing and made publicly available on the agency's Internet
31 Web site prior to the public hearing and after adoption. The
32 governing body has 30 days to consider an amendment. If a
33 submitted amendment is not adopted by the governing body, the
34 law enforcement agency shall not request funds for, acquire, use,
35 or access information from the new surveillance technology.

36 (4) (A) ~~(i) After July 1, 2019, if a sheriff's department, district~~
37 ~~attorney, the Department of Justice, Justice or the Department of~~
38 the California Highway Patrol intends to acquire a new type of
39 surveillance technology after the adoption of the policy required
40 by subdivision (a), that agency shall draft an amendment to the

1 policy to include the new type of technology as a new section of
2 the policy. *The agency shall post the amendment in writing and*
3 *make it publicly available on its Internet Web site.*

4 ~~(ii) A sheriff's department or a district attorney shall hold a~~
5 ~~properly noticed public hearing and provide an opportunity for~~
6 ~~public comment before adopting such an amendment. The~~
7 ~~amendment shall be in writing and shall be made publicly available~~
8 ~~on the agency's Internet Web site prior to the public hearing and~~
9 ~~after adoption.~~

10 ~~(iii) The Department of Justice or the Department of the~~
11 ~~California Highway Patrol shall post the amendment in writing~~
12 ~~and make it publicly available on the agency's Internet Web site.~~

13 ~~(B) If a sheriff's department or a district attorney is not in~~
14 ~~possession of surveillance technology on or before July 1, 2019,~~
15 ~~and intends to acquire surveillance technology after that date, that~~
16 ~~agency shall hold a properly noticed public hearing and provide~~
17 ~~an opportunity for public comment before adopting a Surveillance~~
18 ~~Use Policy, which shall ensure that the collection, use,~~
19 ~~maintenance, sharing, and dissemination of information or data~~
20 ~~collected with surveillance technology is consistent with respect~~
21 ~~for individuals' privacy and civil liberties. The policy shall be in~~
22 ~~writing and shall be made publicly available on the agency's~~
23 ~~Internet Web site prior to the public hearing and after adoption.~~

24 ~~(C)~~

25 ~~(B) (i) If either the Department of Justice or the Department of~~
26 ~~the California Highway Patrol is not in possession of surveillance~~
27 ~~technology on or before July 1, 2019, and intends to acquire~~
28 ~~surveillance technology after that date, that agency shall~~
29 ~~prominently post on the agency's Internet Website a public notice~~
30 ~~of its intention to commence the process of acquiring surveillance~~
31 ~~technology not less than 90 days before taking any such steps. The~~
32 ~~notice shall include a description of information describing the~~
33 ~~surveillance technology and how it works, including product~~
34 ~~descriptions from manufacturers, information on the proposed~~
35 ~~purpose for the surveillance technology, and type of data collected.~~

36 ~~(ii) If either the Department of Justice or the Department of the~~
37 ~~California Highway Patrol is not in possession of surveillance~~
38 ~~technology on or before July 1, 2019, and acquires it after that~~
39 ~~date, that agency shall adopt a Surveillance Use Policy, which~~
40 ~~shall ensure that the collection, use, maintenance, sharing, and~~

1 dissemination of information or data collected with surveillance
2 technology is consistent with respect for individual privacy and
3 civil liberties. The policy shall be in writing and shall be made
4 publicly available on the agency's Internet Web site. Nothing in
5 this section shall be construed to limit or repeal any obligation of
6 the Department of Justice or the Department of the California
7 Highway Patrol to comply with any requirement found in any other
8 law.

9 (d) If, before July 1, 2019, a law enforcement agency has
10 implemented the requirements for an automated license plate
11 recognition system, pursuant to Title 1.81.23 (commencing with
12 Section 1798.90.5) of Part 4 of Division 3 of the Civil Code or for
13 cellular communications interception technology pursuant to
14 Article 11 (commencing with Section 53166) of Chapter 1, the
15 law enforcement agency shall include the required information as
16 part of the Surveillance Use Policy required by subdivision (a).

17 (e) If a law enforcement agency is not in possession of
18 surveillance technology on or before July 1, 2019, and intends to
19 acquire surveillance technology after that date, the law enforcement
20 agency shall submit a Surveillance Use Policy to its governing
21 body pursuant to subdivision (a) for consideration. Nothing in this
22 section shall be construed to limit the authority of a governing
23 body to exercise its budgetary authority in any way if a law
24 enforcement agency makes a budget request to acquire surveillance
25 technology.

26 (f) (1) Except as provided in paragraph (2), at a time interval
27 agreed to by the law enforcement agency and the governing body,
28 but not less often than every two years, a law enforcement agency
29 that uses surveillance technologies and which has an approved
30 Surveillance Use Policy shall submit to its governing body a written
31 Surveillance Technology Use Report. The report shall be made
32 publicly available on the agency's Internet Web site, and shall, at
33 a minimum, include the following:

34 (A) The acquisition costs for each surveillance technology, as
35 well as the annual operating cost, including personnel costs.

36 (B) The total number of times each type of technology was
37 used in the preceding year and the total number of times each type
38 of technology helped apprehend suspects or close a criminal case.

39 (C) The total number of times the surveillance technology was
40 borrowed from or lent to another agency, the identity of that

1 agency, and the purposes for which the surveillance technology
2 was shared, including any exigent circumstances.

3 (D) The total number of the agency employees trained and
4 authorized to use each type of surveillance technology.

5 (E) The total number of times any surveillance technology was
6 used in a manner out of compliance with the agency's Surveillance
7 Use Policy, whether data collected through the use of surveillance
8 technology was inappropriately disclosed, released, or in any other
9 way revealed for a nonapproved reason, and the steps the agency
10 took to correct the error.

11 (2) Not less than every two years, ~~a sheriff's department, district~~
12 ~~attorney, the Department of Justice, Justice~~ and the Department
13 of the California Highway Patrol shall each publish and post on
14 their Internet Web sites, a written Surveillance Technology Use
15 Report containing the information required by subparagraphs (A)
16 through (F).

17 (g) Nothing in this section shall be construed to do either any
18 of the following:

19 (1) Limit the authority of a governing body to exercise its
20 authority in any way if a law enforcement agency makes a request
21 to acquire surveillance technology.

22 (2) Prohibit a governing body from holding any public meeting
23 required by this section jointly with another law enforcement
24 agency or governing body.

25 ~~(h) A governing body may reevaluate any existing Surveillance~~
26 ~~Use Policy it has previously approved at a properly noticed public~~
27 ~~meeting on their regular nonconsent calendar.~~

28 (3) *Limit the application of Section 25303.*

29 *(h) Nothing in this section shall be construed to prohibit a*
30 *governing body, the Department of Justice, or the Department of*
31 *the California Highway Patrol from adopting additional protocols*
32 *as they relate to surveillance technology. A governing body may*
33 *reevaluate any existing Surveillance Use Policy at a properly*
34 *noticed public meeting on the regular, nonconsent calendar and*
35 *revoke or request amendments to the policy.*

36 (i) A law enforcement agency shall not sell, share, or transfer
37 information gathered by surveillance technology, except to another
38 law enforcement agency, and only as permitted by law and as
39 allowed by an approved Surveillance Use Policy. For purposes of
40 this subdivision, the provision of data hosting shall not be

1 considered to be the sale, sharing, or transferring of surveillance
2 technology information.

3 54999.9. (a) In addition to any other sanctions, penalties, or
4 remedies provided by law, any person may seek injunctive relief
5 to prevent a violation under this chapter. The court may award
6 reasonable attorney's fees and other litigation costs reasonably
7 incurred by a prevailing plaintiff.

8 (b) A law enforcement agency shall take appropriate disciplinary
9 action, consistent with the agency's existing disciplinary
10 procedures, against an employee who knowingly or intentionally
11 uses surveillance technology in a manner that is not consistent
12 with this chapter or with the agency's approved Surveillance Use
13 Policy.

14 54999.95. (a) A law enforcement agency may temporarily
15 acquire or temporarily use a surveillance technology in a manner
16 not expressly allowed by a Surveillance Use Policy in exigent
17 circumstances without following the provisions of Section
18 54999.85 before that acquisition or use unless that acquisition or
19 use in exigent circumstances conflicts with, or is preempted by,
20 other state or federal law.

21 (b) If a law enforcement agency acquires or uses a surveillance
22 technology in exigent circumstances pursuant to subdivision (a),
23 the agency shall:

24 (1) Use the surveillance technology to solely respond to the
25 exigent circumstances.

26 (2) Cease using the surveillance technology when the exigent
27 circumstances end.

28 (3) Only keep and maintain data related to the exigent
29 circumstances and dispose of any data that is not related to the
30 exigent circumstances.

31 (4) (A) For a law enforcement agency other than the
32 Department of Justice, or the Department of the California
33 Highway Patrol, report that acquisition or use to the governing
34 body within 45 days following the end of the exigent
35 circumstances.

36 (B) The Department of Justice or the Department of the
37 California Highway Patrol shall publicly disclose that acquisition
38 or use within 45 days following the end of the exigent
39 circumstances in writing on the agency's Internet Web site.

1 (c) Any technology temporarily acquired in exigent
2 circumstances shall be returned within seven days following its
3 acquisition, or when the exigent circumstances end, whichever is
4 sooner, unless the technology is submitted to the governing body
5 for approval pursuant to subdivisions (a) to (c), inclusive, of
6 Section 54999.85, and is approved. If the agency is unable to
7 comply with the seven-day timeline, the agency shall notify the
8 governing body, who may grant an extension.

9 SEC. 3. The Legislature finds and declares that Section 2 of
10 this act, which adds Chapter 15 (commencing with Section
11 54999.8) to Part 1 of Division 2 of Title 5 of the Government Code,
12 furthers, within the meaning of paragraph (7) of subdivision (b)
13 of Section 3 of Article I of the California Constitution, the purposes
14 of that constitutional section as it relates to the right of public
15 access to the meetings of local public bodies or the writings of
16 local public officials and local agencies. Pursuant to paragraph (7)
17 of subdivision (b) of Section 3 of Article I of the California
18 Constitution, the Legislature makes the following findings:

19 By requiring law enforcement agencies to submit their proposed
20 Surveillance Use Policy for consideration by their governing body
21 at a public hearing, this act furthers the purposes of paragraph (7)
22 of subdivision (b) of Section 3 of Article I of the California
23 Constitution.

24 The Legislature also finds and declares that Section 2 of this act,
25 which adds Chapter 15 (commencing with Section 54999.8) to
26 Part 1 of Division 2 of Title 5 of the Government Code, furthers,
27 within the meaning of Section 1 of Article I of the California
28 Constitution, the purposes of that constitutional section as it relates
29 to the inalienable and enforceable right of privacy held by all
30 Californians.

31 SEC. 4. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school
34 district under this act would result from a legislative mandate that
35 is within the scope of paragraph (7) of subdivision (b) of Section
36 3 of Article I of the California Constitution.

37 However, if the Commission on State Mandates determines that
38 this act contains other costs mandated by the state, reimbursement
39 to local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division
2 4 of Title 2 of the Government Code.

O

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
5/22/2018 @ 5:00pm
AS
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. Question(s) 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):

Peskin

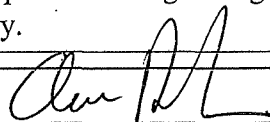
Subject:

[Declaring Support for California State Senate Bill 1186 (Hill) – Stop Secret Surveillance Act]

The text is listed:

Resolution declaring support for California State Senate Bill 1186 (SB 1186), the Stop Secret Surveillance Act, authored by Senator Jerry Hill, requiring law enforcement agencies to hold public hearings and generate Surveillance Use Policies governing the information collected by surveillance technology.

Signature of Sponsoring Supervisor:



For Clerk's Use Only