



March 27, 2019

President Norman Yee
Supervisor Sandra Lee Fewer
Supervisor Catherine Stefani
Supervisor Aaron Peskin
Supervisor Gordon Mar
Supervisor Vallie Brown
Supervisor Matt Haney
Supervisor Rafael Mandelman
Supervisor Hillary Ronen
Supervisor Shamann Walton
Supervisor Ahsha Safai

Dear Board of Supervisors:

I am writing to you on behalf of Color Of Change, the nation's largest online racial justice organization, with more than 1.6 million members nationally and nearly 50,000 members located in the Bay area. We urge you to adopt the Stop Secret Surveillance Ordinance, which is up for consideration at the April 15, 2019 meeting of the Rules Committee, and proposes restrictions on the use of surveillance technologies and recommends banning the use of harmful and discriminatory surveillance technologies in San Francisco.

Time and time again, surveillance technologies have been used to target Black communities, immigrants, poor people, religious minorities, and communities of color.¹ When employed by police departments and governments, technologies like automated license plate readers, camera-equipped drones, stingrays, and predictive policing software increase the number of unnecessary interactions between marginalized communities and the police, and threaten San Franciscans' safety. Incidents like that of a Black woman being held at gunpoint outside her car as a result of the San Francisco Police Department's misuse of an automated license plate

¹ "The new way police are surveilling you: calculating your threat 'score,'" Washington Post, 10 January 2016, https://www.washingtonpost.com/local/public-safety/the-new-way-police-are-surveilling-you-calculating-your-threat-score/2016/01/10/e42bccac-8e15-11e5-baf4-bdf37355da0c_story.html?utm_term=.3514f883ceeb.

reader demonstrate the potential harms that can be inflicted by the unregulated use of surveillance technologies.

Additionally, the data and algorithmic bias in facial recognition products, a commonly misused form of surveillance technology, makes it far too dangerous to deploy. Amazon's facial recognition software, Rekognition, for instance, falsely matched a disproportionately high number of Black members of Congress with arrest booking photos.² But even if bias were somehow eliminated from this technology, its deployment would still undoubtedly undermine public safety and harm Black communities by enabling high-tech profiling.

The Stop Secret Surveillance Ordinance has the power to protect community members from the dangers of misused surveillance technologies, and can mitigate the harms caused by the use of such technologies through the institution of clear guidelines and democratic oversight. The Ordinance aims to protect the privacy and safety of San Francisco residents in the following ways:

1. **Ensure that community members are part of important decisions regarding surveillance.** Offering the opportunity for public scrutiny by community members will provide San Franciscans with the ability to voice their concerns about harmful technologies before they are deployed.
2. **Ensure democratic debate and oversight for surveillance technology decisions.** City departments seeking surveillance technology would be required to explain at a scheduled public meeting how it works, what community goals it will accomplish, and what rules will exist to protect community members. Additionally, the Board of Supervisors may only approve a surveillance technology if it determines that civil liberties and civil rights will be safeguarded.
3. **Protect San Franciscans from dangerous and biased surveillance technology.** The Ordinance bans San Francisco agencies from acquiring or using facial recognition technologies, given their well documented biases.
4. **Ensure that the Sheriff and District Attorney are subject to democratic oversight.** The Sheriff and the District Attorney should not be allowed to unilaterally exempt themselves from democratic oversight. The Ordinance ensures that the San Francisco Sheriff and District Attorney are fully covered by its requirements.³

² "Amazon's Face Recognition Falsely Matched 28 Members of Congress With Mugshots," ACLU Free Future Blog, 26 July 2018, <https://www.aclu.org/blog/privacy-technology/surveillance-technologies/amazons-face-recognition-falsely-matched-28>.

³ This provision appears in the definition of "City Department" at Chap. 19B1 and at Sec. 19B.2. The definition at Chap. 19B1 reads as follows (emphasis added):

"City Department" or "Department" means any City official, department, board, commission, or other entity in the City except that it shall not mean the District Attorney or Sheriff when performing their investigative or prosecutorial functions, provided that:

The Stop Secret Surveillance Ordinance is a positive step towards ensuring Black people, immigrants, religious minorities, and poor people are not unduly targeted and subject to over-policing because of harmful or discriminatory surveillance programs. We encourage you to protect the safety of San Francisco's Black communities, immigrants, poor people, religious minorities, and communities of color by adopting this crucial legislation.

I am happy to find a time to further discuss how the Stop Secret Surveillance Ordinance can protect San Franciscans from dangerous and biased surveillance technology. I've copied my coordinator, Saréya Shorter, sareya.shorter@colorofchange.org, who can help us schedule a meeting time.

Sincerely,

Brandi Collins-Dexter
Senior Campaign Director
Color Of Change

(1) The District Attorney or Sheriff certifies in writing to the Controller that acquisition of Surveillance Technology is necessary to perform an investigative or prosecutorial function, and

(2) The District Attorney or Sheriff provides in writing to the Controller either an explanation of how compliance with this Chapter 19B will obstruct their investigative or prosecutorial function or a declaration that the explanation itself will obstruct either function.