

B. OVERVIEW OF STATE AND LOCAL LEGISLATION

Multiple cities and other localities have passed bills requiring transparency from law enforcement around their use of new surveillance tools or technologies. These bills, known as Community Control Over Police Surveillance (CCOPS) bills, typically impose several requirements for departments seeking to purchase or acquire new surveillance technologies.⁵³² First, most require that, with respect to each potential new surveillance technology, the department prepare an impact report and use policies. Second, almost all require elected bodies (e.g., city councils) approve of the purchasing or acquisition of any new surveillance technology, often based on an evaluation of the impact report and use policies. Third, many jurisdictions require annual reports on approved surveillance technologies that provides details about each technology’s use. Fourth, several jurisdictions created enforcement mechanisms, including by conferring a private right of action for violations, and there are three localities that created a suppression remedy. A list of municipalities that have adopted these ordinances and relevant provisions and requirements appears below:

MUNICIPALITY/ JURISDICTION	PROVISIONS AND REQUIREMENTS
San Francisco, Cal. ⁵³³	<ul style="list-style-type: none"> • Requires impact reports, use policies, and annual reports • Requires Board of Supervisors approval • Bans facial recognition technology • Confers private right of action for violations
San Francisco Bay Area Rapid Transit District, Cal. ⁵³⁴	<ul style="list-style-type: none"> • Requires impact reports, use policies, and annual reports • Requires Board of Directors approval • Limited private right of action for violations
Oakland, Cal. ⁵³⁵	<ul style="list-style-type: none"> • Requires impact reports, use policies, and annual reports • Requires review and recommendation by privacy commission and City Council approval • Bans facial recognition technology • Confers private right of action for violations
Berkeley, Cal. ⁵³⁶	<ul style="list-style-type: none"> • Requires acquisition reports, use policies, and annual reports • Requires review and recommendation by Police Review Commission and City Council approval • Bans facial recognition technology
Davis, Cal. ⁵³⁷	<ul style="list-style-type: none"> • Requires impact reports, use policies, and annual reports • Requires City Council approval • Confers private right of action for violations
Palo Alto, Cal. ⁵³⁸	<ul style="list-style-type: none"> • Requires “surveillance evaluations,” use policies, and annual reports • Requires City Council approval

<p>San Diego, Cal.⁵³⁹</p>	<ul style="list-style-type: none"> • Requires impact reports, use policies, and annual reports • Creates a Privacy Advisory Board to review and make recommendations about proposed surveillance technologies • Requires community meetings with opportunities to comment on the proposed technologies • Requires City Council approval • Confers a private right of action for violations
<p>Santa Clara County, Cal.⁵⁴⁰</p>	<ul style="list-style-type: none"> • Requires impact reports, use policies, and annual reports • Requires Board of Supervisors approval • Limited private right of action for violations
<p>New Orleans, La.⁵⁴¹</p>	<ul style="list-style-type: none"> • Bans facial recognition technology, predictive policing technology, cell-site simulators, and characteristics tracking systems • Mandates the creation of procedures to review the use of “automated decision systems” “through the lens of equity, fairness, transparency, and accountability” • Does not otherwise require approval from City Council • Suppression remedy available for violations
<p>Cambridge, Mass.⁵⁴²</p>	<ul style="list-style-type: none"> • Requires impact reports, use policies, and annual reports • Requires City Council approval • Bans facial recognition technology • Confers private right of action for violations
<p>Lawrence, Mass.⁵⁴³</p>	<ul style="list-style-type: none"> • Requires impact reports, use policies, and annual reports • Requires City Council approval • Confers private right of action for violations • Suppression remedy available for violations
<p>Somerville, Mass.⁵⁴⁴</p>	<ul style="list-style-type: none"> • Requires impact reports, use policies, and annual reports • Requires City Council approval • Confers private right of action for violations • Suppression remedy available for violations
<p>Grand Rapids, Mich.⁵⁴⁵</p>	<ul style="list-style-type: none"> • Requires use policies and protocols • Requires City Commission approval
<p>New York, N.Y.⁵⁴⁶</p>	<ul style="list-style-type: none"> • Requires impact reports, use policies, and annual audits by Inspector General • Requires public comment on any proposed technology before submission to the City Council and Mayor • Does not require City Council approval

<p>Yellow Springs, Ohio⁵⁴⁷</p>	<ul style="list-style-type: none"> • Requires use policies and annual reports • Requires Village Council approval
<p>Pittsburgh, Penn.⁵⁴⁸</p>	<ul style="list-style-type: none"> • Requires impact and use policies for “predictive policing technology” and “facial recognition technology” • Requires City Council approval • Does not impact data available through other government entities or intergovernmental agreements
<p>Nashville, Tenn.⁵⁴⁹</p>	<ul style="list-style-type: none"> • Requires Metropolitan Council approval for new surveillance technologies to be used on any “public right-of-way” • Bans license plate scanners
<p>Seattle, Wash.⁵⁵⁰</p>	<ul style="list-style-type: none"> • Requires impact reports that include use policies and annual reports • Requires annual “equity impact assessment” • Requires community meetings with opportunities for public comment • Requires City Council approval • Creates a Community Surveillance Working Group that provides independent impact reports • Limited private right of action for violations
<p>Madison, Wis.⁵⁵¹</p>	<ul style="list-style-type: none"> • Requires use policies and annual reports • Requires Common Council approval • Permits the mayor and Common Council to require resident feedback and comment for selected technologies

