



City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 62413

File ID: 62413

File Type: Ordinance

Status: Report of Officer

Version: 4

Reference:

Controlling Body: Attorney's Office

File Created Date : 09/29/2020

File Name: Ban on Facial Recognition Technology

Final Action:

Title: ALTERNATE - Creating Section 23.63 of the Madison General Ordinances establishing a Ban on the Use of Face Surveillance Technology.

Notes: 6417facialrecognition ALTERNATE

Sponsors: Zachary Henak

Effective Date:

Attachments: Novmember 18, 2020 PSRC Registrants.pdf, 62413 Version 1.pdf, 62413 Version 2.pdf, 62413 Version 3-2nd Substitute.pdf, 62413 Version 4 - Alternate.pdf

Enactment Number:

Author: Marci Paulsen

Hearing Date:

Entered by: jphelps@cityofmadison.com

Published Date:

Approval History

Version	Date	Approver	Action
1		Michael Haas	Approved as to Form
1		Ryan Pennington	Approve
2		Michael Haas	Approved as to Form
2		Ryan Pennington	Approve
3		Michael Haas	Approved as to Form
3		Ryan Pennington	Approve
4		Michael Haas	Approved as to Form
4		Ryan Pennington	Approve

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

- 1 Attorney's Office 09/29/2020 Referred for Introduction
Action Text: This Ordinance was Referred for Introduction
Notes: Public Safety Review Committee
- 1 COMMON COUNCIL 10/06/2020 Refer PUBLIC SAFETY REVIEW COMMITTEE 10/14/2020 Pass
Action Text: A motion was made by Carter, seconded by Abbas, to Refer to the PUBLIC SAFETY REVIEW COMMITTEE. The motion passed by voice vote/other.
Notes:
- 1 PUBLIC SAFETY REVIEW COMMITTEE 10/14/2020 Refer PUBLIC SAFETY REVIEW COMMITTEE 11/18/2020 11/18/2020
Action Text: Alder Heck made a motion to refer this item to the November meeting. Rickey seconded the motion. Mitnick asked for clarification on why it would be referred. Acting Chief Wahl indicated it was introduced the week prior from the Council and to be able to provide clarification there would need to be more time. Mitnick objected the referral. Anglim indicated she would like to hear additional clarification from the police department. Alder Prestigiacomio indicated he would be okay with the referral if the police department feels it is necessary. Alder Heck encouraged the committee to contact Chief Wahl with any questions before the next meeting and for the police department to facilitate discussion at the November meeting. There was unanimous consent to refer to the November PSRC meeting.

Public Comment -
ELIZABETH M BRUNO
4109 Drexel Ave
Madison WI 53716
Support, No, I do not want to speak.
- 2 PUBLIC SAFETY REVIEW COMMITTEE 11/18/2020 RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER Pass

Action Text: PUBLIC COMMENT

JAKE PARKER
8405 Colesville Road Suite 500
Silver Spring MD 20910
Oppose
Yes, I want to speak.

RYAN HARTKOPF
6633 Raymond Rd
Madison WI 53711
Support
Yes, I want to speak.

MIA MAYSACK
2348 Superior Sts:1:2
Madison WI 53704
Support
Yes, I want to speak.

SHADAYRA KILFOY-FLORES
1115 E Wilson
Madison WI 53703
Support
Yes, I want to speak.

ALLISON BELL BERN
2142 E Mifflin St.
MADISON WI 53704
Support
Yes, I want to speak.

AMY D OWEN
3129 Buena Vista St.
Madison WI 53704
Support
Yes, I want to speak.

DAN FITCH
1032 E Gorham St
Madison WI 53703
Support
Yes, I want to speak.

ANNA GEORGE
302 South Mills Streets:1:5
Madison WI 53715
Support
Yes, I want to speak.

JEREMY RYAN
6666 Odana Rd #263
Madison WI 53719
Support
Yes, I want to speak.

RACHEL CHISMAN
134 Jefferson St

Oregon WI 53575
Support
Yes, I want to speak.

ASHLEY TRUDEAU
1046 E. Johnson St. Unit C
Madison WI 53703
Support
Yes, I want to speak.

JACOB WINKLER
5306 Barton Rd
Madison WI 53711
Support
Yes, I want to speak.

JOHN FONS
4634 Tokay Blvd
Madison WI 53711
Oppose
Yes, I want to speak.

KIM RICHMAN
1313 Droster Road
Madison WI 53716
Oppose
Yes, I want to speak.

TIM SAUBERS
960 John Nolen Drive 214
Madison WI 53713
Support
Yes, I want to speak.

BETH FALKOS
6218 Countryside Lane
Madison WI 53705
Oppose
Yes, I want to speak.

BONNIE ROE
4410 Somerset Lane
Madison WI 53711
Oppose
Yes, I want to speak.

DARYL BROADBRIDGE
6018 Piping Rock Road
Madison WI 53711
Oppose
Yes, I want to speak.

GISELA WILSON
1244 Morrison
Madison WI 53703
Support
Yes, I want to speak.

JACK PHILLIPS
302 South Mills Street Apt 2
Madison WI 53715
Support
Yes, I want to speak.

GREGORY GELEMBIUK
1207 Jenifer St. s:1:2
Madison WI 53703
Support
Yes, I want to speak.

BENJI RAMIREZ GOMEZ
20 N Franklin
Madison WI 53703
Support
Yes, I want to speak.

SHEILA MARTIN
2143 Keyes Ave
Madison WI 53711
Oppose
Yes, I want to speak.

AMELIA ROYKO MAURER
Amacher Hollow Rd
Arena WI 53503
Support
Yes, I want to speak.

GARY HALVERSON
1009 Glacier Hill Dr
Madison WI 53704
Oppose
Yes, I want to speak.

TARAH STANGLER
211 North Paterson Street, #1s:1:1
Madison WI 53703
Support
Yes, I want to speak.

KAYLA DUBOIS
1336 Circle Dr
Sun Prairie WI 53590
Oppose
Yes, I want to speak.

MEGAN SPIELBAUER
312 N Carroll Sts:1:1
Madison WI 53703
Support
Yes, I want to speak

JULIANA BENNETT
1022 w johnson st
Madison WI 53715
Support

Yes, I want to speak

NETALEE SHEINMAN
118 North Third st.
Madison WI 53704
Support
Yes, I want to speak.

LARISSA JOANNA
206 n Blair st
Madison WI 53703
Support
Yes, I want to speak.

ERIKA BACH
7237 Tempe Dr
Madison WI 53719
Support
Yes, I want to speak

Mitnick made a motion to recommend adoption. Alder Heck seconded the motion. Alder Heck suggested an amendment to strike from the exemptions list from 4(a) or at the request of. Anglim seconded the motion. Alder Heck withdrew his amendment after further discussion. Anglim seconded the motion. There were no objections from the committee. Alder Heck made a motion to recommend adoption with additional recommendation that the language is altered to ensure that current usage of facial recognition technology by the madison police can continue. Anglim seconded the motion. There was an objection to the motion.

Myadze - Aye, Heck - Aye, Rickey - No, Anglim - Aye, Mitnick - Aye, Konkel - Non-Voting
4:1 motion passes.

A motion was made by Mitnick, seconded by Heck, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by the following vote:

Notes: Recommendation: Adopt with recommendation that the language be altered to ensure that current usage of facial recognition technology by the Madison Police can continue. Roll Call Vote: 4:1:3:1 - Ayes - Heck, Mitnick, Anglim, Myadze; Noes - Rickey; Absent: Albouras, Amoah, Harrington-McKinney; Non-Voting - Konkel

Absent: 2 Christian A. Albouras and Barbara Harrington-McKinney

Ayes: 4 Patrick W. Heck; Matthew D. Mitnick; Mary T. Anglim and Charles Myadze

Noes: 1 Allen M. Rickey

Excused: 1 Gideon W. Amoah

Non Voting: 1 Brenda K. Konkel

2 COMMON COUNCIL 12/01/2020

Text of Legislative File 62413

Fiscal Note

No City appropriation required.

Title

ALTERNATE - Creating Section 23.63 of the Madison General Ordinances establishing a Ban on the Use of Face Surveillance Technology.

Body

DRAFTER'S ANALYSIS: This ordinance creates a ban on the use of face surveillance technology.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 23.63 entitled “**Banning Use of Face Surveillance Technology**” of the Madison General Ordinances is created to read as follows:

“23.63 BANNING USE OF FACE SURVEILLANCE TECHNOLOGY

(1) Definitions.

“Department” means any agency, department, or division of the City.

“Face surveillance” means an automated or semi-automated process that assists in identifying or verifying an individual based on the physical characteristics of an individual’s face.

“Face surveillance system” means any computer software or application that performs face surveillance.

(2) All Departments are not permitted to obtain, retain, possess, access or use any face surveillance system.

(3) All Departments are not permitted to obtain, retain, possess, access or use any information derived from a face surveillance system.

(4) Exemptions. Subsections (2) and (3) do not apply to the following situations:

- (a) Using evidence relating to the investigation of a specific crime that may have been generated from a face surveillance system, so long as such evidence was not generated by or at the request of any Department.
- (b) Obtaining or possessing an electronic device, such as a cell phone or computer, for evidentiary purposes.
- (c) Obtaining or possessing an electronic device, such as a cell phone or tablet, that performs face surveillance for the sole purpose of user authentication.
- (d) Using face recognition on an electronic device, such as a cell phone or tablet, for the sole purpose of user authentication.
- (e) Using social media or communication software or application for communicating with the public, provided such use does not include the affirmative use of any face surveillance.
- (f) Using automated redaction software provided such software does not have the capability of performing face surveillance.
- (g) Complying with the “National Child Search Assistance Act.
- (h) Using information obtained from a face recognition system to aid in the investigation of missing or exploited children, missing adults, human trafficking, child sexual abuse, and child pornography.
- (i) Using information obtained from a face recognition system received from a law enforcement agency to identify a suspect in a serious felony who poses a significant risk to public safety or to identify a deceased individual.
 - 1. Any use of information pursuant to this exception will be reported to the Common Council on an annual basis.”