

Survey of Laws in California Governing Use of FRT

Approved	Legislation	Dated	Jurisdiction	Source	Notes
Proposition E	Limit Police Department Administrative Task Time and Increase Use of Camera and Drone Technology Initiative (March 2024), among other reforms to departmental procedures of the SFPD, it also approves the installation of surveillance and facial recognition cameras without approval from the police commission or board of supervisors.	Approved March 2024, yet to be enacted	City & County of San Francisco	https://voterguide.sfelections.org/local-ballot-measures/measure-e	San Francisco banned facial recognition technology as part of the 2019 surveillance ordinance. Codifying this proposition into law requires the determination of whether it effectively circumvents the city's 2019 ordinance banning the use of FRT by city departments. The ballot's language reads that a "yes" vote on the measure would "authorize the SFPD to use drones and install surveillance cameras without Commission or Board approval, including those with facial recognition technology."
Ch. 19B: Acquisition of Surveillance Technology Ordinance	Bans the use of Facial Recognition Technology, with limited exceptions, and requires public posting of current surveillance technologies in possession or use by city departments.	In effect since June 2019	City & County of San Francisco	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_admin/0-0-0-47320	
The Use of Photo Comparison Technology within Los Angeles County's Digital Mugshot System	The Department policy allows for analysis of permitted images in accordance with the Facial Recognition Technology Module of the Digital Mugshot System (DMS) of the Los Angeles County Regional Identification System (LACRIS) only.	In effect since December 2020	City of Los Angeles	http://www.lapdpolicecom.lacity.org/120820/BPC_20_0207.pdf	LAPD policies do not allow facial recognition platforms outside the county's mugshot system to be used, and the computer-generated list of comparisons must be investigated further by human analysis.
Proposed	Legislation	Dated	Jurisdiction	Source	Notes
AB 1814	Prohibits law enforcement from proceeding with a search, arrest or affidavit for a warrant, based solely on an FRT match, requiring other supporting factors. AB 1814 also requires the peace officer to examine the facial recognition match with care and consider the possibility it could be inaccurate with the goal of preventing mistaken arrests or inappropriate tracking when FRT is used.	Currently in consideration	State of California	https://a19.asmdc.org/press-releases/20240111-new-legislation-assemblymember-ting-targets-law-enforcement-use-facial	
Expired	Legislation	Dated	Jurisdiction	Source	Notes
AB 1215	Prohibits law enforcement from equipping body cameras with facial recognition software and other biometric scanners for three years.	Enacted January 2020 Expired January 2023	State of California	https://a19.asmdc.org/press-releases/20191008-california-law-enforcement-prohibited-using-facial-recognition-technology	The bill temporarily banned investigators in CA from using FRT; the measure expired January 2023,
Abandoned	Legislation	Dated	Jurisdiction	Source	Notes
AB 642	Authorizes law enforcement to use the facial recognition technology in some instances, and only permits the use of programs that have been evaluated under the National Institute of Standards and Technology's (NIST) Face Recognition Vendor Test (FRVT) program and are at least 98% accurate.	Held in Assembly Appropriations Committee May 2023	State of California	https://a19.asmdc.org/press-releases/20230308-new-legislation-assemblymember-ting-seeks-regulate-law-enforcement-use	