

Sean Patrick

#332196 | January 18, 2023

Testimony to on the **Surveillance Technologies Resolution Policy, Proposed Resolution Draft**

We must have transparency in surveillance technology if we are to have a government in Portland that considers itself to be serving the interests of its constituents. Privacy is a fundamental human right, enshrined in the 4th Amendment to our constitution, and absolutely essential to a healthy, functioning democracy. Right now, we as law-abiding citizens do not have any way of knowing what data is being collected about us or how. We do not know how that data is being shared, how long it is being held, or how it might be used in the future. We need a civil-rights and civil-liberties focused surveillance ordinance that empowers meaningful, democratic oversight of the entire surveillance infrastructure here in Portland. In the meantime, I urge you to immediately pass this binding resolution as a first-step toward this more comprehensive approach to managing surveillance in our city. We as citizens and residents have the right know what data is being collected about us and how it is used. We have a right to know exactly what kinds of privacy risks there are to us whenever new surveillance is proposed and we must have a full inventory of what technology is being used and how it is deployed.

Testimony is presented without formatting.

Michel Hart

#332203 | January 30, 2023

Testimony to on the **Surveillance Technologies Resolution Policy, Proposed Resolution Draft**

Privacy is a fundamental human right, enshrined in the 4th Amendment to our constitution, and absolutely essential to a healthy, functioning democracy. Right now, we as law-abiding residents do not have any way of knowing what data is being collected about us or how. We do not know how that data is being shared, how long it is being held, or how it might be used in the future.

Testimony is presented without formatting.

**SISTERS
OF THE
ROAD**



Portland City Council

1221 SW 4th Avenue, Room 130, Portland, OR 97204

Re: Establish a Citywide Surveillance Technology inventory and procedures on privacy, use, and acquisition of Surveillance Technology

Dear Portland City Councillors,

I am writing on behalf of Sisters of the Road to urge you to recognize the harm widespread surveillance does to individuals, communities, and cities.

Personal privacy plays a critical role in the affirmation of human dignity and right to life and liberty. Technologies that historically target marginalized communities, especially Black communities and communities of color, have significant issues that multiply rapidly when unchecked.

If such technology must be employed, oversight and accountability must become vital parts of that employment. Decisions regarding this technology must be made via democratic processes, not by individuals or interest groups. As the city continues to consider surveillance technologies that have been proven inaccurate and ineffective, delay on this matter is unacceptable.

Thus, I, along with a coalition of nonprofits, urge you to:

1. Adopt the resolution prepared by Smart City PDX and the Office of Equity and Human Rights
2. Direct Smart City PDX and the Office of Equity and Human Rights to produce a draft surveillance order, modeled on CCOPS legislation, by a specific date no more than a few months hence
3. In a timely manner, hold public hearings and vote on the adoption of a strong surveillance ordinance

I look forward to the creation of a surveillance ordinance, and your prompt resolution of this matter.

Sincerely,
Rhea Hannon

Rhea Hannon

#332204 | January 31, 2023

Testimony to on the **Surveillance Technologies Resolution Policy, Proposed Resolution Draft**

Portland City Council 1221 SW 4th Avenue, Room 130, Portland, OR 97204 Re: Establish a Citywide Surveillance Technology inventory and procedures on privacy, use, and acquisition of Surveillance Technology Dear Portland City Councillors, I am writing on behalf of Sisters of the Road to urge you to recognize the harm widespread surveillance does to individuals, communities, and cities. Personal privacy plays a critical role in the affirmation of human dignity and right to life and liberty. Technologies that historically target marginalized communities, especially Black communities and communities of color, have significant issues that multiply rapidly when unchecked. If such technology must be employed, oversight and accountability must become vital parts of that employment. Decisions regarding this technology must be made via democratic processes, not by individuals or interest groups. As the city continues to consider surveillance technologies that have been proven inaccurate and ineffective, delay on this matter is unacceptable. Thus, I, along with a coalition of nonprofits, urge you to: Adopt the resolution prepared by Smart City PDX and the Office of Equity and Human Rights Direct Smart City PDX and the Office of Equity and Human Rights to produce a draft surveillance order, modeled on CCOPS legislation, by a specific date no more than a few months hence In a timely manner, hold public hearings and vote on the adoption of a strong surveillance ordinance I look forward to the creation of a surveillance ordinance, and your prompt resolution of this matter. Sincerely, Rhea Hannon

Testimony is presented without formatting.



February 1, 2023

City of Portland
1221 SW 4th Ave.
Portland, OR 97204

RE: Establishing a Citywide Surveillance Technology inventory and procedures on privacy, use, and acquisition of Surveillance Technology

Mayor Wheeler and Commissioners Gonzalez, Mapps, Rubio, and Ryan,

My name is Jude al-Ghazal Stone. I appreciate the opportunity to provide this written testimony on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon). With more than 28,000 members statewide, we are a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil liberties and civil rights.

In September 2020, cities across the country looked to Portland as our City Council passed the strongest ban on facial recognition software in the U.S..¹ Prior to the Council's unanimous vote, hundreds of community members voiced their concerns about facial recognition technology's consequences for civil liberties and civil rights.² Our democracy worked exactly as it should: people asked their elected officials to act, and their representatives listened.

Now, we need to ensure that this strong democratic process becomes the rule — not the exception. To do that, **we must start by passing Commissioner Rubio's resolution to establish procedures and auditing tools for citywide surveillance technology.**

This resolution plays a critical role in developing greater trust and transparency between Portlanders and the City. When people have confidence that their government will make important decisions both publicly and democratically, civic engagement becomes more effective

¹ Metz, Rachel. "Portland Passes Broadest Facial Recognition Ban in the US | CNN Business." *CNN*, Cable News Network, 10 Sept. 2020, <https://www.cnn.com/2020/09/09/tech/portland-facial-recognition-ban/index.html>.

² "City Council Approves Ordinances Banning Use of Face Recognition Technologies by City of Portland Bureaus and by Private Entities in Public Spaces." *Portland.gov*, 30 Sept. 2020, <https://www.portland.gov/smart-city-pdx/news/2020/9/9/city-council-approves-ordinances-banning-use-face-recognition>; "Chapter 34.10 Prohibit the Use of Face Recognition Technologies by Private Entities in Places of Public Accommodation in the City of Portland." *Portland.gov*, <https://www.portland.gov/code/34/10>.

and meaningful. Decisions about surveillance technology in particular require high levels of government transparency and community involvement due to the potential threat to Portlanders' civil rights and liberties.

Surveillance technologies — from automated license plate readers to gunshot detection software — pose a myriad of risks.³ Mass surveillance endangers people's privacy along with a litany of constitutional rights including free speech, the right to assembly, and more. Historically disenfranchised groups, like BIPOC and low-income communities, suffer even greater consequences of citywide surveillance due to algorithmic biases.⁴

Mayor Wheeler summarized the importance of prohibiting biased technology well when he voted in favor of the facial recognition ban: "All Portlanders are entitled to a city government that will not use technology with demonstrated racial and gender biases that endanger personal privacy."⁵

We agree wholeheartedly and ask the Council to allow the people of Portland to engage with the City's decisions around mass surveillance technology by passing this resolution. The ever-developing nature of surveillance software means we are constantly facing new challenges to our privacy, so including Portlanders' diverse perspectives can help us make more collaborative, informed decisions as a city.

It is imperative that Portland's communities are included in and privy to decisions our City makes regarding technology that can have such significant impacts on our civil liberties and rights. With this resolution as a foundation, we can begin establishing related ordinances to strengthen our City's stance on citywide surveillance technology and build a stronger, more democratic Portland for everyone.

Best regards,

Jude al-Ghazal Stone

He/Him/His

ACLU of Oregon

³ Stanley, Jay. "Six Questions to Ask before Accepting a Surveillance Technology: News & Commentary." *American Civil Liberties Union*, 15 July 2022, <https://www.aclu.org/news/privacy-technology/six-questions-to-ask-before-accepting-a-surveillance-technology>.

⁴ Id.

⁵ Ng, Alfred. "Portland Passes Toughest Ban on Facial Recognition in US." *CNET*, 10 Sept. 2020, <https://www.cnet.com/news/politics/portland-passes-the-toughest-ban-on-facial-recognition-in-the-us/>.

Jude al-Ghazal Stone

#332205 | February 1, 2023

Testimony to on the **Surveillance Technologies Resolution Policy, Proposed Resolution Draft**

Please see attached PDF file for full testimony.

Testimony is presented without formatting.

Mayor Wheeler and City Commissioners:

My name is Chris Bushick, and I'm Director of PDX Privacy, a local nonprofit focused on privacy, government transparency, and digital rights, primarily in the Portland Metro Area, but I'm speaking today on behalf of myself only.

As you know, the City of Portland currently has no policy in place related to the acquisition or use of surveillance technologies in the city. No rules exist, which means there is no transparency, oversight, or accountability. Residents and visitors are essentially living in a "Wild West" surveillance world, where the only constraint is "Can shareholders profit?"

Without a comprehensive policy in place, how can you, as city leaders, know what surveillance technologies are being used and whether those technologies are being used in ways that are both legal and that respect civil and human rights? How can you know that the technologies even work and do what vendors claim they do? How can you know that the data you collect is accurate and paints a valid picture of what is occurring in the city? How can you be sure you're not setting up the city for potential lawsuits by violating laws and rights?

You can't.

Then there is the question of what happens to all of the data that is collected using these surveillance technologies. Who owns that data? Who has access to it? How long is kept? How is it protected?

Without oversight and accountability, surveillance technologies can be misused, abused, and used in ways other than intended. Will data collected now be repurposed for other uses ten years from now? Constant surveillance erodes the presumption of innocence, and collecting large amounts of data offers opportunities for fabricated narratives that shift the government's duty to prove guilt onto the accused, who must prove their innocence.

The City already has policies that guide and direct the actions of its agencies.

Having a surveillance policy doesn't mean that law enforcement or other city agencies can't use surveillance systems; an effective policy will help to ensure that surveillance is used for a legal purpose, in a necessary and effective manner, and that there are safeguards in place to prevent abuse.

The resolution being considered today is a great first step towards a more comprehensive surveillance policy. I urge you to adopt it and to then enact a strong surveillance ordinance based on the of Community Control Over Police Surveillance (CCOPS) Principles. Also, a privacy advisory commission or board is needed to help council members assess the potential harms of surveillance technologies being considered for adoption and the ability for those technologies to be misused.

Thank you for allowing me to speak to you today.

Chris Bushick

#332206 | February 1, 2023

Testimony to on the **Surveillance Technologies Resolution Policy, Proposed Resolution Draft**

Mayor Wheeler and City Commissioners: My name is Chris Bushick, and I'm Director of PDX Privacy, a local nonprofit focused on privacy, government transparency, and digital rights, primarily in the Portland Metro Area, but I'm speaking today on behalf of myself only. As you know, the City of Portland currently has no policy in place related to the acquisition or use of surveillance technologies in the city. No rules exist, which means there is no transparency, oversight, or accountability. Residents and visitors are essentially living in a "Wild West" surveillance world, where the only constraint is "Can shareholders profit?". Without a comprehensive policy in place, how can you, as city leaders, know what surveillance technologies are being used and whether those technologies are being used in ways that are both legal and that respect civil and human rights? How can you know that the technologies even work and do what vendors claim they do? How can you know that the data you collect is accurate and paints a valid picture of what is occurring in the city? How can you be sure you're not setting up the city for potential lawsuits by violating laws and rights? You can't. Then there is the question of what happens to all of the data that is collected using these surveillance technologies. Who owns that data? Who has access to it? How long is kept? How is it protected? Without oversight and accountability, surveillance technologies can be misused, abused, and used in ways other than intended. Will data collected now be repurposed for other uses ten years from now? Constant surveillance erodes the presumption of innocence, and collecting large amounts of data offers opportunities for fabricated narratives that shift the government's duty to prove guilt onto the accused, who must prove their innocence. The City already has policies that guide and direct the actions of its agencies. Having a surveillance policy doesn't mean that law enforcement or other city agencies can't use surveillance systems; an effective policy will help to ensure that surveillance is used for a legal purpose, in a necessary and effective manner, and that there are safeguards in place to prevent abuse. The resolution being considered today is a great first step towards a more comprehensive surveillance policy. I urge you to adopt it and to then enact a strong surveillance ordinance based on the of Community Control Over Police Surveillance (CCOPS) Principles. Also, a privacy advisory commission or board is needed to help council members assess the potential harms of surveillance technologies being considered for adoption and the ability for those technologies to be misused. Thank you for allowing me to speak to you today.

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Yoana Molina Valdez

#332216 | February 1, 2023

Testimony to on the **Surveillance Technologies Resolution Policy, Proposed Resolution Draft**

See Video

Testimony is presented without formatting.

Christopher Paidhrin

#332217 | February 1, 2023

Testimony to on the **Surveillance Technologies Resolution Policy, Proposed Resolution Draft**

See Video

Testimony is presented without formatting.

Wilfred Pinfold

#332218 | February 1, 2023

Testimony to on the **Surveillance Technologies Resolution Policy, Proposed Resolution Draft**

See Video

Testimony is presented without formatting.

City Council Meeting - Wednesday, February 1, 2023 2:00 p.m.

Agenda No.	First Name	Last Name
106-01	Sean	Patrick
106-02	Aje	Amaechi
106-03	Jude	al-Ghazal Stone
106-04	Andrew	Pritchard
106-05	Chris	Bushick
106-06	Malena	Lechon-Galdos