

BALLOT TITLE

Shall the voters of the City and County of Denver adopt an ordinance that bans the City from using any facial recognition surveillance system and from using data derived from such a system in certain proceedings, and, in connection, allows a person to initiate a legal proceeding to enforce the ordinance?

Ban on facial recognition technologies

Be it enacted by the City and County of Denver:

Section 1. The D.R.M.C. is amended by the addition of a new Article VII under Chapter 42 – POLICE to read as follows:

ARTICLE VII. – FACIAL RECOGNITION

Sec. 42-181 – Definitions

1. *Facial recognition surveillance* shall mean an automated or semi-automated process that assists in identifying or verifying an individual, based on the physical characteristics of an individual's face.
 - a. *Facial recognition surveillance* does not include the use of an automated or semiautomated process for the purpose of redacting a recording for release or disclosure to protect the privacy of a subject depicted in the recording.
2. *Facial recognition surveillance system* shall mean any computer software or application that performs facial recognition surveillance.
3. *Denver* shall mean any department, agency, bureau, and/or subordinate division of the City and County of Denver, including the City and County of Denver itself.
4. *Denver official* shall mean any person or entity acting on behalf of the City and County of Denver, including any officer, employee, agent, contractor, subcontractor, or vendor.

Sec. 42-182 – Ban on facial recognition technologies

It shall be unlawful for Denver or any Denver official to access, develop, retain, or use:

1. Any facial recognition surveillance system; or
2. Any information obtained from a facial recognition surveillance system

Sect. 42-183 – Enforcement

1. **Suppression:** No data collected or derived from any use of face surveillance in violation of this ordinance and no evidence derived therefrom may be received in

evidence in any proceeding in or before any department, officer, agency, regulatory body, legislative committee, or other authority subject to the jurisdiction of Denver.

2. Cause of action: Any violation of this Ordinance constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this Ordinance. An action instituted under this paragraph shall be brought against Denver and, if necessary to effectuate compliance with this Ordinance, any other governmental agency with possession, custody, or control of data subject to this Ordinance.
3. Denver will address alleged violations of this ordinance in accordance with its usual practices, applicable law, and contractual obligations.
4. Nothing in this section shall be construed to limit the rights of individuals under State or Federal law.