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City of Santa Cruz Proposes First Predictive Policing Ban in the United States

Santa Cruz-Mayor Justin Cummings of Santa Cruz, the first African-American mayor in the history of the university beach town on California's central coast, has proposed surveillance oversight legislation that would make Santa Cruz the first U.S city to ban predictive policing software and the eighth to ban municipal use of facial recognition.

Predictive policing software uses trade secret algorithmic formulas to wade through criminal justice data to issue forecasts about future crimes, including geographical areas and sometimes anticipated perpetrators. Software companies that provide predictive software include brand leader Predpol, as well as competitor products from companies such as Hitachi and Palantir Technologies, as well as startups like Spatialitics. The Santa Cruz Police Department [was one of the first adopters](#) of the Predpol product and the company is headquartered in Santa Cruz.

Critics of predictive policing software have said the software reinforces existing inequities in the criminal justice system and increases over-policing in poor and minority communities.

San Francisco passed the first municipal ban on the use of facial recognition software and has since been joined by Oakland and Berkeley in California and by Northampton, Brookline, Cambridge and Somerville in Massachusetts. Facial recognition bans are under discussion in numerous other cities including Portland, OR, and congressional representatives [from both sides of the aisle](#) have urged a lengthy moratorium in the House Oversight and Reform Committee. Santa Cruz may become one of the first cities to ban facial recognition use that is currently using facial recognition technology in its police department.

Tracy Rosenberg of Oakland Privacy, a citizens coalition that has assisted with the adoption and implementation of several Northern California ordinances, commented: "Santa Cruz is to be commended for tackling these issues. The time for a public discussion about how much spying is too much spying is now. The time to protect vulnerable communities from the misuse of these dangerous technologies is now. Oversight is critical."

Mayor Justin Cummings introduced the proposed ordinance for discussion by the City Council on January 28, saying "The facial recognition technology that currently exists is very biased and predictive policing software has proven to be very biased so the intention is to limit the use of those technologies."

Santa Cruz City Council member Drew Glover added “There are studies that show that algorithms that are associated with facial recognition technology falsely recognize African-American, Asian and Latino faces 10 to 100 times more than Caucasian faces. There's an incredibly high rate of misidentification of black and brown people. So it's problematic to say the least.”

The proposed Santa Cruz ordinance is based on the ACLU's surveillance regulation [recommendations](#), which provide a comprehensive framework for oversight, usage guidelines and periodic audits of all government use of surveillance equipment; including drones, cell phone interceptors, and automated license plate readers. The framework requires public discussion prior to acquisition and City-Council-approved guidelines to be in place prior to use.

Surveillance oversight ordinances exist throughout Northern California and the country since the initial adoptions in Seattle, WA and Santa Clara County, CA with subsequent adoptions in Oakland, San Francisco, Nashville, Palo Alto, Davis, Berkeley , Cambridge, Somerville and the Bay Area Rapid Transit District

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Oakland Privacy is a citizens' coalition that works regionally to defend the right to privacy and enhance public transparency and oversight regarding the use of surveillance techniques and equipment. As experts on municipal privacy reform, we have written use policies and impact reports for a variety of surveillance technologies, conducted research and investigations, and developed frameworks for the implementation of equipment with respect for civil rights, privacy protections and community control. <https://oaklandprivacy.org>