



City of Chicago



O2018-6081

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	7/25/2018
Sponsor(s):	Burke (14)
Type:	Ordinance
Title:	Amendment of Municipal Code Chapter 4-4 by adding new Section 4-4-308 regarding face geometry data
Committee(s) Assignment:	Committee on Finance

ORDINANCE

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, it is the duty of the City of Chicago to provide for the safety of her residents in an increasingly digital world;

WHEREAS, facial recognition technology provides an invaluable tool for law enforcement in the apprehension of suspects and criminals, as well as identifying the whereabouts of missing persons; and

WHEREAS, on June 28, 2018 the *Capital Gazette* shooter, who killed five and gravely wounded several others, was promptly identified because law enforcement had access to facial recognition technology in spite fingerprint technology not yielding a match; and

WHEREAS, INTERPOL, the Federal bureau of Investigation (FBI), and other law enforcement agencies employ facial recognition technology to streamline security screenings, apprehend criminal suspects, and locate missing persons; and

WHEREAS, sixteen (16) states allow the FBI to use facial recognition technology to compare the faces of suspected criminals to driver's license and state issued identification photos; and

WHEREAS, according to researchers at the Georgetown Law School, as of 2016, one in every two American adults – 117 million people-are in facial-recognition networks used by law enforcement in the country, a number that is likely higher today; and

WHEREAS, the Chicago Police Department (CPD) has employed a facial recognition system called NeoFace since 2013; and

WHEREAS, in the first documented usage of facial recognition technology by Chicago law enforcement in 2013, a Chicago Transit Authority surveillance camera picked up an image of a man who had just taken another man's cellphone at gunpoint, CPD ran the photo through a database employing facial recognition technology and confirmed a match; and

WHEREAS, then-State's Attorney Anita Alvarez said that, "this case is a great example that these high-tech tools are helping to enhance identification and lead us to defendants that might otherwise evade capture;" and

WHEREAS, at the present time, there are no federal laws specifically governing the use of facial recognition technology; and

WHEREAS, the State of Illinois prohibit private entities from using biometric recognition technologies without consent, either in the form of signage or written consent; and

WHEREAS, residents are doubly served by Illinois' strict biometric privacy laws and the regulated use of face geometry data in law enforcement for security; and

WHEREAS, businesses have a unique interest in gathering facial geometry data for security purposes, the Las Vegas gunman had rented two hotel rooms at Chicago's Blackstone Hotel overlooking the Lollapalooza music festival in Grant Park in August, two months before he opened fire at a country music concert in Las Vegas, but never showed up; and

WHEREAS, mass shooting have become more frequent and deadly in recent years, 58 died in the Las Vegas shooting, 49 died in the Orlando nightclub, 32 at Virginia Tech, 27 at Sandy Hook, and 26 at the Texas First Baptist Church, not including the Congressional Baseball game as a mass shooting, defined as 4 or more; and

WHEREAS, the City of Chicago desires to be at the forefront of technological developments for the protection of its residents; and

WHEREAS, the regulated collection of face geometry data by licensed businesses fosters greater security for all residents; NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

SECTION 2. Chapter 4-4 of the Municipal Code of Chicago is hereby amended by inserting a new section 4-4-308 as follows:

4-4-308 Face Geometry Data

(A) *Definitions.* As used in this section:

“Face Geometry” means the unique points and contours of a person’s face.

“Face Geometry Data” means face scan measurements, whether gathered in person or derived from a digital image or a video frame from a video source.

“Facial Recognition System” means technology capable of identifying or verifying a person from a digital image or a video frame from a video source or in person based on face geometry.

(B) *Posting Requirement.* A licensee in agreement with the Department of Police under 2-84-053 may use facial recognition systems which scan the face geometry of a customer or person, for security purposes only, provided that a sign is posted at each entrance of the establishment informing customers and members of the general public that such information is being gathered.

(C) *Commercial Use Prohibited.* No licensee in possession of face geometry data may sell, lease, trade, or otherwise profit from a person's or a customer's face geometry data.

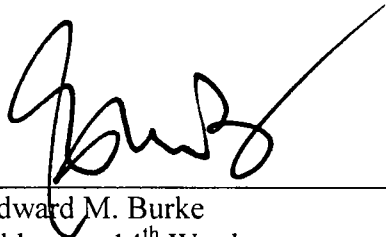
(D) *Retention.* A licensee must establish a written policy for the destruction of face geometry data by July 31, 2019 or by a date agreed upon with the Department of Police, whichever occurs first. The policy for retention must be made publicly available. Absent a valid warrant or subpoena, a licensee must comply with its established policy.

(E) *Authority.* It shall be the duty of the Department of Police to promulgate rules for standardized signs.

(F) *Sunset Provision.* Agreements authorized pursuant to this ordinance shall be effective for three (3) years.

SECTION 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any provision of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

SECTION 4. This ordinance shall be in full force and effect thirty (30) days after its passage and approval.

A handwritten signature in black ink, appearing to read 'E. Burke', is written over a horizontal line. The signature is stylized and includes a long, sweeping flourish extending upwards and to the right.

Edward M. Burke
Alderman 14th Ward

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