



# STAFF REPORT

AGENDA NO: 5a

MEETING DATE: April 6, 2026

**To: Honorable Mayor and City Council**

**Date: April 6, 2026**

**From: Michael Guina, City Attorney – (650) 558-7204  
Raj Vaswani Chief of Police – (650) 777-4100**

**Subject: Consideration of Surveillance Technology Policy**

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## **RECOMMENDATION**

Staff recommends the City Council receive the presentation regarding a Surveillance Technology Policy and provide direction.

## **BACKGROUND**

For purposes of this discussion, “Surveillance Technology” is defined as software, a device, or an electronic system used primarily to collect and retain data on an individual or group. Examples of Surveillance Technology include Automated License Plate Readers (ALPRs), gunshot detectors, facial recognition software, video cameras, as well as software designed to monitor social media or criminal activity. The City currently deploys the following types of Surveillance Technology: video cameras, ALPRs, and Body Worn Cameras (BWCs). These technologies are used for public safety investigations and response, as well as crime prevention and deterrence.

The following agencies have adopted a Surveillance Technology Ordinance: the cities of Davis, Berkeley, Oakland, San Diego; the City and County of San Francisco; the County of Santa Clara; and BART. No agencies in San Mateo County have adopted a Surveillance Technology Ordinance or policy.

### **Prior Council Hearings**

At its meeting on April 17, 2023, the City Council considered whether to adopt a Surveillance Technology Ordinance (Exhibit A: Staff Report and Minutes from Agenda Item 10.d.). At the conclusion of its deliberations, the Council directed staff to prepare a Surveillance Technology Policy, instead of an ordinance.

Staff presented a proposed policy at the City Council's December 4, 2023, meeting. Councilmember Colson and former Councilmember Ortiz expressed willingness to adopt the version of the policy presented that evening. Mayor Brownrigg (who was also Mayor in 2023) and former Councilmember Beach expressed an interest in a more robust policy. The Council then directed the City Attorney to consult with Councilmembers Brownrigg and Beach to develop a more robust policy (Exhibit B: Staff Report and Minutes from December 4, 2023 meeting).

Since that meeting, Councilmembers Beach and Ortiz have stepped off the Council, and Vice Mayor Pappajohn and Councilmember Thayer have joined. Given the change in Council membership, staff seeks updated direction and feedback from the Council before continuing additional development of a Surveillance Technology Policy. Specifically, staff seeks direction on whether to continue developing a Surveillance Technology Policy and the scope and extent of a policy's regulation.

## **DISCUSSION**

As described above, "Surveillance Technology" is defined as software, a device, or an electronic system used primarily to collect and retain data on an individual or group. Examples of Surveillance Technology include ALPRs, gunshot detectors, facial recognition software, video cameras, as well as software designed to monitor social media or criminal activity. The City currently deploys video cameras, ALPRs, and BWCs. These technologies are used for public safety investigations and response, as well as crime prevention and deterrence.

### **December 2023 City Council Meeting**

The policy discussed in December 2023 would require the City Council to consider the following criteria before authorizing the purchase of Surveillance Technology:

- **Purpose**: including a description of which the Surveillance Technology is intended to advance
- **Authorized Uses**: including a description of uses of the Surveillance Technology which are authorized and which uses may be prohibited
- **Data Collection/Access/Protection/Retention**: including a description of the information that can and will be collected by the Surveillance Technology, as well as Data Access, Data Protection, and Data Retention
- **Data Sharing**: including a description of the circumstances under which the collected data could be shared with Third Parties including other Public Agencies

- Auditing and Oversight: including a description of the mechanisms and/or processes for ensuring compliance with the Policy

The draft policy would require any staff report requesting authority to purchase Surveillance Technology to include a discussion of the factors listed above. The Council could use the information in determining whether and under what circumstances to authorize the use of the Surveillance Technology.

As discussed above, at this meeting, Mayor Brownrigg and Councilmember Beach expressed interest in a more robust policy. In particular, Councilmember Beach hoped for an Impact Report analysis that would review any proposed Surveillance Technology for any civil liberties impacts, in addition to the analysis outlined above.

As discussed in the April 2023 staff report (Exhibit A), a Surveillance Impact Report is a report that could include a description of some or all of the following:

- the Surveillance Technology and how it works;
- the proposed purpose of the Surveillance Technology;
- the proposed location(s) for deployment of the Surveillance Technology and crime statistics for the location(s);
- an assessment of any potential impact on civil liberties and civil rights, as well as any plans to safeguard rights of the public;
- the costs of the Surveillance Technology and sources of funding;
- how and where the data collected will be stored and handled;
- the experience, if any, of other governmental agencies who have used the same or similar technology, including an analysis of the effectiveness and any known adverse impacts, including unanticipated costs, civil rights or civil liberties impacts, and failures in the technology

Then-Vice Mayor Colson and former Councilmember Ortiz expressed satisfaction with adopting a Surveillance Technology Policy without requiring an accompanying Surveillance Impact Report. However, they also expressed willingness for Mayor Brownrigg and Councilmember Beach to work with staff in preparing a more robust policy.

### Chief Vaswani

In August of 2025, Police Chief Raj Vaswani began his tenure at the Burlingame Police Department. As part of his evaluation as a new Chief, he reviewed department policies, operations, staffing, and long-term goals, and is available to provide feedback on how a Surveillance Technology Policy would impact the department's operations. Chief Vaswani came from an agency that already had such a policy in place, and, at the staff presentation

of this item, he is available to share his experience with how it affected policing in that jurisdiction.

The reporting requirements and the “exigent circumstances” use of technology and equipment raised some questions and concerns. For example, questions arose about the use of equipment that might be necessary to apprehend a suspect who does not pose an imminent threat to the public or officers, but who still should be taken into custody for the sake of community safety.

### **FISCAL IMPACT**

There is a fiscal impact in the form of staff time if the City Council wishes staff to prepare an updated policy. If a policy is adopted, there will be additional staff time spent preparing a Surveillance Technology Report and/or Surveillance Technology Impact Report for every deployment of Surveillance Technology.

#### Exhibits:

- Exhibit A: April 17, 2023 City Council Meeting Staff Report and Minutes
- Exhibit B: December 4, 2023 City Council Meeting Staff Report and Minutes