

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: July 7, 2022

CALENDAR NO. 33,808

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBERS GREEN, KING AND THOMAS (BY REQUEST)

AN ORDINANCE to amend and reordain Section 147-2 of the Code of the City of New Orleans regulations pertaining to the City’s use of surveillance technology; and otherwise to provide with respect thereto.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Section 147-2 of the Code of the City of New Orleans is hereby amended and reordained to read as follows:

“Chapter 147 - Surveillance Technology and Data Protection

Section 147-2. – Prohibited Surveillance Technology.

(b) Except as otherwise provided in subsections (c), (d), (e), (f), (g) or (h), the following surveillance technologies are prohibited pursuant to subsection (a):

1. Any face surveillance system;
2. Cell-site simulator;
3. Characteristic tracking system; or
4. Predictive policing technology.

(c) Nothing in this section shall prohibit the city official from using evidence relating to the investigation of a specific crime that may have been generated from a face surveillance or characteristic tracking system, so long as such evidence was not generated by, with the knowledge of, or at the request of the city or city official.

(d) Nothing in this section shall prohibit the New Orleans Police Department (“NOPD”) from requesting the use of facial recognition technology in the investigation of the following crimes of violence as defined in Louisiana Revised Statute 14:2(B).

- (1) Solicitation for murder.
- (2) First degree murder.
- (3) Second degree murder.
- (4) Manslaughter.
- (5) Aggravated battery.
- (6) Second degree battery.
- (7) Aggravated assault.
- (8) Aggravated or first degree rape.
- (9) Forcible or second degree rape.
- (10) Simple or third degree rape.
- (11) Sexual battery.
- (12) Second degree sexual battery.
- (13) Aggravated kidnapping.
- (14) Second degree kidnapping.
- (15) Simple kidnapping.
- (16) Aggravated arson.

- (17) Aggravated criminal damage to property.
- (18) Aggravated burglary.
- (19) Armed robbery.
- (20) First degree robbery.
- (21) Simple robbery.
- (22) False imprisonment; offender armed with dangerous weapon.
- (23) Assault by drive-by shooting.
- (24) Aggravated crime against nature.
- (25) Carjacking.
- (26) Terrorism.
- (27) Aggravated second degree battery.
- (28) Aggravated assault upon a peace officer.
- (29) Aggravated assault with a firearm.
- (30) Armed robbery; use of firearm; additional penalty.
- (31) Second degree robbery.
- (32) Disarming of a peace officer.
- (33) Stalking.
- (34) Second degree cruelty to juveniles.
- (35) Aggravated flight from an officer.
- (36) Battery of a police officer.
- (37) Trafficking of children for sexual purposes.
- (38) Human trafficking.
- (39) Home invasion.

- (e) Any officer requesting the use of facial recognition technology shall ensure the request is approved in accordance with current NOPD policy.
- (f) Evidence obtained from facial recognition alone shall not be sufficient to establish probable cause for the purpose of effectuating an arrest by the NOPD or another law enforcement agency. The source of the image and the underlying reasons for the requested use of facial recognition systems as an investigative lead shall be documented in a police report.
- (g) Facial recognition technology shall not be used as a surveillance tool.
- (h) Nothing in this section shall prohibit an NOPD officer from conducting a criminal investigation using Cell-site simulator technology for the following purposes:
 - 1. To assist in locating a known suspect of a crime of violence, as defined in section (d) above, for which an arrest warrant has been issued and only when the use of such technology is obtained pursuant to a search warrant signed by a neutral and detached judge or magistrate commissioner; or

2. To assist in locating a missing individual when there is a reasonable belief that the missing individual is in imminent danger of death or is in imminent danger of receiving serious bodily injury as defined in Louisiana Revised Statute 14:2(C).”

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS _____

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON _____

APPROVED:
DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON _____ **AT** _____

CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT:

RECUSED: