

REVISED LEGISLATIVE DIGEST

(Amended in Board, 9/20/2022)

[Administrative Code - Surveillance Technology Policy for Police Department Use of Non-City Entity Surveillance Cameras]

Ordinance approving Surveillance Technology Policy for Police Department use of non-City entity surveillance cameras and establishing a sunset date fifteen months after the effective date of the ordinance.

Background Information

Pursuant to Administrative Code Section 19B.2(b), the San Francisco Police Department (SFPD) seeks Board of Supervisors approval of a surveillance technology policy regarding use of the Non-City Entity Surveillance Cameras (“San Francisco Police Department Non-City Entity Surveillance Cameras Policy”).

The ordinance makes numerous modifications to the proposed SFPD Non-City Entity Surveillance Cameras Policy and would approve the Policy, as modified, for fifteen months after the effective date of the ordinance. If the Board of Supervisors does not reauthorize the Policy by ordinance before the end of the fifteen-month period, the Policy will expire.

As modified, the proposed Policy would authorize the following uses:

1. Temporary live monitoring (a) during an exigent circumstance as defined by Administrative Code, Section 19B, (b) during Significant Events with public safety concerns only for placement of police personnel due to crowd sizes or other issues creating imminent public safety hazards, or (c) in the course of a specific criminal investigation if an SFPD Captain or member in rank above Captain confirms in writing that the department has credible information of criminal activity and live monitoring is being requested in furtherance of that criminal investigation.
2. Requesting, obtaining, and reviewing historical video footage for purposes of gathering evidence relevant to a specific criminal investigation.
3. Requesting, obtaining, and reviewing historical video footage for purposes of gathering evidence relevant to an internal investigation regarding officer misconduct.

As modified, the Policy contains the following prohibitions:

- Surveillance camera footage will not on its own identify an individual, confirm racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, or information concerning an individual person's sex life or sexual orientation.
- SFPD is prohibited from using biometric identification or facial recognition technology in connection with non-City entity surveillance cameras or associated data.
- SFPD is prohibited from live monitoring inside residential dwellings where homeowners/renters have a reasonable expectation of privacy unless one the following conditions exist: Exigency per SF Admin Code 19B.7; a homeowner/renter/individual with legal authority to do so provides consent; or a warrant is issued. If the conditions exist, SFPD shall adhere to the authorized use and reporting provisions relating to temporary live monitoring.
- SFPD is prohibited from monitoring any certain groups or individuals based, in whole or in part, on race, gender, religion, or sexual orientation. Race, color, ethnicity, or national origin may not be used as a motivating factor for initiating police enforcement action.
- SFPD is prohibited from accessing, requesting, or monitoring any surveillance camera live feed during First Amendment activities unless there are exigent circumstances or for placement of police personnel due to crowd sizes or other issues creating imminent public safety hazards. SFPD members are required to comply with SFPD Department General Order (DGO) 8.03 Crowd Control, DGO 8.10 Guidelines for First Amendment Activities and its annual audit requirements, and the SFPD Event Manual to ensure the safety of those attending planned or spontaneous events.
- SFPD members shall not acquire or use surveillance camera footage in cooperation with or assisting U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection in any investigation, detention, or arrest procedures, public or clandestine, where in any such instance the purpose is the enforcement of federal immigration laws. SFPD complies with SF Administrative Code Chapters 12H "Immigration Status" and 12I "Civil Immigration Detainers" and SFPD General Order (DGO) 5.15 "Enforcement of Immigration Laws."
- SFPD is prohibited from seeking to obtain surveillance footage for purposes of enforcing prohibitions on reproductive care or interstate travel for reproductive care. Except as required by law, SFPD shall not share surveillance footage with any law enforcement agency for purposes of enforcing prohibitions on reproductive care or

interstate travel for reproductive care. Unless legally required, SFPD will not share footage with non-California law enforcement agencies.

As modified, the Policy would require SFPD to submit an annual surveillance report as outlined in Administrative Code Sections 19B.1 and 19B.6. Additionally, as modified, the Policy would require SFPD to submit a quarterly report tracking live monitoring requests to the Police Commission, with a copy to the Clerk of the Board of Supervisors.

n:\govern\as2022\1900636\01627152.docx