

LEGISLATIVE DIGEST

(Revised 7/19/21)

[Administrative Code - Approval of Surveillance Technology Policies for Multiple City Departments]

Ordinance approving Surveillance Technology Policies governing the use of 1) Audio Recorders (ShotSpotter) by the Police Department, 2) Automatic License Plate Readers by the Airport, Department of Public Works, Recreation and Parks Department, and Police Department, 3) Drones by the Fire Department, Port, Department of Public Works, Public Utilities Commission, Recreation and Parks Department, and Department of Technology, 4) Security Cameras by the Airport, Arts Commission, Asian Art Museum, Department of Child Support Services, City Administrator, Department of Technology, Department of Emergency Management, Fire Department, Department of Homelessness and Supportive Housing, Department of Human Resources, Human Services Agency, Library, Municipal Transportation Agency, Port, Public Utilities Commission, Department of Public Health, Recreation and Parks Department, Rent Board, and War Memorial, and 5) Radio Frequency Identification by the Library; making required findings in support of said approvals; and amending the Administrative Code to require departments to post each Board-approved Surveillance Technology Policy on the department website.

Existing Law

Existing law, Administrative Code Chapter 19B (“Chapter 19B”), governs the acquisition and use of surveillance technology by City departments. Chapter 19B requires each department possessing or using surveillance technology before the effective date of Chapter 19B (May 30, 2019) to submit an inventory of its existing surveillance technology to the Committee on Information Technology (“COIT”). Chapter 19B further requires that COIT publicly post the inventories on COIT’s website. Chapter 19B also requires that each department submit a proposed policy for the use of existing surveillance technology to the Board of Supervisors for approval by ordinance, but permits departments to use existing surveillance technology until such time as the Board enacts an ordinance approving a surveillance technology policy. Chapter 19B further requires that the Board of Supervisors approve a surveillance technology policy ordinance only if it determines that the benefits of the surveillance technology outweigh its costs, that the policy will safeguard civil liberties and civil rights, and that the uses and deployments of the surveillance technology will not be based upon discriminatory or viewpoint-based factors or have a disparate impact on any community or protected class.

Amendments to Current Law

This ordinance would approve surveillance technology policies governing multiple departments' use of existing surveillance technologies, and find for each that the benefits of the surveillance technology outweigh its costs and risks, that the policy will safeguard civil liberties and civil rights, and that the uses and deployments of the surveillance technology will not be based upon discriminatory or viewpoint-based factors or have a disparate impact on any community or protected class. Specifically, this ordinance would approve five categories of surveillance technology policies used by multiple departments as follows:

- 1) Audio Recorders (ShotSpotter) -
Police Department
- 2) Automatic License Plate Readers -
Airport
Department of Public Works
Recreation and Parks Department
Police Department
- 3) Drones
Fire Department
Port
Department of Public Works
Public Utilities Commission
Recreation and Parks Department
Department of Technology
- 4) Security Cameras
Airport
Arts Commission
Asian Art Museum
Department of Child Support Services
City Administrator
Department of Technology
Department of Emergency Management
Fire Department
Department of Homelessness and Supportive Housing
Department of Human Resources
Human Services Agency
Library Department
Municipal Transportation Agency
Port
Public Utilities Commission
Department of Public Health
Recreation and Parks Department
Rent Board
War Memorial

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5) Radio Frequency Identification
Library Department.

This ordinance also would amend Chapter 19B to require that departments post each Board approved surveillance technology policy on the department's website within 10 days of the Board's approval of the policy.

Background

This ordinance includes amendments approved by the Rules Committee at their July 19, 2021.

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