

[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.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Background.

(a) Administrative Code Chapter 19(B) establishes requirements that City departments must follow before they may use or acquire new Surveillance Technology. Under Administrative Code Section 19B.2(a), a City department must obtain Board of Supervisors approval by ordinance of a Surveillance Technology Policy before: (1) seeking funds for Surveillance Technology; (2) acquiring or borrowing new Surveillance Technology; (3) using new or existing Surveillance Technology for a purpose, in a manner, or in a location not specified in a Board-approved Surveillance Technology ordinance; (4) entering into agreement with a non-City entity to acquire, share, or otherwise use Surveillance Technology; or (5) entering into an oral or written agreement under which a non-City entity or individual regularly provides the department with data or information acquired through the entity's use of Surveillance Technology.

(b) Under Administrative Code Section 19B.2(b), the Board of Supervisors may approve a Surveillance Technology Policy ordinance under Section 19B.2(a) only if: (1) the

1 department seeking Board approval first submits to the Committee on Information Technology
2 (COIT) a Surveillance Impact Report for the Surveillance Technology to be acquired or used;
3 (2) based on the Surveillance Impact Report, COIT develops a Surveillance Technology
4 Policy for the Surveillance Technology to be acquired or used; and (3) at a public meeting at
5 which COIT considers the Surveillance Technology Policy, COIT recommends that the Board
6 adopt, adopt with modification, or decline to adopt the Surveillance Technology Policy for the
7 Surveillance Technology to be acquired or used.

8 (c) Under Administrative Code Section 19B.4, the City policy is that the Board of
9 Supervisors will approve a Surveillance Technology Policy ordinance only if it determines that
10 the benefits that the Surveillance Technology ordinance authorizes outweigh its costs, that the
11 Surveillance Technology Policy ordinance will safeguard civil liberties and civil rights, and that
12 the uses and deployments of the Surveillance Technology under the ordinance will not be
13 based upon discriminatory or viewpoint-based factors or have a disparate impact on any
14 community or Protected Class.

15 Section 2. Surveillance Technology Policy Ordinance for Police Department Use of
16 Non-City Entity Surveillance Cameras.

17 (a) Purpose. The Police Department seeks Board of Supervisors authorization under
18 Section 19B.2(a) to use surveillance cameras and surveillance camera networks owned,
19 leased, managed, or operated by non-City entities to: (1) temporarily live monitor activity
20 during exigent circumstances, significant events with public safety concerns, and
21 investigations relating to active misdemeanor and felony violations; (2) gather and review
22 historical video footage for the purposes of conducting a criminal investigation; and (3) gather
23 and review historical video footage for the purposes of an internal investigation regarding
24 officer misconduct.

1 (b) Surveillance Impact Report. The Police Department submitted to COIT a
2 Surveillance Impact Report for Non-City Entity Surveillance Cameras. A copy of the Police
3 Department Surveillance Impact Report for Non-City Entity Surveillance Cameras is in Board
4 File No. 220606, and is incorporated herein by reference.

5 (c) Public Hearings. Between March 25, 2022 and April 21, 2022, inclusive, COIT and
6 its Privacy and Surveillance Advisory Board (PSAB) conducted four public hearings at which
7 they considered the Surveillance Impact Report referenced in subsection (b) and developed a
8 Surveillance Technology Policy for the Police Department's use of non-City entity surveillance
9 cameras. A copy of the Surveillance Technology Policy for the Police Department's use of the
10 Non-City Entity Surveillance Cameras ("San Francisco Police Department (SFPD) Non-City
11 Entity Surveillance Cameras Policy") is in Board File No. 220606, and is incorporated herein
12 by reference.

13 (d) COIT Recommendation. On April 21, 2022, COIT voted to recommend the SFPD
14 Non-City Entity Surveillance Cameras Policy to the Board of Supervisors for approval.

15 (e) Findings. The Board of Supervisors hereby finds that the stated benefits of the
16 Police Department's use of non-City entity surveillance cameras outweigh the costs and risks
17 of use of such Surveillance Technology; that the SFPD Non-City Entity Surveillance Cameras
18 Policy will safeguard civil liberties and civil rights; and that the uses and deployments of non-
19 City entity surveillance cameras, as set forth in the SFPD Non-City Entity Surveillance
20 Cameras Policy, will not be based upon discriminatory or viewpoint-based factors or have a
21 disparate impact on any community or a protected class.

22 Section 3. Approval of Policy.

23 The Board of Supervisors hereby approves the SFPD Non-City Entity Surveillance
24 Cameras Policy.

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Zachary Porianda
ZACHARY PORIANDA
Deputy City Attorney

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