

Non-City Entity Surveillance Camera Policy Ordinance

Pursuant to SF Admin Code 19B



CITY & COUNTY OF SAN FRANCISCO

Police Department

September 12, 2022

Public Hearings

March 25, 2022: Privacy Surveillance Advisory Board Hearing
March 31, 2022: Privacy Surveillance Advisory Board Hearing
April 7, 2022: Committee on Information Technology Hearing
April 21, 2022: Committee on Information Technology Hearing
July 11, 2022: Rules Committee Hearing
July 18, 2022: Rules Committee Hearing
July 20, 2022: Presentation to the Police Commission
July 25, 2022: Rules Committee Hearing
September 12, 2022 (today): Rules Committee Hearing

Non-City Entities

- Any entity that is not a City and County of SF agency, or does not have a financial agreement or MOU with SFPD
- Victims, witnesses, and businesses impacted by crime
- Individuals or businesses hosting or near major events where public safety may be impacted

SF Admin Code 19B not only addresses current inventory a Department has in their possession, but it also includes oral or written agreements to use or receive data on a regular basis from a non-city entity or individual's surveillance technology.

As "regular basis" is not defined in 19B, and SFPD receives video footage from non-city entities & individuals who may have been impacted by crime more than once, we submitted this STP to ensure robust compliance with 19B.

19B STP Temporary Live Monitoring



SFPD receives credible information about a planned sideshow

SFPD officer completes temp live monitoring form through chain of command for Captain-rank approval. Must articulate need, requested length of time, general location

Captain does not approve (in writing)

No

Officer may not make request to non-city entity

Captain approves request (in writing)

Yes

Officer may submit request to non-city entity on standardized SFPD form

SFPD submits request to non-city entity. Non-city entity approves.

SFPD submits request to non-city entity. Non-city entity declines.

SFPD closes requests and documents outcome.

SFPD monitors no more than 24 hrs. SFPD not allowed to record. Documents outcome for auditing, tracking and reporting purposes.



If non-city entity provides footage, it is tagged as evidence and associated with investigative file.

SFPD officers may return to video custodian with a SFPD Form 468 and request historical footage that captures sideshow activities. If video custodian declines to sign, SFPD may seek warrant.



Retention

Video Footage that is matched with PII is included in an intelligence file as evidence. As the data is associated with a criminal investigation, the data is retained for a minimum of two years, or as required by CA Penal Code, Evidence Code, W & I code (juvenile), statutes of limitations and other state and federal laws.

Video footage associated with an officer misconduct or Officer Involved Shooting (OIS) investigation will be maintained in perpetuity.

Reminder: The footage is owned by the non-city entity. Their retention is not within the control of SFPD.



January 28, 2021
Consent for video led to
arrest of suspect two days
after this incident



July 31, 2022
Consent for video led
to capture of suspects
in this crime

Images from first brutal robbery



A couple seconds later, suspects return to beat and
rob victim a second time as she tries to escape

Concerns

- SFPD will track First Amendment and other peaceful activities
- Impacts SFPD Department General Orders (DGOs)
- Racial Disparities
- SFPD will have central location to monitor anyone at any time
- Stockpiled footage
- SFPD should only receive footage via warrant & should be prohibited from receiving consent/volunteered footage.
- Need more time to assess data and impacts

Response

- STP complies with SFPD **DGO** 8.10 “Guidelines for First Amendment Activities” and adds prohibitions around video footage (p. 3 of STP).
- This STP does not impact SFPD DGOs. Members are still required to comply with all Police Commission approved DGOs.
- Violent crime disproportionately impacts black and brown men and there has been an uptick in violent crimes in AAPI community. STP codifies ability to gather evidence in these crimes to prosecute offenders.
- SFPD will NOT have central location to monitor. Requests are incident-based and require consent or warrant (last para of purpose and scope of STP, p.1).
- This STP limits temp live monitoring to max of 24 hours, prohibits recording and includes multiple other restrictions(authorized use #1 on p. 2).
- SFPD does not believe victims , witnesses or impacted businesses should lose their right to volunteer their own surveillance footage .
- STP requires tracking historical and temp live mentoring instances & quarterly and annual reports (Audits & Reporting p. 8 of STP). There is no current requirement and as such no data readily available to assess.

Questions?

SAN FRANCISCO
POLICE DEPARTMENT