

1 [Access to and retention of community safety camera recordings.]

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3 **Ordinance amending the San Francisco Administrative Code by amending Section 19.3**

4 **to allow the Public Defender, other criminal defense attorneys and investigators, and**

5 **the District Attorney to obtain community safety camera recordings for particular**

6 **purposes; and amending Section 19.6 to specify the procedures for the Public**

7 **Defender and other criminal defense attorneys and investigators to request community**

8 **safety camera recordings and to require that the Department of Telecommunications**

9 **and Information Services retain the recordings for at least 14 30 days but not more than**

10 **21-30 days, and making specified unauthorized disclosures of the recordings a**

11 **misdemeanor.**

12 Note: Additions are *single-underline italics Times New Roman*;  
13 deletions are *strikethrough italics Times New Roman*.  
14 Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

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

16 Section 1. The San Francisco Administrative Code is hereby amended by amending

17 Section 19.3, to read as follows:

18 **SEC. 19.3. LIMITATIONS ON COMMUNITY SAFETY CAMERAS.**

19 The City and County of San Francisco may install community safety cameras for the  
20 purpose of enhancing public security only in locations experiencing substantial crime and  
21 where the potential to deter criminal activity ~~outweighs~~ outweighs any concerns asserted by the  
22 affected community as determined by the Police Commission. The cameras shall record  
23 areas perceptible to the human eye from public streets and sidewalks only. Images obtained  
24 by the community safety cameras may be released only to the following:

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1           (a) sSworn members of the San Francisco Police Department holding the rank of  
2 Inspector or higher ~~only~~. Police shall limit review of images to investigation of specific crimes;  
3 and

4           (b) The Public Defender, other criminal defense attorney, or an investigator appointed by the  
5 Court to assist a pro se criminal defendant. Requests may be made only in connection with the  
6 investigation or defense of a charged criminal case. Any recordings released may be used only in  
7 connection with the charged criminal case. The requesting individual may disclose the recording  
8 only to the defendant and any expert retained by the requesting individual, and to no other  
9 individual. This Subsection (b) shall not preclude the requesting individual from disclosing any  
10 recording during a hearing or trial in the charged criminal case if the Court approves such  
11 disclosure. Any person who discloses a recording in violation of this Subsection (b) shall be  
12 deemed guilty of a misdemeanor and may be punished by a fine not exceeding \$1,000,  
13 imprisonment in the county jail for not more than six months, or both such fine and  
14 imprisonment; and

15           (c) The District Attorney as provided in Section 19.6.

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17           Section 2. The San Francisco Administrative Code is hereby amended by amending  
18 Section 19.6, to read as follows:

19           **SEC. 19.6. PROTOCOLS FOR OVERSIGHT AND ACCESS TO SURVEILLANCE**  
20 **INFORMATION.**

21           (a) Access to the recorders for community safety cameras shall be limited to personnel  
22 from the DTIS for purposes of installation, repair, maintenance and upgrades, and to  
23 Custodian of Records staff from the ~~Emergency Communications~~ Department of Emergency

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1 Management ("ECDDDEM"). ECDDDEM staff shall be responsible for proper release of the  
2 records.

3 (b) The camera recording devices shall be kept in secure areas with password  
4 protection for access.

5 (c)(1) Members of the Police Department may obtain copies of the recordings by  
6 presenting a written request to ECDDDEM. The request shall be submitted by an Inspector of  
7 the SFPD, and approved by a Captain or the Deputy Chief of Inspectors. In exigent  
8 circumstances only, ECDDDEM may release the information to an Inspector prior to receipt of a  
9 written request, but the Inspector must then provide a written justification for the release,  
10 including specification of the exigent circumstances. Within 7 days from the release under  
11 exigent circumstances, the SFPD Inspector must submit, in writing, the supervisor's and  
12 captain's approval of the Inspector's initial request.

13 (2) The Public Defender, other criminal defense attorney, or an investigator appointed by the  
14 Court to assist a pro se criminal defendant may submit a written request to obtain copies of the  
15 recordings to DEM. A copy of the request shall be delivered concurrently to the Office of the  
16 District Attorney. The request shall include the name and court number of the charged criminal case,  
17 the time and place of the recordings, and a declaration under penalty of perjury verifying that the  
18 request is made in connection with the investigation or defense of a charged criminal case and further  
19 declaring under penalty of perjury that the attorney or investigator will use any community safety  
20 camera recordings released by DEM only in connection with the charged criminal case. Upon  
21 receipt of the written request, DEM shall preserve for 180 days any recordings requested.  
22 DEM shall deliver a copy of the recordings to the Office of the District Attorney within five  
23 calendar days of the request. The District Attorney may review the recordings with members  
24 of the Police Department at the rank of Inspector or higher in determining whether to seek a  
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1 Court order preventing disclosure. DEM shall deliver to the requesting individual a copy of the  
2 recordings within 5 court days of the disclosure to the District Attorney, unless the District  
3 Attorney applies for a Court order to prevent disclosure of the recordings pursuant to existing  
4 law. If the District Attorney applies for a Court order to prevent disclosure, DEM shall not  
5 produce the recordings to the requesting individual until the court issues a decision regarding  
6 production.

7 (d) ~~ECDD~~DEM may only release records to agencies or individuals other than ~~the SFPD~~  
8 those specified in section 19.3 pursuant to a court order. ~~ECDD~~DEM must notify the Board of  
9 Supervisors within 7 days of any release pursuant to a court order.

10 (e) Under no circumstances may recordings from community safety cameras be used  
11 for personal purposes.

12 (f) DTIS shall ensure that the community safety cameras retain data for a period of at  
13 least 30 days but not longer than ~~not to exceed 14~~ 30 days.

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15 APPROVED AS TO FORM:  
16 DENNIS J. HERRERA, City Attorney

17 By: \_\_\_\_\_  
18 KATHARINE HOBIN PORTER  
19 Deputy City Attorney

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