

1 [Administrative Code - Surveillance Technology Policy - Police Department - Automatic  
License Plate Readers]

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3 **Ordinance amending and approving the Surveillance Technology Policy governing the**  
4 **use of Automatic License Plate Readers by the Police Department; and making the**  
5 **required findings in support of said approvals.**

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

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

14 Section 1. Background.

15 (a) Terms used in this ordinance shall have the meaning set forth in Administrative  
Code Chapter 19B ("Chapter 19B").

16 (b) Chapter 19B regulates City Departments' acquisition and use of Surveillance  
17 Technology. Under Section 19B.5, City Departments that possessed or were using  
18 Surveillance Technology before Chapter 19B took effect in July 2019, must obtain Board of  
19 Supervisors approval by ordinance of a Surveillance Policy for each type of existing  
20 Surveillance Technology. Under Section 19B.2, a Department must obtain Board of  
21 Supervisors approval by ordinance of a Surveillance Technology Policy before: (1) seeking  
22 funds for Surveillance Technology; (2) acquiring or borrowing new Surveillance Technology;  
23 (3) using new or existing Surveillance Technology for a purpose, in a manner, or in a location  
24 not specified in a Surveillance Technology Policy ordinance approved by the Board in  
25 accordance with Chapter 19B; (4) entering into agreement with a non-City entity to acquire,

1 share, or otherwise use Surveillance Technology; or (5) entering into an oral or written  
2 agreement under which a non-City entity or individual regularly provides the Department with  
3 data or information acquired through the entity's use of Surveillance Technology.

4 (c) Under Section 19B.2(b), the Board of Supervisors may approve a Surveillance  
5 Technology Policy ordinance under Section 19B.2(a) only if: (1) the Department seeking  
6 Board of Supervisors approval first submits to the Committee on Information Technology  
7 ("COIT") a Surveillance Impact Report for the Surveillance Technology to be acquired or  
8 used; (2) based on the Surveillance Impact Report, COIT develops a Surveillance Technology  
9 Policy for the Surveillance Technology to be acquired or used by the Department; and (3) at a  
10 public meeting at which COIT considers the Surveillance Technology Policy, COIT  
11 recommends that the Board of Supervisors adopt, adopt with modifications, or decline to  
12 adopt the Surveillance Technology Policy for the Surveillance Technology to be acquired or  
13 used.

14 (d) Under Section 19B.4, the City policy is that the Board of Supervisors will approve a  
15 Surveillance Technology Policy ordinance only if it determines that the benefits that the  
16 Surveillance Technology Policy ordinance authorizes outweigh its costs, that the Surveillance  
17 Technology Policy ordinance will safeguard civil liberties and civil rights, and that the uses and  
18 deployments of the Surveillance Technology under the ordinance will not be based upon  
19 discriminatory or viewpoint-based factors or have a disparate impact on any community or  
20 Protected Class\.

21 (e) On July 27, 2021, the Board of Supervisors approved the Police Department's  
22 Surveillance Technology Policy for Automatic License Plate Readers in Ordinance No. 116-21  
23 and made the required findings.

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1 Section 2. Automatic License Plate Readers (“ALPR”): Police Department Use and Proposed  
2 Amendments.

3 (a) Current Status, Purpose, and Use. The Police Department currently possesses and  
4 uses ALPR. The Police Department uses ALPR to (1) locate stolen or wanted vehicles, or  
5 other vehicles that are the subject of investigation; (2) apprehend wanted persons subject to  
6 arrest warrants or who are otherwise lawfully sought by law enforcement; (3) locate victims,  
7 witnesses, suspects, missing children, adults, and/or elderly individuals, including in response  
8 to Amber Alerts and Silver Alerts and others associated with a law enforcement investigation;  
9 (4) assist with criminal investigations initiated by local, state, and regional public safety  
10 departments by identifying vehicles associated with targets of criminal investigations; (5)  
11 identify potential threats to critical infrastructure sites; and (6) investigate major crimes as  
12 authorized by law.

13 (b) Amendments. The Police Department proposed amendments to the Surveillance  
14 Technology Policy for ALPR to (1) clarify that the Police Department will comply with  
15 California Civil Code Section 1798.90.55 and will not sell, share, or transfer ALPR information  
16 except as allowed by law; (2) update the file formats for ALPR data; (3) update the applicable  
17 Police Department policies regarding ALPR; (4) expand the sources of information that the  
18 Police Department is allowed to use to stop a vehicle that the ALPR alert system has  
19 identified; (5) expand the list of providers and sources of funds that may support and maintain  
20 the surveillance technology and associated data with ALPR; (6) update the data security  
21 safeguards from unauthorized access and control to also include Police Department vendors;  
22 and (7) allow the policy to be used for systems and technology outside of the traditional  
23 vehicle-mounted ALPR system to include stationary, semi-fixed, and smart phone or web  
24 applications.

1 (c) Amended Surveillance Technology Policy for ALPR. On September 21, 2023, the  
2 Police Department submitted to COIT Surveillance Technology Policy amendments for Police  
3 Department's ALPR. A copy of the Police Department's Surveillance Technology Policy  
4 amendments for ALPR is in Board File No. 231161, and is incorporated herein by reference.

5 (d) Public Hearing. On September 21, 2023, COIT held a public hearing on the Police  
6 Department's Surveillance Technology Policy amendments for ALPR, which they considered  
7 the proposed amendments.

8 (e) COIT Recommendation. On September 21, 2023, COIT voted to recommend the  
9 Police Department's Surveillance Technology Policy amendments for ALPR to the Board of  
10 Supervisors for approval.

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12 Section 3. Findings. The Board of Supervisors hereby finds that the benefits of the  
13 Police Department's Surveillance Technology Policy Amendments for ALPR outweigh its  
14 costs and risks, that the Policy Amendments will safeguard civil liberties and civil rights, and  
15 that the uses and deployments of the Police Department's ALPR, as set forth in the Policy  
16 Amendments, will not be based upon discriminatory or viewpoint-based factors or have a  
17 disparate impact on any community or Protected Class.

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19 Section 4. Approval of Policy. The Board of Supervisors hereby approves the Police  
20 Department's Surveillance Technology Policy Amendments for ALPR under which the Police  
21 Department may continue to use ALPR.

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23 Section 5. Effective Date. This ordinance shall become effective 30 days after  
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
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