

1 [Providing for public notice of installation of community safety cameras.]

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3 **Ordinance amending the San Francisco Administrative Code by adding Chapter 19,**
4 **Sections 19.1 through 19.8, to regulate the installation of community safety cameras,**
5 **prescribe a notification and approval process for the installation of cameras, and**
6 **establish protocols for oversight and access to video recordings.**

7 Note: Additions are *single-underline italics Times New Roman*;
8 deletions are *strikethrough italics Times New Roman*.
9 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. The San Francisco Administrative Code is hereby amended by adding
12 Section 19.1, to read as follows:

13 **SEC. 19.1. SHORT TITLE**

14 *This ordinance shall be known and may be cited as the Community Safety Camera Ordinance.*

15 Section 2. The San Francisco Administrative Code is hereby amended by adding
16 Section 19.2, to read as follows:

17 **SEC. 19.2. DEFINITIONS**

18 *(a) Community Safety Camera. For the purposes of this Chapter, the term "community safety*
19 *camera" means any digital recording surveillance system installed at fixed locations in an open and*
20 *obvious manner by the City and County of San Francisco to film public streets, sidewalks or common*
21 *areas of public housing complexes. It does not include surveillance cameras designed to record the*
22 *regular and ongoing operations of City departments, including but not limited to mobile in-car video*
23 *systems, jail observation and monitoring systems, traffic reporting cameras, and building security*
24 *taping systems. In addition, it does not include surveillance cameras installed for security purposes at*
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1 the San Francisco International Airport, the San Francisco Unified School District or in San Francisco
2 Municipal Railway facilities or vehicles.

3 Section 3. The San Francisco Administrative Code is hereby amended by adding
4 Section 19.3, to read as follows:

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

6 The City and County of San Francisco may install community safety cameras for the purpose of
7 enhancing public security only in locations experiencing substantial crime and where the potential to
8 deter criminal activity outweighs any concerns asserted by the affected community as determined by the
9 Police Commission. The cameras shall record areas perceptible to the human eye from public streets
10 and sidewalks only. Images obtained by the community safety cameras may be released to sworn
11 members of the San Francisco Police Department holding the rank of Inspector or higher only. Police
12 shall limit review of images to investigation of specific crimes.

13 Section 4. The San Francisco Administrative Code is hereby amended by adding
14 Section 19.4, to read as follows:

15 **SEC. 19.4. APPROVAL AND AUDITING OF ADDITIONAL COMMUNITY SAFETY**
16 **CAMERAS**

17 (a) Recommendation for Camera Installation by Director. If the Director of the Mayor's
18 Office of Criminal Justice ("MOCJ") finds that a particular location is experiencing substantial crime
19 and that the potential to deter criminal activity outweighs any concerns asserted by the affected
20 community, the Director may recommend approval of a new community safety camera in that location
21 to the Police Commission. The Police Commission shall calendar consideration of the matter no
22 sooner than 30 days and no later than 60 days from MOCJ's notification.

23 (b) Public Hearing Required. The Police Commission shall conduct a public hearing to
24 determine whether or not to install the camera. The MOCJ shall create and distribute to the Police
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1 Commission and the public a report justifying the camera at the particular location 20 days prior to the
2 first public hearing on the proposed installation. The report shall include, for each proposed new
3 camera location: (1) the reason for installing the camera at the particular location, including crime
4 statistics for the area and (2) the proposed area/range to be covered. The Police Commission may
5 continue its consideration of the proposal for up to ~~60~~30 days in order to receive more information
6 from the Director of the MOCJ, the Police Department, or community organizations or to further
7 consider the proposal. The decision of the Police Commission shall be rendered within ~~90~~30 days
8 from the date of the first hearing; ~~failure of the Commission to act within the prescribed time~~
9 ~~shall be deemed disapproval of the proposed camera installation.~~

10 (c) **Approval of Camera Installation by Police Commission.** The Police Commission may
11 approve the camera's installation after a hearing, provided that the Commission finds that the proposed
12 location is experiencing substantial crime, the potential to deter criminal activity outweighs any
13 concerns asserted by the affected community, and there exists significant support from the affected
14 community for the camera.

15 (d) **Annual Report to the Board of Supervisors and to the Police Commission.** The Police
16 Department shall prepare an annual report on all community safety cameras located in the City and
17 County of San Francisco. The report shall identify the camera locations, the crime statistics for the
18 vicinity surrounding each camera both before and after the camera is installed, crime statistics from
19 surrounding vicinities, the number of times the Police Department requested copies of the recorded
20 images, the number of times the images were used to bring criminal charges, the types of charges
21 brought, and the results of the charges. The Department shall issue the first report no later than one
22 year following the date of the first camera installation approval by the Police Commission and not less
23 often than once yearly thereafter. Based upon information provided in the annual report, the
24 Police Commission may direct the removal of any individual camera(s).

1 Section 5. The San Francisco Administrative Code is hereby amended by adding
2 Section 19.5, to read as follows:

3 **SEC. 19.5. NOTICE REQUIREMENTS**

4 **(a) Public Notice Of Proposed Cameral Installation.** *At least 20 days before the Police*
5 *Commission considers a recommendation to install a new community safety camera, the MOCJ*
6 *Department of Information and Telecommunications Services ("DTIS") shall post a minimum of*
7 *4 signs, as set forth below, within a 100 foot radius of the location at which the camera is proposed.*
8 *Signs shall remain posted through the date of approval or disapproval of the camera installation by the*
9 *Police Commission.*

10 **(1) Number of Signs.** *The Director of the MOCJ shall be responsible for determining the*
11 *number of signs to be posted may approve additional signs if deemed necessary to provide*
12 *adequate notice to the public.*

13 **(2) Contents and Size of Signs.** *Each sign shall be at least thirty inches by thirty inches. The*
14 *signs shall be entitled NOTICE OF INTENT TO APPROVE A COMMUNITY SAFETY CAMERA AT*
15 *THIS LOCATION. The lettering of the title shall be at least 1¼-inch capital letters. All other letters*
16 *shall be at least ¾-inch uppercase and ½-inch lowercase. Each sign shall include the time and date of*
17 *the Police Commission's approval hearing, a Police Commission contact person, and a telephone*
18 *number where members of the public may obtain additional information and/or submit comments.*
19 **Signs shall be posted in languages appropriate to the specific neighborhood, as determined**
20 **by the Director of the MOCJ.**

21 **(3) Production of Signs.** *The Director of the MOCJ shall develop a standardized sign that*
22 *meets the requirements of this Section.*

1 **(b) Additional Notice Provisions.** *In addition to the signposting requirements in Section*
2 *19.5(a), the Director of the MOCJ may use mailed notices. If the Director uses mailed notices, the*
3 *Director shall send notices to:*

4 *(1) the owner of each property within 300 feet of the proposed camera location as reflected on*
5 *the latest Citywide Assessor roll,*

6 *(2) neighborhood associations and organizations listed with the Planning Department as*
7 *representing businesses, owners or occupants located within 300 feet of the proposed camera location,*
8 *and*

9 *(3) to the extent practicable, the occupants of each property within 300 feet of the proposed*
10 *camera location.*

11 *The mailed notice shall include, at a minimum, all of the information required in Section*
12 *19.5(a)(ii). Mailed notice shall be sent at least 20 days prior to the Police Commission's consideration*
13 *of approval to install a community safety camera.*

14 **(c) Notice for Approved Cameras.** *Upon approval by the Police Commission and installation*
15 *of a new community safety camera, the Director of the MOCJ DTIS shall post a conspicuous sign*
16 *within 25 feet of the location of the camera. The sign shall state that the area is under camera*
17 *surveillance. Additionally, the Police Department shall publish on the Department's website the*
18 *location of all cameras installed throughout the City. The Department shall update the site within 30*
19 *days of each new camera installation.*

20 Section 6. The San Francisco Administrative Code is hereby amended by adding
21 Section 19.6, to read as follows:

22 **SEC. 19.6. PROTOCOLS FOR OVERSIGHT AND ACCESS TO SURVEILLANCE**
23 **INFORMATION.**

1 (a) Access to the recorders for community safety cameras shall be limited to personnel from the
2 Department of Information and Telecommunications Services ("DTIS")-DTIS for purposes of
3 installation, repair, maintenance and upgrades, and to Custodian of Records staff from the Emergency
4 Communications Department ("ECD"). ECD staff shall be responsible for proper release of the
5 records.

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

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

16 (d) ECD may only release records to agencies other than the SFPD pursuant to a court order.
17 ECD must notify the Board of Supervisors within 7 days of any release pursuant to a court order.

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

20 (f) DTIS shall ensure that the community safety cameras retain data for a period not to exceed
21 14 days.

22 Section 7. The San Francisco Administrative Code is hereby amended by adding
23 Section 19.7, to read as follows:

24 ~~SEC. 19.7. RIGHTS AFFECTED.~~

1 The requirements of this Chapter are not intended to give any right to any person to
2 challenge in any administrative or judicial proceeding any action if such person would not
3 otherwise have the legal right to do so.

4 **SEC. 19.87. SEVERABILITY.**

5 *If any part or provision of this Chapter, or the application of this Chapter to any person or*
6 *circumstance, is held invalid, the remainder of this Chapter, including the application of such part or*
7 *provisions to other persons or circumstances, shall not be affected by such holding and shall continue*
8 *in full force and effect. To this end, the provisions of this Chapter are severable.*

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10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: _____
13 REBECCA L. KATZ
14 Deputy City Attorney