

As amended in
Committee on
12/10/07

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 and other criminal defense attorneys and investigators to**
5 **obtain community safety camera recordings for particular purposes; and amending**
6 **Section 19.6 to specify the procedures for the Public Defender and other criminal**
7 **defense attorneys and investigators to request community safety camera recordings**
8 **and to require that the Department of Telecommunications and Information Services**
9 **retain the recordings for at least 14-30 days but not more than 21-30 days.**

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

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

14 Section 1. The San Francisco Administrative Code is hereby amended by amending
15 Section 19.3, to read as follows:

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

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

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1 (a) ~~s~~Sworn 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 pending criminal case. Any recordings released may be used only in
7 connection with the pending criminal case.

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

11 **SEC. 19.6. PROTOCOLS FOR OVERSIGHT AND ACCESS TO SURVEILLANCE**
12 **INFORMATION.**

13 (a) Access to the recorders for community safety cameras shall be limited to personnel
14 from the DTIS for purposes of installation, repair, maintenance and upgrades, and to
15 Custodian of Records staff from the ~~Emergency Communications~~ Department of Emergency
16 Management ("~~ECDD~~DEM"). ~~ECDD~~DEM staff shall be responsible for proper release of the
17 records.

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

20 (c)(1) Members of the Police Department may obtain copies of the recordings by
21 presenting a written request to ~~ECDD~~DEM. The request shall be submitted by an Inspector of
22 the SFPD, and approved by a Captain or the Deputy Chief of Inspectors. In exigent
23 circumstances only, ~~ECDD~~DEM may release the information to an Inspector prior to receipt of a
24 written request, but the Inspector must then provide a written justification for the release,
25

1 including specification of the exigent circumstances. Within 7 days from the release under
2 exigent circumstances, the SFPD Inspector must submit, in writing, the supervisor's and
3 captain's approval of the Inspector's initial request.

4 (2) The Public Defender, other criminal defense attorney, or an investigator appointed by the
5 Court to assist a pro se criminal defendant may obtain copies of the recordings by presenting a written
6 request to DEM. The request shall include the name and court number of the pending criminal case,
7 and a declaration under penalty of perjury from the attorney or investigator verifying that the request
8 is made in connection with the investigation or defense of a pending criminal case and further
9 certifying that the attorney or investigator will use any community safety camera recordings released
10 by DEM only in connection with the pending criminal case.

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

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

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

19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By: _____
22 KATHARINE HOBIN PORTER
23 Deputy City Attorney