



August 15, 2022

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San Francisco Board of Supervisors Rules Committee
1 Dr. Carlton B. Goodlett Place, City Hall Room 244
San Francisco, CA 94102-4689

Rules Committee Clerk Victor.Young@sfgov.org

Re: San Francisco Police Department Surveillance Technology Policy: **STRONG SUPPORT**

Dear Committee and Staff:

The Barbary Coast Neighborhood Association (BCNA) **strongly supports adoption of the recently amended legislation approving San Francisco Police Department (SFPD) Surveillance Technology Policy**. This legislation and policy grants SFPD an ability to utilize privately owned video cameras and should be adopted for the following reasons:

1. More effective law enforcement: Anyone who is a fan of BBC shows such as Morse, Lewis, etc., knows that cameras are often the key to solving crimes. And here in San Francisco, individual citizens, business owners, and apartment buildings are already using cameras to monitor their property in hopes of improving their security and safety. In most cases, they are eager to voluntarily share video captured by those camera systems with law enforcement officials, if it helps to enforce laws against crime and/or deter those crimes from being committed. In addition, we know that cameras can be, and already are, a proven non-confrontational method for enforcement of many laws such as those that require stopping at a red light and for payment of tolls.

2. More efficient law enforcement and a reduced likelihood of physical violence: The use of video camera technology as a tool for law enforcement tool will allow for more efficient and effective deployment of scarce police resources and will reduce, and in some cases, eliminate potentially dangerous, even life threatening, confrontations between police officers and the public. We should be encouraging the use of these non-confrontational approaches to law enforcement, rather than discouraging them.

3. Extensive privacy and equity protections: The amended version of the Surveillance Technology Policy contains extensive protections for individual privacy rights in the form of seven (7) different prohibitions, among which are strict prohibitions in the technology's use for monitoring groups or individuals based on race, gender, religion, sexual orientation, national origin; prohibitions on use in enforcing laws related to reproductive care; and immigration and/or customs enforcement. Additional restrictions protect individuals from use of this technology during First Amendment activities. The Policy's requirements on storage and retention of data are also stringent.

4. Increased police accountability: The use of modern video surveillance technologies not only can alert our law enforcement system of criminal acts, but can also provide a record of illegal activities, that might be perpetrated by police officers. The George Floyd tragedy is an example of this aspect of video surveillance. If it were not for a video that a private citizen captured of the killing of George Floyd, it's possible that the police officers who murdered, or abetted in the murder of, George Floyd would never have been brought to justice.

Finally, note that the amended legislation must be renewed or amended by the end of one year. During that time, San Francisco's public and its representatives will have ample opportunity to determine if the Policy's restrictions on the use of Surveillance Technology should be modified.

BCNA strongly urges the Board of Supervisors and its Rules Committee to help ensure the safety and security of the residents and businesses of San Francisco by adopting this legislation without delay.

Sincerely Yours,

Diana Taylor

Diana Taylor, President

Cc: City Attorney David Chiu, Supervisor Aaron Peskin, Acting SFPD Capt. Farmer, DA Brooke Jenkins

From: [Ana Elisa Fuentes](#)
To: [Young, Victor \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [ChanStaff \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [MandelmanStaff, \[BOS\]](#)
Cc: [mcagle](#)
Subject: Re: Live Monitoring, Surveillance Technology
Date: Monday, July 25, 2022 1:30:48 PM
Importance: High

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Monday July 25, 2022

The following is my prepared statement for the Rules Committee public comment for item 6; the proposed use of SFPD Surveillance Technology

Good Afternoon --

my name is Ana Elisa Fuentes. I am a resident of San Francisco. I called in today to voice opposition and to ask the SF Board of Supervisors not to capitulate to the SFPD's demand to increase and expand surveillance technology.

My seven main concerns are discoveries revealed by MIT, UC Berkeley; the Algorithmic Justice League; Google, the ACLU; and the Washington Post, for example. My concerns are these:

1. The use of live monitoring or spying technology violates our fourth and first amendments - that is freedom to assemble, freedom of speech, and in potential breach in the gathering evidence without a warrant.
2. The police will conduct its own oversight which means there will be no one *live monitoring* their misconduct or abuse of this technology. There will not be impartial accountability for breach, abuse, or misconduct in the employment of surveillance, live monitoring technology.
3. ***This technology benefits white, middle-aged men only, in it's accuracy. This enjoyment of this privilege and protection by this demographic translates to mean:

4. Everyone else is vulnerable to the inaccuracies; the false positives, and other algorithmic biases inherent in this unregulated technology.

5. This technology will render vulnerable, African Americans, Asian Americans, and especially women, specifically black women and children. This technology will amplify the harm already suffered by our Asian American communities through false identification and algorithmic bias.

6. False identification through a biased technology leads to false arrests; increased mistrust; false interrogations; and the potential loss of life due. All due to the counterproductive racial and algorithmic biases inherent in surveillance, facial recognition technologies.

7. Lastly, all together these facts, unfortunately, in the false identification of children intersects with the current appointed DA's mandate to punish and try children as adults. This maneuver is right out of the authoritarian playbook-- a maneuver which targets vulnerable communities; of which children are a specified target. Much in the same way John Porter fraudulently used a foundation to "help" underprivileged children as a front to funnel bribery funds to Mohammed Nuru.

I encourage the San Francisco Board of Supervisors not to capitulate to the demands by SFPD. Surveillance will not make us safer. The voters have voted in opposition. Please act accordingly. Thank you.

***Please do not be angry. Please do not hate me regarding #3. I do not make up facts.

I do not make up facts unlike the former president who labeled and falsely identified all Mexicans, brown people, or persons from south of the border as "rapists and drug dealers." Statements like this hurt. They hurt and become unjust and/or unconstitutional when they reflect in public policy(ies)

Broad and unjustified comments made by the former president are hurtful and unfactual said to effect injury and harm.

His statements are biased, hateful, discriminatory, unjust but more importantly unproven by scientific fact.

In #3 I am just citing a fact determined by MIT; a university with long standing commitment to the sciences.

Ana Elisa Fuentes

<http://anaelisafoto.wordpress.com>

From: [Elliot Helman](#)
To: [MandelmanStaff, \[BOS\]](#); [Peskin, Aaron \(BOS\)](#); [ChanStaff \(BOS\)](#); [Young, Victor \(BOS\)](#)
Subject: oppose SFPD's efforts to increase surveillance
Date: Friday, July 29, 2022 10:24:38 AM

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SFPD's proposal would be an extreme escalation in the police's surveillance powers and is a threat to our fundamental rights that would lead to over-policing, abuse, and discrimination. SFPD has a history of racist, sexist, and abusive activity and should not be given greater power to intrude in citizen's lives.

Elliot Helman
626 Mission Bay Blvd, N #210
94158

From: [Bill Alvarado](#)
To: [Peskin, Aaron \(BOS\)](#); [ChanStaff \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [Young, Victor \(BOS\)](#)
Subject: Approve the Surveillance Technology Policy for SFPD!!
Date: Monday, July 25, 2022 7:40:15 PM

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Message to the Rules Committee

From your constituent **Bill Alvarado**

Email billalvarado@comcast.net

I am a resident of **District 1**

Approve the Surveillance Technology Policy for SFPD!!

Message to the Rules
Committee

Dear Supervisors Peskin, Chan and Mandelman:

I call on you to support the Surveillance Technology Policy for the Police Department's use of non-City entity surveillance cameras.

The ordinance, as written, balances our rights and public safety. Business owners can opt-in or not. People who own private cameras must consent.

Any claim that the ordinance grants SFPD broad monitoring of our lives, is false. The ordinance applies to very specific, important circumstances, including SFPD officer misconduct. It is case-specific, and protects First Amendment rights and the limits on how long footage can be retained are reasonable. Officer training is extensive, and Chief Scott, who has continuously sought out appropriate criminal justice reforms, has committed to honoring the ordinance as intended.

Please approve the Surveillance Technology Policy for the Police Department's use of non-City entity surveillance cameras.

Thank you.

From: [Paul Liao](#)
To: [Peskin, Aaron \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Cityattorney](#)
Cc: [Young, Victor \(BOS\)](#)
Subject: SFPD Surveillance Technology Policy
Date: Monday, August 1, 2022 12:39:29 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisor Peskin
Supervisor Chan
Supervisor Mandelman:
City Attorney David Chiu:

As in my previous messages on this topic (see below) I was disappointed that the Rules Committee of the San Francisco Board of Supervisors was once again unable to pass the SFPD Surveillance Technology Policy at its last meeting. However, I was pleased to see the amendments that have been adopted by the Committee. And trust that the Policy will be reviewed by the City Attorney's office such that it can be adopted at the next meeting of the Rules Committee.

Although I would have preferred the policy to NOT have an expiration date because presumably the BOS can always ask for a revision, or even rescind, the policy if it wishes, I also see benefits of assuring the public that San Francisco is taking steps toward assuring public privacy rights are protected. Therefore, I call to your attention that one of the public commentators proposed some useful ideas that could assure that ongoing reviews of this policy leading to a renewal of this policy are done expeditiously.

This SFPD policy is just one step toward what I hope will be increased usage of non-confrontational approaches to law enforcement. Our city should be encouraging the use of these technology, not discouraging them

Paul Liao

On Tue, Jul 12, 2022 at 10:20 PM Paul Liao <pliao.gml@gmail.com> wrote:

Supervisor Peskin
Supervisor Chan
Supervisor Mandelman:

I was unable to view yesterday's meeting in real time, but I just finished watching a replay of it. Before watching the replay, I had learned of, and was disappointed in, your decision to continue, and not pass, the proposed San Francisco Police Department Surveillance Technology Policy. However, after viewing the recording, I found myself pleased with the vigor at which the SF Rules Committee examined the policy; and I recognized that the policy does address one possible issue of legitimate concern - an issue that definitely warranted a continuance of your deliberation.

Before discussing that one issue, I wish to thank the Committee for its patience in listening to the many ill informed, and truly outrageous, public comments about the proposed policy. Despite the fact that Supervisor Peskin noted that this policy is NOT an expansion of current police department practices, most public comments continued an unreasonable harangue that

the policy will rob people of their civil rights. The truth is that a properly designed policy, not only protects the privacy of individuals, but recognizes that modern video surveillance technologies provide the information necessary for law enforcement to better protect people and property in San Francisco. And we know that these same surveillance technologies assure improved police accountability.

The vigorous committee discussion, Starting with Chairman Peskin's comment that the recent Supreme Court's ruling concerning Roe v Wade has opened new conversations about surveillance information, opened my eyes to a key deficiency in the policy. Specifically, the policy presently lacks an assurance that any surveillance information that comes into the possession of the San Francisco Police department will NOT be used by other states to prosecute any person or organization for acts that are not crimes in California.

Once this issue is addressed, it is my hope that the policy will be pass by your committee. I also urge our City to be increasingly proactive in its deployment of technologies, including surveillance technologies, that help assure public safety in ways that also protect the public's rights to privacy. It must be noted that such technologies not only help identify the culprits of crimes (and deter criminal activities), but are a key to reducing the potential for violent confrontation between law enforcement and the public.

Please revise the Surveillance Technology Policy and approve it at your next meeting.

Paul Liao

PS. Below is the text of my original email requesting your support for this policy that I sent to you yesterday.

A recent email message from the ACLU has informed me that a Surveillance Technology Policy will be discussed during Monday's San Francisco Rules Committee meeting.

I urge you to support the Surveillance Technology policy for the following reasons.

If you are a fan of BBC shows such as Morse, Lewis, etc., you know that cameras are often the key to solving crimes. It's also true that here in San Francisco, individual citizens, store owners, and apartment buildings are using cameras to monitor their property in hopes of improving their security and safety. Most are more than willing to voluntarily share the video captured by those camera systems with law enforcement officials, if it helps to enforce laws against crime and/or deter those crimes from being committed in the first place. In addition, we know that cameras can be, and already are, an effective method for enforcement of many laws such as those that require stopping at a red light, for payment of tolls, and for assuring police accountability.

Modern camera technologies could do still more to improve the safety and quality of life in San Francisco. For example, reckless driving and speeding could be greatly reduced, and pedestrian safety improved, if cameras aided law enforcement in the efforts to enforce these laws that protect our safety. Unfortunately at present, despite the efforts of our local representatives, those cameras are not permitted in California. I hope that situation will change in the future.

Consider also how enforcement of traffic safety violations using information captured by cameras would virtually eliminate potentially dangerous, even life threatening, confrontations between police officers and the public. **We should be encouraging the use**

of these non-confrontational approaches to law enforcement, rather than discouraging them

There can be privacy concerns that should, and indeed must be, addressed. However, the attached ACLU (to which national organization I send contributions every year) is a hysterical call that sends the mistaken impression that all surveillance cameras should be banned. In my opinion, it sends exactly the WRONG message.

ON MONDAY, PLEASE SUPPORT SURVEILLANCE TECHNOLOGY POLICY
Paul Liao

From: [Jenya Kaufman](#)
To: [MandelmanStaff, \[BOS\]](#); [Peskin, Aaron \(BOS\)](#); [ChanStaff \(BOS\)](#); [Young, Victor \(BOS\)](#)
Subject: SFPD's Surveillance Proposal
Date: Friday, July 29, 2022 10:52:09 AM

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To the Committee,

I am strongly opposed to the proposal from SFPD on surveillance. I value my privacy and that of my fellow citizens. I too worry about crime in this city, but as the video footage from the vandalism and robbery of Black Cat showed there is a lot that needs to be done better, video footage won't help.

Thank you,
Jenya Kaufman

--

Jenya A. Kaufman, M.D.

4111 18th St, Suite 7
San Francisco, CA 94114
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If you would prefer not to exchange personal health information via email, please contact me at the above phone number. By replying to this email, you acknowledge that you are aware that email is not considered a secure method of communication, and that you agree to the risks.

For any time-sensitive issues--including scheduling issues, prescription refills, or medication questions--do not use email; please call me directly.

If there is a life-threatening emergency, please call 911.

From: [Sanford Forte](#)
To: [Young, Victor \(BOS\)](#)
Subject: File 220606 - Ordinance approving Surveillance Technology Policy for Police Department use of non-City entity surveillance cameras
Date: Friday, July 29, 2022 2:50:12 PM

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Dear Mr. Young,

I hope this finds you well. I have been watching the progression of the "Ordinance approving Surveillance Technology Policy for Police Department use of non-City entity surveillance cameras" with great interest. Having some experience in the deployment of security technologies (namely, Radio Frequency Identification Technology - RFID) as well as issues surrounding the deployment of universal technologies for public safety reasons, we would like to suggest the following for consideration to the present, aforementioned ordinance:

1) There appears to be no stated policy in any amendment (as far as I can see) for penalties resulting from any group or individual using surveillance obtained by legal means to violate the reasonable expectations of the privacy of any individual. Suggest referencing [this link](#) if you want to know more about what current penalties are in place in Federal Law. [Here is California Penal Code 652](#), mandating penalties for abuse of surveillance. I think current penalties for any public official violating the rights of any citizen or groups of citizens (including non-citizens protected by local legislation) should be far more harsh than those mandated by Code 652. There is an **absolute** necessity for private citizens to be assured and expect that their rights are protected if/when government deploys surveillance systems, or accesses private surveillance. Also required should be citizen-controlled/staffed monitoring of public surveillance officials. Governments who deploy surveillance systems **must** create and build trust, into perpetuity; it's imperative that the public trust those who are deploying public surveillance.

I suggest that the penalties for violating the rights of any citizen or groups of citizens (including non-citizens protected by local legislation) should be far more harsh than those mandated by Code 652. There is an **absolute** necessity for individuals to be assured that their rights are protected - and, that said penalties should be enunciated in an amendment to the proposed policy

3) There appears to be no stated policy that will give any one or group of citizens to review private surveillance used by public officials, on demand. In a fully transparent universal surveillance system present in any democratic culture, a citizen should have the right - on demand - to know 1) when s/he was surveilled; 2) how s/he was surveilled; 3) for what reason was s/he surveilled; 4) for what length of time s/he was surveilled; 5) where/s/he was surveilled; 6) by whom she was surveilled (may be kept private to protect surveillance operators, but should include identifying codes where surveillance officials can be identified by superiors). One of the great challenges to transparency within surveillance systems in a democratic culture is that the mandate for transparency can be used by individuals who are known to be up to no good, but are being surveilled. How do we keep the latter group from

on-demand access to the system. This is a difficult problem.

Summarizing: I suggest that any and all committees assigned to refine the proposed policy consider the foregoing: 1) increased penalties for violation of privacy by any public official(s); and, 2) consideration of transparent private citizen access to surveillance as potential candidates for inclusion in amendments to the proposed policy.

Last, I want to congratulate the Board of Supervisors for including (by default) the following in the proposed surveillance policy.

"SFPD members shall not acquire or use surveillance camera footage in cooperation with or assisting U.S. Immigration and Customs Enforcement or U.S. Customs and Border Protection in any investigation, detention, or arrest procedures, public or clandestine, where in any such instance the purpose is the enforcement of federal immigration laws. SFPD complies with SF Administrative Code Chapters 12H "Immigration Status" and 12I "Civil Immigration Detainers" and [SFPD General Order \(DGO\) 5.15 "Enforcement of Immigration Laws"](#)."

Very Best Regards,
Sanford Forte
San Francisco, CA
650-888-0077