

1 [Administrative Code - Release of Community Safety Camera Recordings to Public Defender  
2 and Criminal Defense Attorneys]

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3 **Ordinance amending the San Francisco Administrative Code Section 19.6 to require**  
4 **release of community safety camera recordings requested by the Public Defender or**  
5 **other criminal defense attorneys within five court days of the Department of**  
6 **Emergency Management’s receipt of the request.**

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

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

12 Section 1. The San Francisco Administrative Code is hereby amended by amending  
13 Section 19.6, to read as follows:

14 **SEC. 19.6. PROTOCOLS FOR OVERSIGHT AND ACCESS TO SURVEILLANCE**  
15 **INFORMATION.**

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

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

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

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

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

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

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

3 (f) DTIS shall ensure that the community safety cameras retain data for a period of at  
4 least 30 days but not longer than 30 days.

5 Section 2. Effective Date. This ordinance shall become effective 30 days from the  
6 date of passage.

7 Section 3. This section is uncodified. In enacting this Ordinance, the Board intends to  
8 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,  
9 punctuation, charts, diagrams, or any other constituent part of the Administrative Code that  
10 are explicitly shown in this legislation as additions, deletions, Board amendment additions,  
11 and Board amendment deletions in accordance with the "Note" that appears under the official  
12 title of the legislation.

13 APPROVED AS TO FORM:  
14 DENNIS J. HERRERA, City Attorney

15 By: \_\_\_\_\_  
16 SALLIE P. GIBSON  
17 Deputy City Attorney

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