

1 [Administrative Code - Surveillance Technology Policy - Department of Emergency
2 Management - Gunfire Detection]

3 **Ordinance approving Surveillance Technology Policy for the Department of Emergency**
4 **Management's use of ShotSpotter, a gunfire detection technology.**

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

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

13 Section 1. Background.

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

16 (b) Chapter 19B establishes requirements that City departments must follow before
17 they may use or acquire new Surveillance Technology. Under Administrative Code Section
18 19B.2(a), a City department must obtain Board of Supervisors ("Board") approval by
19 ordinance of a Surveillance Technology Policy before: (1) seeking funds for Surveillance
20 Technology; (2) acquiring or borrowing new Surveillance Technology; (3) using new or
21 existing Surveillance Technology for a purpose, in a manner, or in a location not specified in a
22 Board-approved Surveillance Technology Policy; (4) entering into an agreement with a non-
23 City entity to acquire, share, or otherwise use Surveillance Technology; or (5) entering into an
24 oral or written agreement under which a non-City entity or individual regularly provides the
25 department with data or information acquired through the entity's use of Surveillance
Technology.

1 (c) Under Administrative Code Section 19B.2(b), the Board may approve a
2 Surveillance Technology Policy if: (1) the department seeking Board approval first submits to
3 the Committee on Information Technology (“COIT”) a Surveillance Impact Report for the
4 Surveillance Technology to be acquired or used; (2) based on the Surveillance Impact Report,
5 COIT develops a Surveillance Technology Policy for the Surveillance Technology to be
6 acquired or used; and (3) at a public meeting at which COIT considers the Surveillance
7 Technology Policy, COIT recommends that the Board adopt, adopt with modification, or
8 decline to adopt the Surveillance Technology Policy for the Surveillance Technology to be
9 acquired or used.

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

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18 Section 2. Surveillance Technology Policy Ordinance for the Department of
19 Emergency Management’s Use of Gunfire Detection Technology.

20 (a) Purpose. The Department of Emergency Management seeks Board authorization
21 under Section 19B.2(a) to use the gunfire detection hardware, ShotSpotter, managed and
22 operated by the City at specified locations, to respond to daily emergencies by reporting
23 potential incidents involving gunfire. The Department of Emergency Management’s dispatch
24 center will receive notifications of gunshots through the ShotSpotter application and then
25 Department of Emergency Management dispatchers will create calls for service for police

1 officers to respond to the location where the gunshot(s) were detected. Under the proposed
2 Surveillance Technology Policy (the “Policy”), the Department of Emergency Management
3 may use information collected from gunfire detection technology only for legally authorized
4 purposes, and may not use that information to unlawfully discriminate against people based
5 on race, ethnicity, political opinions, religious or philosophical beliefs, trade union
6 membership, gender, gender identity, disability status, sexual orientation or activity, or genetic
7 and/or biometric data.

8 (b) Surveillance Impact Report. The Department of Emergency Management
9 submitted a Surveillance Impact Report to COIT for the department’s use of ShotSpotter, a
10 gunfire detection technology. A copy of the Surveillance Impact Report is in Board File No.
11 240330.

12 (c) Public Hearings and COIT Recommendation. On July 8, 2022, COIT’s Privacy and
13 Surveillance Advisory Board held a public hearing to consider the proposed Policy, and on
14 September 15, 2022, COIT held a public hearing to consider and approve the proposed
15 Policy, and voted to recommend the Policy to the Board for approval. A copy of the proposed
16 Policy is in Board File No. 240330, and is incorporated herein by reference.

17 (d) Findings. The Board hereby finds that the stated benefits of the Department of
18 Emergency Management’s use of gunfire detection technology outweigh the costs and risks of
19 use of such Surveillance Technology; that the Policy will safeguard civil liberties and civil
20 rights; and that the uses and deployments of the gunfire detection technology, as set forth in
21 the Policy, will not be based upon discriminatory or viewpoint-based factors or have a
22 disparate impact on any community or a protected class.

1 Section 3. Approval of Policy.

2 The Board of Supervisors hereby approves the Department of Emergency
3 Management’s Surveillance Technology Policy for use of ShotSpotter, the gunfire detection
4 technology, described in Section 2 of this ordinance and referenced in Section 2(c).

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6 Section 4. Effective Date. This ordinance shall become effective 30 days after
7 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
8 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
9 of Supervisors overrides the Mayor’s veto of the ordinance.

10 APPROVED AS TO FORM:
11 DAVID CHIU, City Attorney

12 By: /s/Christina Fletes-Romo
13 CHRISTINA FLETES-ROMO
14 Deputy City Attorney

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