



EDWIN M. LEE
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

HEADQUARTERS
1245 3RD STREET

SAN FRANCISCO, CALIFORNIA 94158

August 31, 2015



GREGORY P. SUHR
CHIEF OF POLICE

Ms. Alisa Somera
Assistant Clerk
Land Use and Economic Development Committee
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4694

Dear Ms. Somera:

RE: File No. 150682: Ordinance Amending the Administrative Code to Require the Installation and Use of Telematic Vehicle Tracking Systems

The San Francisco Police Department appreciates the efforts of Supervisor Norman Yee for efforts to prevent fraud and waste of funds by tracking the use of City-owned motor vehicles assigned to employees.

The Police Department has a concern regarding the tracking systems being installed in department vehicles used for law enforcement purposes, both marked and unmarked vehicles. We have been informed that the monitoring system will be functioning at all times even when the vehicle is off. It will display the location of vehicles when on, idling, or moving.

This is an issue for the Police Department as our vehicles are used for investigative purposes which includes undercover operations, sensitive assignments (escorting dignitaries, homeland security), and investigation of criminal activity in which the victim is considered "confidential" (domestic violence, sexual assault). As such, many of these activities are not subject to disclosure, and if the information is subject to release, some of the content would need to be redacted pursuant to state and federal laws. The question as to who is the owner of the information gathered during the monitoring process and who would be responsible for the review, redaction, and disclosure would need to be defined.

In addition, California Vehicle Code Section 1808.4 allows for peace officers to request home address confidentiality through the Department of Motor Vehicles. This requires redaction from any record, including vehicle tracking systems, of this information for those employees assigned take-home vehicles. In addition, as the data collected via the tracking system could be used for disciplinary action, it would require a meet-and-confer process with the various labor unions/associations prior to implementation.

Although the proposed legislation includes a waiver process for departments to follow in order to have vehicles excluded from the monitoring, it would be cumbersome for the Police Department due to the large number of vehicles in our fleet, many of which are unconventional such as

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armored vans and other tactical equipment. If a waiver is submitted and approved by the City Administrator, the decision can be overturned by the Board of Supervisors, leaving a binding decision.

Prior to the legislation being adopted, the Police Department respectfully requests to be excluded from the requirement in Sec. 4.10-2 (f) along with the Public Utilities Commission, Airport, Port, or Municipal Transportation Authority as compliance would interfere with the discharge of functions placed under the direct jurisdiction of our department.

However, the Police Department would agree to identify those vehicles within its fleet that would not be adversely affected by this proposed legislation, such as those assigned to administrative positions. Once identified, these vehicles will be monitored and all requirements of the proposed legislation will be met.

If we can be of further assistance, please feel free to contact my office.

Sincerely,



GREGORY P. SUHR
Chief of Police

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