

[Administrative Code - Police Surveillance Technology Policy for Electronic Location Tracking Devices]

Ordinance approving the Police Surveillance Technology Policy for electronic location tracking devices and making required findings.

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

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

Section 1. Background.

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

(b) Chapter 19B regulates City departments' acquisition and use of Surveillance Technology. Proposition E, approved by the voters in March 2024, amended Chapter 19B to authorize the Police Department to acquire or use surveillance technology for up to one year before Board action. Under Administrative Code Section 19B.2(c), the Police Department must submit a proposed surveillance technology policy to the Board for approval by ordinance within one year of the use or acquisition and may continue to use the surveillance technology after the end of that year unless the Board adopts an ordinance that disapproves the policy.

(c) Under Administrative Code Section 19B.2(b), the Board of Supervisors may approve a Surveillance Technology Policy ordinance following a public hearing at which the Committee on Information Technology ("COIT") considers a proposed Surveillance

1 Technology Policy and recommends that the Board adopt, adopt with modifications, or decline
2 to adopt the Surveillance Technology Policy for the Surveillance Technology to be acquired or
3 used.

4 (d) Under Administrative Code Section 19B.3(b), the department seeking approval
5 under Section 19B.2 must submit to the Board and publicly post on the department website a
6 Surveillance Impact Report and a proposed Surveillance Technology Policy ordinance at least
7 30 days prior to the first public meeting where the Board will consider the Policy.

8 (e) Under Administrative Code Section 19B.4, the Board will approve a Surveillance
9 Technology Policy ordinance only if it determines that the benefits outweigh the costs, the
10 Policy will safeguard civil liberties and civil rights, and the authorized uses and deployments
11 will not be based upon discriminatory or viewpoint-based factors or have a disparate impact
12 on any community or Protected Class.

13 (f) The Police Department initiated a pilot use of projectile Global Positioning System
14 (GPS) electronic location tracking technologies pursuant to Field Operations Bureau Order
15 No. 24-01 (StarChase Pilot Program) issued on October 22, 2024, which established training,
16 deployment, coordination, and post-use reporting requirements.

17
18 Section 2. Surveillance Technology Policy for Police Department Use of Electronic
19 Location Tracking Devices.

20 (a) Purpose. The Police Department seeks Board authorization under Section 19B.2(a)
21 to use Electronic Location Tracking Devices, including GPS tags (e.g., projectile devices),
22 Radio Frequency Identification (RFID) devices, and Radio Frequency Beacon devices, for the
23 following authorized purposes as set forth in the Department's Surveillance Technology Policy
24 ("Policy"): (1) to track a person, vehicle, or property in compliance with a search or arrest
25 warrant, or a recognized warrant exception (e.g., consent or exigent circumstances),

1 consistent with California Penal Code Sections 1534 and 637.7; (2) to serve as a vehicle
2 pursuit-mitigation option consistent with Department General Order 5.05 (Response and
3 Pursuit Driving) and Administrative Code Section 96I.2(d); and (3) to aid Theft Abatement
4 Operations. The Policy prohibits use for non-law-enforcement purposes; prohibits monitoring,
5 harassment, intimidation, or discrimination based on protected characteristics; prohibits use to
6 enforce prohibitions on gender-affirming or reproductive care or related interstate travel; and
7 requires termination of tracking upon apprehension in projectile-device deployments.

8 (b) Surveillance Impact Report. The Police Department submitted to COIT a
9 Surveillance Impact Report for Electronic Location Tracking Devices. A copy of the
10 Surveillance Impact Report is in Board File No. _____, and is incorporated herein by
11 reference.

12 (c) Public Hearings and COIT Recommendation. On June 27, 2024 and July 19, 2024,
13 the Privacy and Surveillance Advisory Board held public hearings to consider the Surveillance
14 Impact Report and proposed Policy; and on September 19, 2024, COIT held a public hearing
15 to consider the Policy and recommended that the Board adopt it. A copy of the Policy ("San
16 Francisco Police Department Electronic Location Tracking Devices Policy") is in Board File
17 No. _____, and is incorporated herein by reference.

18 (d) Pilot Period. The Police Department's pilot use of Electronic Location Tracking
19 Devices pursuant to Proposition E is concluding. The Police Department has proposed the
20 Surveillance Policy to the Board for its approval. Pursuant to Administrative Code Section
21 19B.2(c)(1), the Police Department may continue to use the technology unless the Board
22 adopts an ordinance that disapproves the Policy.

23 24 Section 3. Findings.

25 The Board of Supervisors hereby finds that the benefits of the Police Department's use

1 of Electronic Location Tracking Devices outweigh the costs and risks; that the Policy will
2 safeguard civil liberties and civil rights; and that the uses and deployments of Electronic
3 Location Tracking Devices, as set forth in the Policy, will not be based upon discriminatory or
4 viewpoint-based factors or have a disparate impact on any community or a Protected Class.

5
6 Section 4. Approval of Policy.

7 Based on the findings stated above, The Board of Supervisors hereby approves the
8 Police Department's Surveillance Technology Policy for the use of Electronic Location
9 Tracking Devices, including projectile GPS devices used as a pursuit-mitigation option,
10 consistent with the Surveillance Impact Report and the Policy considered by COIT and
11 referenced in Sections 2(b) and (c) of this ordinance.

12
13 Section 5. Effective Date. This ordinance shall become effective 30 days after
14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
15 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
16 of Supervisors overrides the Mayor's veto of the ordinance.

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18 APPROVED AS TO FORM:
19 DAVID CHIU, City Attorney

20 By: /s/ Jen Huber
21 JEN HUBER
22 Deputy City Attorney

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