

1 [Administrative Code - Surveillance Technology Policy for Police Department Use of Non-City
2 Entity Surveillance Cameras]

3 **Ordinance approving Surveillance Technology Policy for Police Department use of**
4 **non-City entity surveillance cameras.**

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

25 (b) Under Administrative Code Section 19B.2(b), the Board of Supervisors may
approve a Surveillance Technology Policy ordinance under Section 19B.2(a) only if: (1) the

1 department seeking Board approval first submits to the Committee on Information Technology
2 (COIT) a Surveillance Impact Report for the Surveillance Technology to be acquired or used;
3 (2) based on the Surveillance Impact Report, COIT develops a Surveillance Technology
4 Policy for the Surveillance Technology to be acquired or used; and (3) at a public meeting at
5 which COIT considers the Surveillance Technology Policy, COIT recommends that the Board
6 adopt, adopt with modification, or decline to adopt the Surveillance Technology Policy for the
7 Surveillance Technology to be acquired or used.

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

15 Section 2. Surveillance Technology Policy Ordinance for Police Department Use of
16 Non-City Entity Surveillance Cameras.

17 (a) Purpose. The Police Department seeks Board of Supervisors authorization under
18 Section 19B.2(a) to use surveillance cameras and surveillance camera networks owned,
19 leased, managed, or operated by non-City entities to: (1) temporarily live monitor activity
20 during exigent circumstances, significant events with public safety concerns, and
21 investigations relating to active misdemeanor and felony violations; (2) gather and review
22 historical video footage for the purposes of conducting a criminal investigation; and (3) gather
23 and review historical video footage for the purposes of an internal investigation regarding
24 officer misconduct.

1 (b) Surveillance Impact Report. The Police Department submitted to COIT a
2 Surveillance Impact Report for Non-City Entity Surveillance Cameras. A copy of the Police
3 Department Surveillance Impact Report for Non-City Entity Surveillance Cameras is in Board
4 File No. _____, and is incorporated herein by reference.

5 (c) Public Hearings. Between March 25, 2022 and April 21, 2022, inclusive, COIT and
6 its Privacy and Surveillance Advisory Board (PSAB) conducted four public hearings at which
7 they considered the Surveillance Impact Report referenced in subsection (b) and developed a
8 Surveillance Technology Policy for the Police Department's use of non-City entity surveillance
9 cameras. A copy of the Surveillance Technology Policy for the Police Department's use of the
10 Non-City Entity Surveillance Cameras ("San Francisco Police Department (SFPD) Non-City
11 Entity Surveillance Cameras Policy") is in Board File No. _____, and is incorporated herein
12 by reference.

13 (d) COIT Recommendation. On April 21, 2022, COIT voted to recommend the SFPD
14 Non-City Entity Surveillance Cameras Policy to the Board of Supervisors for approval.

15 (e) Findings. The Board of Supervisors hereby finds that the stated benefits of the
16 Police Department's use of non-City entity surveillance cameras outweigh the costs and risks
17 of use of such Surveillance Technology; that the SFPD Non-City Entity Surveillance Cameras
18 Policy, as modified by the Board of Supervisors, will safeguard civil liberties and civil rights;
19 and that the uses and deployments of non-City entity surveillance cameras, as set forth in the
20 SFPD Non-City Entity Surveillance Cameras Policy, will not be based upon discriminatory or
21 viewpoint-based factors or have a disparate impact on any community or a protected class.

22 In particular, the SFPD Non-City Entity Surveillance Cameras Policy ("policy") includes
23 on pages 2 and 3 a number of prohibitions on SFPD's use of third-party surveillance cameras
24 and footage. These prohibited uses include a prohibition on monitoring any certain groups or
25 individuals based, in whole or in part, on race, gender, religion, or sexual orientation. The

1 policy also prohibits SFPD from accessing, requesting, or monitoring any surveillance camera
2 live feed during First Amendment activities for reasons outside of redeployment needs due to
3 crowd sizes or other issues creating public safety hazards. SFPD cannot live monitor
4 cameras inside residential dwellings absent specific circumstances. Additionally, SFPD shall
5 not use biometric or facial recognition technology under the policy, and SFPD shall not
6 acquire or use surveillance footage for purposes of assisting U.S. Immigration and Customs
7 Enforcement with the enforcement of immigration laws.

8 Section 3. Approval of Modified Policy.

9 The Board of Supervisors hereby approves the SFPD Non-City Entity Surveillance
10 Cameras Policy, with the following modifications:

11 (a) Under "Purpose and Scope" on page 1, adding a fourth paragraph as follows:

12 "Absent a subpoena or search warrant, SFPD access to all systems noted in this policy will be
13 obtained through the express consent of the individual or entity managing the surveillance
14 system at the time of request. SFPD does not manage a surveillance camera registry, have
15 public observation devices, or have a Ring/Neighbors partnership agreement."; and

16 (b) Under Authorized Uses on page 2, the first authorized use is revised and replaced
17 in its entirety as follows:

18 "1. Temporary live monitoring during (a) exigent circumstance(s) as defined by San
19 Francisco Administrative Code, Section 19B, (b) Significant Events with public safety
20 concerns, or (c) investigations of misdemeanor or felony violations if an SFPD Captain or
21 member in rank above Captain determines based on reasonable and articulable facts that
22 there is an operational need for live monitoring to investigate contemporaneous or imminent
23 events, and obtaining historical video footage later either by consent, warrant, or subpoena
24 will be inadequate to meet the operational and investigative need. Temporary live monitoring
25 will cease, and the connection will be severed within 24 hours after the non-city entity has

1 provided access to SFPD. SFPD shall not record live monitoring however, if misdemeanor or
2 felony violations are observed, nothing in this policy ordinance prohibits SFPD from deferring
3 to authorized use No. 2 or No. 3 of this section."

4 (c) Under "Prohibitions," which begins on page 2, adding the following bullet point:
5 "SFPD is prohibited from seeking to obtain surveillance footage for purposes of enforcing
6 prohibitions on reproductive care or interstate travel for reproductive care. Except as required
7 by law, SFPD shall not share surveillance footage with any law enforcement agency for
8 purposes of enforcing prohibitions on reproductive care or interstate travel for reproductive
9 care"; and

10 (d) Deleting the words "for a minimum of two years, or" that appear on page 9 so that
11 the policy, as amended, reads: "As the data is associated with a criminal investigation, the
12 data is retained as required by State evidence retention laws."

13 The Police Department shall place a copy of the modified policy in Board File No.
14 220606 within 30 days of the effective date of this ordinance.

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16 Section 4. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

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21 APPROVED AS TO FORM:
22 DAVID CHIU, City Attorney

23 By: _____
24 ZACHARY PORIANDA
25 Deputy City Attorney

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