

Non-City Entity Surveillance Camera Policy Ordinance

SF Admin Code 19B



CITY & COUNTY OF SAN FRANCISCO

Police Department

July 11, 2022

Public Hearings

Pursuant to SF Admin Code 19B, Department's must submit a Surveillance Impact Report (SIR) in order to develop a Surveillance Tool Policy (STP) with the Committee on Information Technology (COIT) through the Privacy Surveillance Advisory Board (PSAB). STPs reach the Board of Supervisors (BoS) upon COIT recommendations to adopt, adopt with modifications or decline to adopt.

March 25, 2022: PSAB Meeting
March 31, 2022: PSAB Meeting
April 7, 2022: COIT Meeting
April 21, 2022: COIT Meeting (recommended BoS to adopt)
July 18, 2022: BOS Rules Committee

Any non-City entity or individual, through consent, subpoena, search warrant or other court order, who provides SFPD with data access or information acquired through the entity or individual's use of surveillance cameras or surveillance camera networks owned, leased, managed and/or operated by the entity or individual.



SFPD Authorized Uses

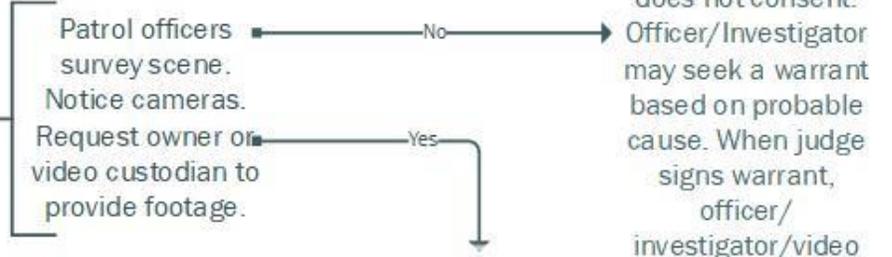
These are the three ways SFPD may request access to non-city entity surveillance cameras

Temporary live monitoring during an exigency, or Significant Events with public safety concerns, or investigations relating to active misdemeanor and felony violations. Temporary live monitoring will cease, and the connection will be severed within 24 hours after the non-city entity has provided access to SFPD.

Requesting, obtaining, and reviewing historical video footage for purposes of gathering evidence relevant to a criminal investigation.

Requesting, obtaining, and reviewing historical video footage for purposes of gathering evidence relevant to an internal investigation regarding officer misconduct.

Historical Footage Requests



SFPD/DA's Office Prop 115 Form- Witness/ Video Custodian for Prelim

Witness / Video Custodian	
Name of Prop 115 Interviewee (SFPD)	Case #
Incident Report #	Date of Prop 115 Interview
WITNESS / VIDEO CUSTODIAN INFORMATION	
Name of Video Custodian (Last, First, Middle)	Name of Business, Location of video recording device
Business Phone	Business Address
City	State
Zip Code	
Home / Cell Phone	Home Address
City	State
Zip Code	
DOB	Form of identification
Education	City & State
Occupation	City & State
SSN	Email address
VIDEO CUSTODIAN QUALIFICATIONS	
I, the undersigned, am the person who witnessed or who has personal knowledge of the defendant of the video evidence from the recording device.	
1. What is the Video Custodian's name and job title?	
2. Who is the Video Custodian's employer?	
3. Was the Video Custodian working on _____ (name of business) _____ (date of incident) _____ (time of incident)?	
4. In the Video Custodian an authorized personnel of the recording device? <input type="checkbox"/> Yes <input type="checkbox"/> No	
5. No part of the Video Custodian's duties, is he/she familiar with the operation of the recording device described as (type and describe equipment, e.g. brand, model number - if wireless, describe the device)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
6. How are recorded videos stored and maintained?	
7. Does anyone (OWNER, LEASE EMPLOYEES AND AUTHORIZED PERSONS) of the business have access to the recording device? <input type="checkbox"/> Yes <input type="checkbox"/> No. If yes, please explain who has access and why.	
8. Does the recording device record events in the regular course of business and at the same time that the events occur? <input type="checkbox"/> Yes <input type="checkbox"/> No.	

SUPERIOR COURT OF CALIFORNIA
County of _____

ARREST WARRANT
Criminal Justice Portal
Form CJD 001010

THE PEOPLE OF THE STATE OF CALIFORNIA
do hereby authorize _____
to use this warrant when _____

Defendant's name (print name only)
I charge _____ with the crime of _____
which is a crime under the Penal Code, and I believe that the defendant is a danger to the community and that the arrest of the defendant is necessary to the protection of the public.

High court jurisdiction (if checked)
I charge _____ with the crime of _____
which is a crime under the Penal Code, and I believe that the defendant is a danger to the community and that the arrest of the defendant is necessary to the protection of the public.

Signature of the arresting officer
Signature of the defendant

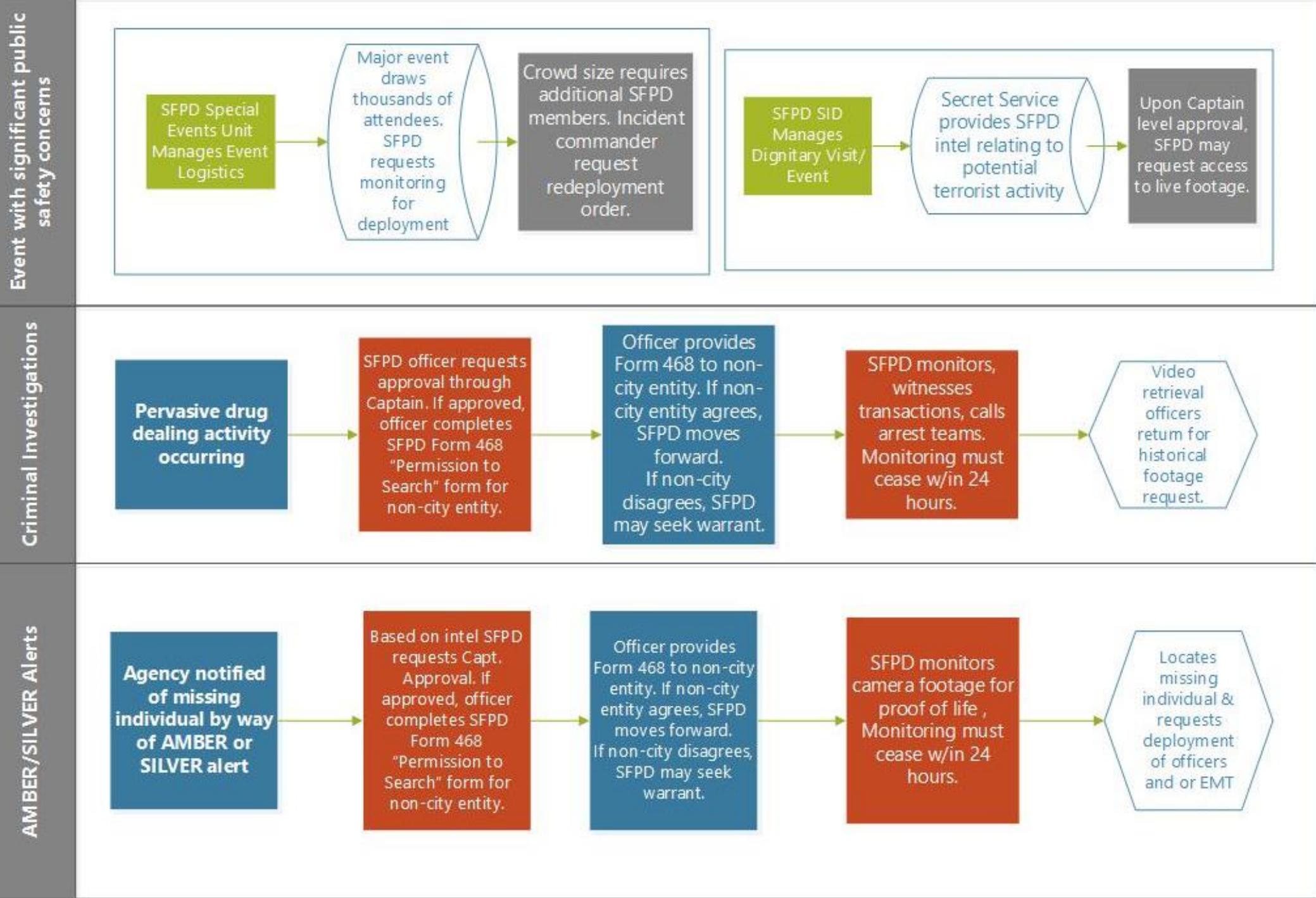
Arresting Officer's Name
Arresting Officer's Title
Arresting Officer's Agency



Video custodian consents to request and emails the file to officer or officer can transfer to USB or disk

Video custodian does not consent. Officer/Investigator may seek a warrant based on probable cause. When judge signs warrant, officer/investigator/video retrieval officer will gather the footage

Temporary Live Monitoring Requests



Retention

Video Footage is included in an intelligence file as evidence. As the data is associated with a criminal investigation, the data is retained for a minimum of two years, or as required by CA Penal Code, Evidence Code, W & I code (juvenile), statutes of limitations and other state and federal laws.

As evidence, video must be retained in a safe environment as required by relevant evidence laws to ensure access for investigation and legal discovery.

Video footage associated with an officer misconduct or Officer Involved Shooting (OIS) investigation will be maintained in perpetuity.



Crime	Time Limit
Murder in the first degree Treason Rape involving force or violence Aggravated sexual assault of a child Embezzlement of public money	No time limit
Certain felony sex offenses against a child	Up to the victim's 40th birthday
Felony offenses punishable by eight or more years in prison	6 years
Certain crimes committed against elderly or dependent adults Infliction of corporal (bodily) injury against a current or former intimate partner	5 years
Common Misdemeanor Crimes	1 year

First Amendment

SFPD's approach to its handling of public demonstrations has two equal components:

- 1.) Facilitating and upholding the First Amendment rights of demonstrators
- 2.) Ensuring public safety

SFPD Police Commission approved policy allows police to conduct a criminal investigation when there is an articulable and reasonable suspicion to believe that:

- 1.) They are planning or are engaged in criminal activity which could reasonably lead to bodily injury and/or property damage, or misdemeanor hate crime
- 2.) The First Amendment activities are relevant to the criminal investigation.

Temporary live monitoring only for purpose of deployment needs and addressing criminal activity or other public safety hazards.

Alternative to temporary live monitoring is to increase the number of officers deployed and present at onset and throughout event instead of targeted deployment.

Prohibitions

Non-exhaustive list of prohibitions in STP

SFPD is prohibited from monitoring any certain groups or individuals based solely on race, gender, religion, or sexual orientation. Race, color, ethnicity, or national origin may not be used as a motivating factor for initiating police enforcement action.

SFPD is prohibited from accessing or requesting surveillance camera live feed during First Amendment activities for reasons outside of redeployment needs due to crowd sizes or other issues creating public safety hazards.

SFPD members shall not acquire or use surveillance camera footage in cooperation with or assisting U.S. Immigration and Customs Enforcement or Customs and Border Protection in any investigation, detention, or arrest procedures, public or clandestine, where in any such instance the sole, express, or implied purpose is the enforcement of federal immigration laws. SFPD complies with SF Administrative Code Chapters 12H “Immigration Status” and 12I “Civil Immigration Detainers” and [SFPD General Order \(DGO\) 5.15](#).

SFPD Training

To reduce the possibility that surveillance technology or its associated data will be misused or used contrary to its authorized use, all individuals requiring access on behalf of Department must receive training on data security policies and procedures

CCSF & SFPD Training Courses

- Cybersecurity Training
- Critical Mindset Coordinated Response Training
- DGO 8.10 Guidelines for First Amendment Activities
- Video Retrieval Training (2 day)
- Crowd Control Training
- CLETS/CORI & CJIS Training

California Peace Officer Standards and Training (POST) Basic Courses

- LD 15 Laws of Arrest
- LD 16 Search and Seizure
- LD 17 Presentation of Evidence
- LD 23 Crimes in Progress
- LD 26 Critical Incidents
- LD 30 Crime Scenes, Evidence, and Forensics
- LD 42 Cultural Diversity/Discrimination
- LD 43 Terrorism Awareness
- PC 872 (b) Hearsay Testimony

Impact Report

Surveillance Impact Report (SIR) identifies potential impact on civil liberties and civil rights and discusses plans to safeguard the rights of the public.

SFPD considered the following potential civil liberties impacts along with mitigating measures.

Right to Privacy
Loss of Liberty
Warrantless Searches
Equal Protection of the Law

Questions?

SAN FRANCISCO
POLICE DEPARTMENT