Non-City Entity Surveillance Camera Policy Ordinance Pursuant to SF Admin Code 19B





CITY & COUNTY OF SAN FRANCISCO

Police Department

Public Hearings

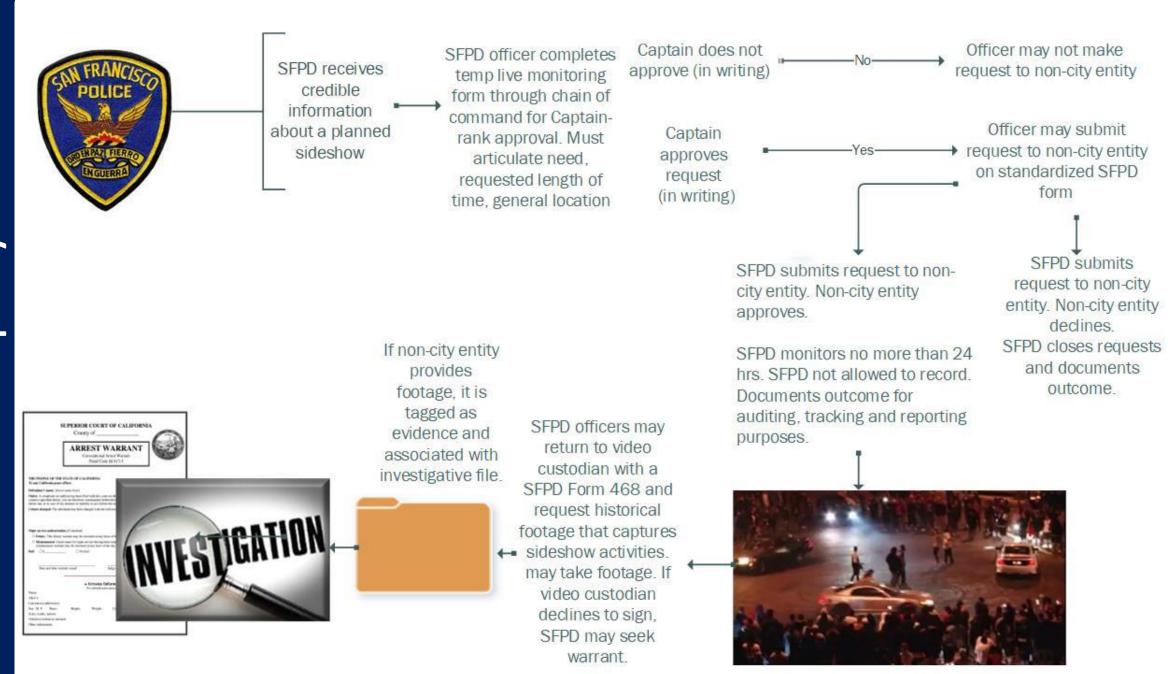
| March 25, 2022: Privacy Surveillance Advisory Board Hearing |
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| March 31, 2022: Privacy Surveillance Advisory Board Hearing |
| April 7, 2022: Committee on Information Technology Hearing |
| April 21, 2022: Committee on Information Technology Hearing |
| July 11, 2022: Rules Committee Hearing |
| July 18, 2022: Rules Committee Hearing |
| July 20, 2022: Presentation to the Police Commission |
| July 25, 2022: Rules Committee Hearing |
| September 12, 2022 (today): Rules Committee Hearing |

Non-City Enfies

- Any entity that is not a City and County of SF agency, or does not have a financial agreement or MOU with SFPD
- Victims, witnesses, and businesses impacted by crime
- Individuals or businesses hosting or near major events where public safety may be impacted

SF Admin Code 19B not only addresses current inventory a Department has in their possession, but it also includes oral or written agreements to use or receive data on a regular basis from a non-city entity or individual's surveillance technology.

As "regular basis" is not defined in 19B, and SFPD receives video footage from non-city entities & individuals who may have been impacted by crime more than once, we submitted this STP to ensure robust compliance with 19B.





Video Footage that is matched with PII 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.

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

Reminder: The footage is owned by the non-city entity. Their retention is not within the control of SFPD.









Images from first brutal robbery

July 31, 2022
Consent for video led to capture of suspects in this crime









A couple seconds later, suspects return to beat and rob victim a second time as she tries to escape



- -SFPD will track First Amendment and other peaceful activities
- -Impacts SFPD Department General Orders (DGOs)
- -Racial Disparities
- -SFPD will have central location to monitor anyone at any time
- -Stockpiled footage
- -SFPD should only receive footage via warrant & should be prohibited from receiving consent/volunteered footage.
- -Need more time to assess data and impacts

Response

- -STP complies with SFPD **DGO** 8.10 "Guidelines for First Amendment Activities" and adds prohibitions around video footage (p. 3 of STP).
- -This STP does not impact SFPD DGOs. Members are still required to comply with all Police Commission approved DGOs.
- -Violent crime disproportionally impacts black and brown men and there has been an uptick in violent crimes in AAPI community. STP codifies ability to gather evidence in these crimes to prosecute offenders.
- -SFPD will NOT have central location to monitor. Requests are incident-based and require consent or warrant (last para of purpose and scope of STP, p.1).
- -This STP limits temp live monitoring to max of 24 hours, prohibits recording and includes multiple other restrictions (authorized use #1 on p. 2).
- -SFPD does not believe victims, witnesses or impacted businesses should lose their right to volunteer their own surveillance footage.
- -STP requires tracking historical and temp live mentoring instances & quarterly and annual reports (Audits & Reporting p. 8 of STP). There is no current requirement and as such no data readily available to assess.

