

1 [Administrative Code - Surveillance Technology Policy - Police Department - Automatic
2 License Plate Readers]

3 **Ordinance amending and approving the Surveillance Technology Policy governing the**
4 **use of Automatic License Plate Readers by the Police Department; and making the**
5 **required findings in support of said approvals.**

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

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

14 Section 1. Background.

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

17 (b) Chapter 19B regulates City Departments' acquisition and use of Surveillance
18 Technology. Under Section 19B.5, City Departments that possessed or were using
19 Surveillance Technology before Chapter 19B took effect in July 2019, must obtain Board of
20 Supervisors approval by ordinance of a Surveillance Policy for each type of existing
21 Surveillance Technology. Under Section 19B.2, a Department must obtain Board of
22 Supervisors approval by ordinance of a Surveillance Technology Policy before: (1) seeking
23 funds for Surveillance Technology; (2) acquiring or borrowing new Surveillance Technology;
24 (3) using new or existing Surveillance Technology for a purpose, in a manner, or in a location
25 not specified in a Surveillance Technology Policy ordinance approved by the Board in
accordance with Chapter 19B; (4) entering into agreement with a non-City entity to acquire,

1 share, or otherwise use Surveillance Technology; or (5) entering into an oral or written
2 agreement under which a non-City entity or individual regularly provides the Department with
3 data or information acquired through the entity's use of Surveillance Technology.

4 (c) Under Section 19B.2(b), the Board of Supervisors may approve a Surveillance
5 Technology Policy ordinance under Section 19B.2(a) only if: (1) the Department seeking
6 Board of Supervisors approval first submits to the Committee on Information Technology
7 ("COIT") a Surveillance Impact Report for the Surveillance Technology to be acquired or
8 used; (2) based on the Surveillance Impact Report, COIT develops a Surveillance Technology
9 Policy for the Surveillance Technology to be acquired or used by the Department; and (3) at a
10 public meeting at which COIT considers the Surveillance Technology Policy, COIT
11 recommends that the Board of Supervisors adopt, adopt with modifications, or decline to
12 adopt the Surveillance Technology Policy for the Surveillance Technology to be acquired or
13 used.

14 (d) Under Section 19B.4, the City policy is that the Board of Supervisors will approve a
15 Surveillance Technology Policy ordinance only if it determines that the benefits that the
16 Surveillance Technology Policy ordinance authorizes outweigh its costs, that the Surveillance
17 Technology Policy ordinance will safeguard civil liberties and civil rights, and that the uses and
18 deployments of the Surveillance Technology under the ordinance will not be based upon
19 discriminatory or viewpoint-based factors or have a disparate impact on any community or
20 Protected Class\.

21 (e) On July 27, 2021, the Board of Supervisors approved the Police Department's
22 Surveillance Technology Policy for Automatic License Plate Readers in Ordinance No. 116-21
23 and made the required findings.

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1 Section 2. Automatic License Plate Readers ("ALPR"): Police Department Use and Proposed
2 Amendments.

3 (a) Current Status, Purpose, and Use. The Police Department currently possesses and
4 uses ALPR. The Police Department uses ALPR to (1) locate stolen or wanted vehicles, or
5 other vehicles that are the subject of investigation; (2) apprehend wanted persons subject to
6 arrest warrants or who are otherwise lawfully sought by law enforcement; (3) locate victims,
7 witnesses, suspects, missing children, adults, and/or elderly individuals, including in response
8 to Amber Alerts and Silver Alerts and others associated with a law enforcement investigation;
9 (4) assist with criminal investigations initiated by local, state, and regional public safety
10 departments by identifying vehicles associated with targets of criminal investigations; (5)
11 identify potential threats to critical infrastructure sites; and (6) investigate major crimes as
12 authorized by law.

13 (b) Amendments. The Police Department proposed amendments to the Surveillance
14 Technology Policy for ALPR to (1) clarify that the Police Department will comply with
15 California Civil Code Section 1798.90.55 and will not sell, share, or transfer ALPR information
16 except as allowed by law; (2) update the file formats for ALPR data; (3) update the applicable
17 Police Department policies regarding ALPR; (4) expand the sources of information that the
18 Police Department is allowed to use to stop a vehicle that the ALPR alert system has
19 identified; (5) expand the list of providers and sources of funds that may support and maintain
20 the surveillance technology and associated data with ALPR; (6) update the data security
21 safeguards from unauthorized access and control to also include Police Department vendors;
22 and (7) allow the policy to be used for systems and technology outside of the traditional
23 vehicle-mounted ALPR system to include stationary, semi-fixed, and smart phone or web
24 applications.
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1 (c) Amended Surveillance Technology Policy for ALPR. On September 21, 2023, the
2 Police Department submitted to COIT Surveillance Technology Policy amendments for Police
3 Department's ALPR. A copy of the Police Department's Surveillance Technology Policy
4 amendments for ALPR is in Board File No. 231161, and is incorporated herein by reference.

5 (d) Public Hearing. On September 21, 2023, COIT held a public hearing on the Police
6 Department's Surveillance Technology Policy amendments for ALPR, which they considered
7 the proposed amendments.

8 (e) COIT Recommendation. On September 21, 2023, COIT voted to recommend the
9 Police Department's Surveillance Technology Policy amendments for ALPR to the Board of
10 Supervisors for approval.

11
12 Section 3. Findings. The Board of Supervisors hereby finds that the benefits of the
13 Police Department's Surveillance Technology Policy Amendments for ALPR outweigh its
14 costs and risks, that the Policy Amendments will safeguard civil liberties and civil rights, and
15 that the uses and deployments of the Police Department's ALPR, as set forth in the Policy
16 Amendments, will not be based upon discriminatory or viewpoint-based factors or have a
17 disparate impact on any community or Protected Class.

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19 Section 4. Approval of Policy. The Board of Supervisors hereby approves the Police
20 Department's Surveillance Technology Policy Amendments for ALPR under which the Police
21 Department may continue to use ALPR.

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23 Section 5. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 231161

Date Passed: December 12, 2023

Ordinance amending and approving the Surveillance Technology Policy governing the use of Automatic License Plate Readers by the Police Department; and making the required findings in support of said approvals.

November 27, 2023 Rules Committee - RECOMMENDED

December 05, 2023 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

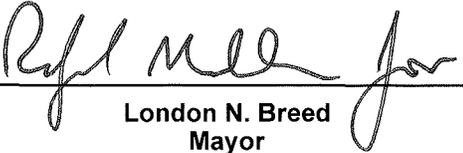
December 12, 2023 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 231161

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 12/12/2023 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


London N. Breed
Mayor


Date Approved