

**Golden Gate Heights Neighborhood Association
P.O. Box 27608
San Francisco, CA 94127**

Norman Yee, President, Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, Ca 94102-4689

April 1, 2019

Re: Proposed Video Surveillance Ordinance; Pursuant to Proposition B (2018)

Dear Supervisor Yee,

We are writing to express our strong opposition to the proposed Video Surveillance Ordinance, as currently written, and to suggest that the Board of Supervisors make the changes recommended by StopCrimeSF (see attached) before passage of this enabling legislation.

As citizens of San Francisco, we believe that the potential mis-use by government or private entities of technology to invade the privacy or abuse the civil liberties of Americans or visitors requires constant vigilance. The passage of Proposition B (2018) by voters is an important step in this regard.

However, as sadly demonstrated in a host of countries around the world, individual criminal activity and organized crime can have a greater impact on citizens' sense of security and their very freedom than government abuse. Indeed, a major, if not the major, role of local government is to provide an environment in which citizens can live with freedom from fear and feeling secure in their persons and property.

Sadly, San Francisco is no longer such a place. As you know, we have an epidemic of property crime in our City, including auto and home burglaries, the former being one of the highest rates in the nation, among comparable cities. Tourists and visitors are regularly preyed upon, to the point that national and international news stories have featured the issue and major organizations have cancelled planned conventions in the City. This has potentially massive economic impact on businesses and residents, who depend on the dollars spent here by visitors who, like residents, should feel safe on our streets and in their dwellings.

Although San Francisco's violent crime rate is lower than some comparable cities, an environment in which property crime thrives is often a precursor to violent incidents. We have already seen this, as evidenced by the recent brutal beating of an elderly woman during the commission of a home invasion robbery, or the killing of a photographer in broad daylight on Twin Peaks by someone attempting to steal his camera. In our neighborhood recently, there have been several armed robberies of individuals on their way to work in early morning daylight hours. Any of these could have resulted in tragedy and all make residents feel unsafe.

Video surveillance and other technologies such as GPS, license plate recognition, gunfire detection technologies and others play an essential role in capturing suspects and assisting in their conviction for crimes. This not only takes individual criminals off the streets, but facilitates breaking up organized crime gangs, and creates an environment which signals to potential criminals that San Francisco cares about the safety of its citizens and visitors and will act effectively to assure it, thus preventing crime in the first place.

We believe the Board of Supervisors has the responsibility and the latitude, based on the text of Proposition B, to use their judgment to balance legitimate concerns about the abuse of technology, with the need to use today's technology, today, to assure the safety and well-being of their constituents and visitors to San Francisco. The proposed Ordinance goes too far, too fast in several important areas, which are cogently outlined in the StopCrimeSF document attached.

We believe StopCrimeSF's recommendations are reasonable and if enacted, will enable the Board of Supervisors to best discharge their obligations to simultaneously prevent the abuse of technology, as well as to address the growing concerns of both residents and visitors about their safety in their homes, hotels and on the streets of San Francisco.

We urge you to adopt the StopCrimeSF recommendations.

Sincerely,

The Golden Gate Heights Neighborhood Association
Sally Stephens, President

CC:
London Breed, Mayor, San Francisco
William Scott, Chief of Police, San Francisco
George Gascón, District Attorney, San Francisco
StopCrimeSF

Attachment: StopCrimeSF recommended changes to Video Surveillance Ordinance



STOP CRIME SF

Neighborhoods for Criminal Justice Accountability

Dear President Yee,

Stop Crime SF represents more than 500 San Francisco residents working together to reduce and prevent crime in our neighborhoods while holding public officials and the criminal justice system accountable. We run a Court Watch program to ensure our elected judges take crime seriously. We also facilitate the installation of video security cameras in business and residential areas with private donations and city grants such as your Participatory Budgeting program.

These camera installations in neighborhoods like Golden Gate Heights, Bayview and the West Portal business district are popular with residents and merchants. San Francisco police officers and assistant district attorneys tell us the cameras provide valuable video evidence for arresting and convicting burglars. Video is an important tool to tackle property crime in San Francisco, which has the highest rate of property crime of the nation's most populated cities.

We are concerned about the so-called "[Stop Secret Surveillance Ordinance](#)" currently being considered by the Board of Supervisors. It will significantly limit the ability of law enforcement to fight crime with video cameras.

The proposed ordinance would:

1. Prohibit city departments from using security technology services or equipment unless the Board of Supervisors first approves a Surveillance Technology policy for the services and equipment.
2. Outright ban the use of facial recognition technology.

We understand the good intentions of the legislation. No one can pretend that facial recognition technology is perfect, especially when it has trouble properly identifying people of color. The FBI's facial recognition technology had a 14 percent failure rate as of 2016, according to a U.S. General Accounting Office report. While that is undoubtedly better than visual identification by victims or bystanders, it cannot be the sole factor in arrests. But combined with good police work and when deployed in conjunction with well-crafted public policy, it can serve as a useful tool. A ban precludes any thoughtful regulation: It's just throwing the baby out with the bathwater.

An outright ban also precludes the possibility of significant technological improvements, just as has occurred in DNA identification in recent years. The software has already advanced by leaps and bounds in recent years, and much better accuracy may be around the corner. Refinements that address today's shortcomings could make facial recognition a valuable security tool.

Our greatest concern with the proposed legislation is how it will affect the use of traditional security video. The expense and burden of the ordinance's required audits and reports — not to mention approval from the full Board of Supervisors — would make it much more difficult to set up or continue operation of city-operated security cameras in timely fashion in San Francisco.

What about security cameras on private homes and businesses? The proposed law doesn't restrict a private citizen from installing a camera. But the ordinance would seemingly require the city to develop a use policy and receive Board of Supervisors approval before "entering into agreement with a non-city entity to acquire, share, or otherwise use surveillance technology."

This broad language could restrict the city from using information provided by any private citizen or local business that doesn't strictly adhere to the city's yet-to-be-developed policies. When a crime is committed, there should be no such restrictions on SFPD's access to information provided by the public which might help in an arrest of a violent or repeat offender.

Valuable video footage, such as that which captured the 2017 murder of photographer Ed French on Twin Peaks, could serve justice. Such footage might not exist in future cases if the ordinance curtails the use of city-operated cameras.

The law could also make it more difficult for San Francisco to partner with other law enforcement agencies. The politically charged Board of Supervisors would have to approve cooperation. The law has an exception that allows the city to use surveillance technology in emergencies for seven days. But is that enough time to thwart a terrorist attack?

After the Boston marathon bombing, more than 4,000 hours of police time were spent investigating terrorists. Surveillance video helps monitor areas without adequate police coverage. Video is also unbiased and provides total recall of events. We can save time, money and most importantly lives by effective use of surveillance technology as a force-multiplier.

San Francisco has its own marathon, and other high-profile events like the Pride and Chinese New Year parades that attract hundreds of thousands of people. Will these events become known as easy targets? As a city that stands for diversity, San Francisco is particularly

vulnerable to threats from anti-LGBTQ, white supremacist or other terrorists. We should not let our guard down.

Beyond cameras, the ordinance broadly applies to other essential public safety tools, including license-plate readers, gunshot-detection hardware, DNA-capture technology and radio-frequency-ID scanners. It would even affect the body cameras worn by police officers.

As nearby cities use the technology we seek to ban and limit, criminals will commute to San Francisco as the place where they can conduct their criminal activities unnoticed. They already flock to San Francisco to break into cars because they think our judges, juries and prosecutors don't take property crime as seriously as other cities.

Nothing in current law now prevents the Board of Supervisors and the agencies from creating policies governing the acquisition or use of security cameras and related technology. To put the cart before the horse jeopardizes public safety for no valid reason. The Board should proceed to adopt reasonable policies forthwith, but without requiring a halt to ongoing necessary operations while such policies are considered.

The Board of Supervisors should continue this hearing until it has first completed a study on this issue and received input from the District Attorney, police department and other agencies, all of which have expertise on such technologies. Then a hearing should be held by the Police Commission or other relevant body with expertise, to allow the public to hear recommendations and comment on this issue.

We also submit below suggested amendments to this ordinance.

Please feel free to contact Stop Crime SF president Frank Noto at 415-830-1502 if you have any questions.

Sincerely,

Frank Noto
Joel Engardio
Alice Xavier

Stop Crime SF

Suggested amendments:

- **Exclude the District Attorney, Sheriff and Police Departments (while performing investigative, prosecutorial or security functions, including terrorist and hate-crime threats) from the requirements of this ordinance.**

The proposed ordinance would require the SFPD to cease use of vehicular or body-mounted cameras during operations within 120 days unless and until both the department and the Board of Supervisors comply with certain requirements; this could result in an increase in unsolved crimes, police misconduct, or misidentification of innocent members of the public. Similarly, the Sheriff's Department could not monitor operations in the prisons, or the DA use video/photo evidence to prosecute domestic violence or other violent crime cases. Failure to permit monitoring in the prisons could result in prisoner abuse or prisoner-on-prisoner violence, while limitations on access by the DA could result in miscarriages of justice and increase the crime rate. San Francisco juries increasingly seldom convict in property crimes without photographic evidence.

- **Exclude SFO from certain requirements of this ordinance.**

It is intuitively obvious that airports are particularly vulnerable to certain types of terrorist activity.

- **Change the effective date of the Ordinance to the beginning of the next fiscal year, or 180 days after enactment, whichever comes later.**

Most departments do not have the expertise or resources to fulfil the detailed and highly technical requirements of this proposed legislation without additional time.

- **Require that additional funds be explicitly allocated to each affected department in the applicable fiscal year, including the Controllers' office, to comply with the requirements of this ordinance.**

Reducing existing services in order to comply with the proposed ordinance's requirements is unacceptable.

- **Revise compliance dates**

In Sec. 19.B.5 (a) to 180 days and in Sec. 19.B.5 (b) to 150 days, for reasons stated above.

- **Require any cost benefit analysis to include an estimate of economic and social costs to the public as well as city government of reduced arrests and convictions that might result from banned or restricted use of technology.**

- **Require any cost benefit analysis to examine the cost of alternatives to surveillance technology.**

- **Delete requirements for public release of identification of certain locations for surveillance technology.**

This information should be classified for selected locations to protect against criminal activity or terrorist activities. There is no reason to give potential lawbreakers a roadmap to areas where they can safely carry out criminal activities.

- **Eliminate any ban on facial recognition technology or include at minimum a two-year sunset clause in any such ban.**

This technology is improving at a rapid rate, so error rates will inevitably improve. Existing problems likely will diminish or disappear with technological advances, so further legislative action should be required if justified when examining future outcomes.

- **Clarify the definition of “any individual or group” included in the definition of “Surveillance Technology” to exclude criminals, suspects and prisoners.**

Obviously, the legitimate aim of surveillance is to identify and prevent these groups from the commission of crimes.

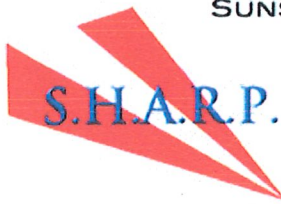
- **Consider the impacts on the public of reduced surveillance at large crowd events such as the Pride Parade and the Chinese Lunar New Year celebration.**

These events might become targets for hate-group terrorists if it became known that surveillance technology use was reduced at such occasions.

- **Allow the public to provide surveillance evidence to City agencies for use in crime investigations.**

- **Exempt use of facial recognition technology to access computer, smart phone and other instruments used by City employees.**

Rather than use passwords, many devices employ facial recognition to allow users access to their phones, etc.



SUNSET HEIGHTS ASSOCIATION OF RESPONSIBLE PEOPLE

WWW.SHARPSF.COM

San Francisco Board of Supervisors

RE: Surveillance Technology Ordinance - Rules Committee on April 15

Dear Supervisors,

The Sunset Heights Association of Responsible People (SHARP) is both a neighborhood association with more than 130 members and a foundation that provides grants that support dozens of San Francisco community organizations.

We are writing regarding the proposed Surveillance Technology Ordinance before the Rules Committee on April 15. While the intent to protect civil liberties is laudable, we believe the legislation needs further work because it could potentially impact the safety of everyone who visits and lives in San Francisco. This ordinance could affect local government and law enforcement's use of security cameras as well as other privately-owned security systems in San Francisco.

While we support reasonable policies to control surveillance technology, we recognize that criminal activity and organized crime can have a greater impact on citizens' sense of security and their very freedom than potential San Francisco government abuse. A key role of local government is to provide an environment in which citizens can live with freedom from fear and feel secure in their persons and property.

Video surveillance and other technologies such as GPS, license plate recognition, gunfire detection technologies and others play an essential role in capturing suspects and assisting in their conviction for crimes. This not only takes individual criminals off the streets, but facilitates breaking up criminal gangs large and small, and creates an environment which signals to potential criminals that San Francisco cares about the safety of its citizens and visitors and will act effectively to assure it, thus preventing crime in the future.

Such technology is also a force multiplier that aids law enforcement in preventing and discouraging terrorist incidents and apprehending those engaged in terrorist acts. Such acts might be aimed at major crowd events that celebrate San Francisco's diversity such as the Pride Parade, Lunar New Year and musical concerts in Golden Gate Park.

S.H.A.R.P. c/o 1661 7TH AVE. SAN FRANCISCO, CA 94122

The proposed law seemingly bans San Francisco residents and businesses from sharing security camera video or photos with the SFPD unless and until the Board enacts a camera policy. It explicitly prohibits City agencies from:

“entering into agreement with a non-city entity (e.g., a San Francisco resident or business) to acquire, share, or otherwise use surveillance technology.”

The SFPD or DA’s office would be unable to share video technology from homeowners or merchants hit by burglars or violent offenders.

We express our strong opposition to this as currently written, and suggest that the Board of Supervisors make the changes recommended by Stop Crime SF before passage of this enabling legislation.

In particular, we suggest:

- 1) Exempting private citizens, non-profits and businesses from the ordinance;
- 2) Exempting the Airport and Port from the ordinance;
- 3) Exempt all investigations for hate crimes, sexual assault, property and violent crimes and terrorism from the ordinance;
- 4) Adding additional time to plan for compliance with the ordinance;
- 5) Adding additional funds for relevant agencies to comply with the ordinance;
- 6) Conducting a cost benefit analysis of technology and the failure to acquire such technology;
- 7) Revising the ordinance after conducting outreach to and dialogue with stakeholders, including crime prevention, anti-crime and victim’s rights groups, as well as business, civil rights and neighborhood groups and law enforcement unions; and
- 8) Include sunset clauses on any ban on technology (e.g., facial recognition tech) after 12 months that may improve in performance over time, to allow time for evaluation of new improvements.

As citizens of San Francisco, we believe that the potential misuse of technology to invade the privacy or abuse the civil liberties of Americans or visitors requires vigilance and policies are warranted. But no ban on cameras or other technologies should be imposed until the policies are first enacted by the Board.

Please let us know if you have any questions by contacting us at: sharp@sharpsf.com.

Sincerely,

S.H.A.R.P. Board of Directors

File # 190110
Received in Committee
4/15/19
for



David Binder Research

California Statewide Survey Re: Poll Results of Likely 2020 Voters

Topline Findings

A survey of likely November 2020 California voters conducted in March 2019 shows extraordinary support for greater transparency, open debate, and a vote by lawmakers prior to surveillance technology being obtained or used by the government or law enforcement. Bay Area voters strongly support this proposal.

Voters also strongly believe that the government should NOT be using face recognition and similar biometric information, such as your DNA, your voice or the way you walk, to monitor and track individuals. Bay Area voters strongly believe this as well.

On both of these critical questions, there is consistent agreement among Democrats, Republicans and Independents, across voters of all ethnicities and generations, and throughout urban, suburban and rural areas.

The full questions are shown below. Numbers for the Bay Area include the nine Bay Area Counties.

Highlight One:

Three-quarters of voters statewide and in the Bay Area support a law to require public debate and a vote by lawmakers before any surveillance technology is obtained or used by government and law enforcement. Half of voters statewide and in the Bay Area *strongly* support this proposal.

Please tell support or oppose this proposal relating to limiting and requiring oversight for government and law enforcement surveillance. <i>Pass a law to require public debate and a vote by lawmakers before any surveillance technology is obtained or used by government and law enforcement.</i>				
	Statewide, Likely voters		Bay Area, Likely Voters	
Support, strongly	50%	→76%	51%	→76%
Support, Somewhat	26		25	
Oppose, Somewhat	9	→19%	7	→17%
Oppose, Strongly	10		10	
Don't know	5		7	

Across the diverse electorate of California, majorities support the proposal to pass a law to require public debate and a vote by lawmakers on these surveillance issues. Particularly in a city like San Francisco with significant racial diversity, the consistency in support for this proposal among all ethnic groups is striking.

<i>Pass a law to require public debate and a vote by lawmakers before any surveillance technology is obtained or used by government and law enforcement.</i>		
Party Affiliation		
	% Support	% Oppose
Democrats	82%	14%
Republicans	64	27
Independents (No Party Preference)	76	19
Age Group		
Millennials and Younger (18-38)	82	17
Generation X (39-54)	76	18
Boomers (55-73)	72	21
Silent Generation (74+)	69	22
Ethnicity		
White	73	22
Latinx	79	15
Asian	72	23
African American* (small sample size)	88	9
Area of Residence		
Urban Area	76	19
Suburb	78	16
Small Town	71	24
Rural Area	77	18

Highlight Two:

82% of likely voters statewide and 79% in the Bay Area disagree with the government being able to monitor and track a person using biometric information. Fewer than 20% of voters statewide and in the Bay Area agree that the government should be using biometric information in this way.

Over 60% of voters statewide and in the Bay Area *strongly* disagree, demonstrating intense opposition to government use of biometric information to monitor and track individuals.

<i>The government should be able to monitor and track who you are and where you go using your biometric information. Do you agree or disagree?</i>				
	Statewide, Likely voters		Bay Area, Likely Voters	
Agree, strongly	5%	→16%	7%	→19%
Agree, Somewhat	11		12	
Disagree, Somewhat	17	→82%	16	→79%
Disagree, Strongly	65		63	
Don't know	2		2	

In a time of heightened partisanship, there is a consensus across political party that the government should not conduct biometric surveillance.

Further, across political parties, ethnic groups, generations, and rural and urban areas of California, there is consistently strong disagreement with the government use of biometric surveillance.

<i>The government should be able to monitor and track who you are and where you go using your biometric information. Do you agree or disagree?</i>		
Party Affiliation		
	% Agree	% Disagree
Democrats	12%	87%
Republicans	21	78
Independents (No Party Preference)	20	79

Age Group		
Millennials and Younger (18-38)	18	81
Generation X (39-54)	16	82
Boomers (55-73)	17	81
Silent Generation (74+)	7	90
Ethnicity		
White	13	85
Latinx	18	80
Asian	27	73
African American* (small sample size)	22	75
Area of Residence		
Urban Area	16	82
Suburb	17	81
Small Town	14	85
Rural Area	16	82

Methodology

David Binder Research conducted a survey of 800 likely November 2020 voters between March 9th and 13th, 2019. Interviews were conducted online, and by cell phone and landline. Latinx respondents were given the choice to take the survey in English or Spanish. The margin of error for the survey is +/- 3.5%, and this survey represents a current snapshot of views on this issue. The margin of error is higher for subgroups of the electorate.

File # 190110
Received in Committee
4/15/19
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Fwd: Contact City Hill ASAP on anti-video law

7 messages



Hi everyone -- We need you to send a quick email message ASAP to the San Francisco Board of Supervisors (simple instructions below).

A proposed law to regulate video surveillance will be heard on Monday April 15. It's full of unintended consequences that could make us less safe.

Please express your concern by telling the supervisors to re-think this legislation:

<https://mail.google.com/mail/u/0?ik=89e73815aa&view=pt&search=all&permthid=thread-f%3A1630659255196693966&simpl=msg-f%3A16306592551...> 1/5

- If you already know enough about this issue and you're ready to act now, [click here for an email template](#) addressed to every supervisor. Adjust the text to your liking and hit send.
- If you want to learn more before sending your message, keep reading below.
- If you wish to appear at the committee hearing in person and speak for one minute during public comment:
Monday April 15
10am
City Hall Room 263
Third item on [agenda](#)

All the information you need to act is listed below and on [this web page](#). Please share this message with your neighbors.

Thanks for your support,
Joel Engardio
Vice President
[Stop Crime SF](#)

BACKGROUND

A proposed law could severely restrict the ability to stop crime with video surveillance. The legislation needs amendments to avoid unintended consequences. The proposed ordinance should also go through a community vetting process before supervisors vote on it. Learn more:

- [San Francisco Chronicle op-ed by Joel Engardio that explains the concerns in simple terms.](#)
- [Open letter from Stop Crime SF that is more technical and offers suggested amendments.](#)

SAMPLE LETTER TO SUPERVISORS

Dear Supervisor,

My name is _____ and I live in the _____ neighborhood. I care deeply about crime in San Francisco. [Note if you or a family member/friend has been a victim of property crime/car break-in/stolen packages/home robbery]

[Stop Crime SF](#), a group of more than 500 San Francisco residents working to reduce and prevent our city's current epidemic of property crime, wrote an [open letter](#) to the Board of Supervisors with concerns about the proposed "Stop Secret Surveillance Ordinance." I share those concerns. The proposed legislation could have unintended consequences that make us less safe by severely curtailing the use of effective traditional video surveillance by burying agencies like the police department in a bureaucratic approval process.

While the essence of this legislation is well-intended, amendments are needed to achieve its goal of protecting privacy while also allowing for the proper use of technology that can keep us safe. Stop Crime SF has offered [reasonable amendments](#) in its open letter.

I am also concerned that this legislation has been rushed with little or no input from the community, public safety agencies and departments that rely on video surveillance like the airport. In other cities where similar technology privacy legislation was drafted and passed, community working groups were formed and a collaborative process crafted a sensible law that worked for everyone. We should do the same in San Francisco.

All stakeholders including homeowners with Nest/Ring video, Next Door community leaders and business owners that have surveillance cameras should be represented. Please allow this public process to happen before voting on the proposed legislation.

Sincerely,
Name
Address

CONTACT YOUR SUPERVISOR

District 1 — Richmond

Sandra Lee Fewer
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District 2 — Marina

Catherine Stefani
Catherine.Stefani@sfgov.org

District 3 — North Beach, Chinatown

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District 4 — Sunset

Gordon Mar
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District 5 — Inner Sunset, Cole Valley, Lower Haight, Hayes Valley, Fillmore, Japantown

Vallie Brown
Vallie.Brown@sfgov.org

District 6 — SOMA, Tenderloin

Matt Haney
Matt.Haney@sfgov.org

**District 7 — West of Twin Peaks, West Portal, Inner Sunset, Sunnyside, Lakeshore/Merced
Manor, Westwood Park, Miraloma Park**

Norman Yee
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District 8 — Castro, Glen Park

Rafael Mandelman
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District 9 — Mission

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District 10 — Bayview, Portrero Hill, Visitacion Valley

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District 11 — Excelsior

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