

MITCHELL CHYETTE [113087]
Law Office of Mitchell Chyette
125 12th Street
Suite 100-BALI
Oakland, CA 94607
Telephone: (510) 388-3748
Email: mitch@chyettelaw.com
Attorney for Petitioner

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco
07/16/2024
Clerk of the Court
BY: AUSTIN LAM
Deputy Clerk

IN THE SUPERIOR COURT OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

SECURE JUSTICE, INC., a California
non-profit organization

Petitioner,

vs

THE CITY AND COUNTY OF SAN
FRANCISCO,

Respondent.

Case No.

CPF-24-518631

**PETITION FOR WRIT OF
MANDATE AND PROHIBITION**

1. Failure to submit use policies.
2. Violating facial recognition ban.
3. Failure to submit annual reports.
4. Failure to provide required information in annual reports.

I. INTRODUCTION
Quis custodiet ipsos custodes?
(Who watches the watchers?)

1. “Police today increasingly rely on technologies of surveillance, data collection, inference, and prediction. These technologies include tools like body cameras, license plate readers, data analytics, and predictive crime software. All of them have in common a reliance on artificial intelligence and enormous amounts of digitized data. We can refer to these tools broadly as “police surveillance technologies.” Elizabeth E. Joh, Thomas Wuil Joo, *The Harms of Policy Surveillance Technology Monopolies*, (April 26, 2021) (to be published in the *Denver Law Review*; available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3834777.)

2. Police surveillance technologies may help reduce crime. But they also pose a clear and present threat to the civil liberties of the citizens of San Francisco. The “inquiry in any given case depends ultimately on the judgment ‘whether, if the particular form of surveillance practiced by the police is permitted to go unregulated by constitutional restraints, the amount of privacy and freedom remaining to citizens would be diminished to a compass inconsistent with the aims of a free and open society.’” Amsterdam, *Perspectives on the Fourth Amendment*, 58 Minn. L. Rev. 349, 403 (1974); see also 1 W. LaFare, *Search and Seizure* § 2.1(d), pp. 310-314 (2d ed. 1987).” *Florida v. Riley*, 488 U.S. 445, 700 (1989) (J. Brennan, dissenting)

3. Recognizing that a balance must be struck, on June 14, 2019, the City and County of San Francisco enacted Chapter 19B “Acquisition of Surveillance Technology” by ordinance (“Surveillance Ordinance”) to help San Francisco differentiate between appropriate and inappropriate uses of surveillance technology, and to balance the potentially harmful effects of police surveillance technology, data mining practices, and public safety.¹

¹ https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_admin/0-0-0-47320 (Surveillance Ordinance; Proposition E amendments are not yet reflected online)

1 4. Although many other such frameworks had been adopted across the
2 country prior to this effort, San Francisco generated international news coverage
3 because it was the first city to include in its oversight framework a prohibition on
4 the use of facial recognition technology. Many municipalities have since joined San
5 Francisco in banning the use of this controversial and error-prone technology,
6 including, locally, Oakland, Berkeley, and Alameda.

7 5. Facial recognition technology is known for having significant
8 difficulties accurately identifying individuals with darker skin tones or different
9 genders. According to a 2018 study, the error rate is sometimes as high as 35% for
10 darker-skinned women. Joy Buolamwini, Timnet Gebru, *Gender Shades:
11 Intersectional Accuracy Disparities in Commercial Gender Classification*, 18
12 *Proceedings of Machine Learning Research* 1–15 (2018). All the more concerning in
13 the context of policing.

14 6. San Francisco has a lengthy and troubling history of racist policing
15 practices. When participating in a joint task force effort in 2018 to arrest drug
16 dealers in the Tenderloin district, an ethnically and racially diverse neighborhood,
17 all 37 people arrested and prosecuted were Black. The Black population in San
18 Francisco has shrunk to only 6%. In a report made to its Police Commission, San
19 Francisco police revealed that in the last quarter of 2022, they used force on Blacks
20 25 times as often as Whites. The San Francisco Chronicle reported that police in
21 San Francisco also detain Black drivers 4.4 times more than White drivers, despite
22 San Francisco’s historically low Black population.

23 7. The Surveillance Ordinance provides that the Committee on
24 Information Technology (“COIT”) is responsible for reviewing surveillance
25 technology proposals submitted by San Francisco departments.

26 8. The Surveillance Ordinance applies to both technologies already in
27 hand before enactment of the ordinance, and future technologies which might be
28 acquired and/or used.

9. For each covered technology, each department must submit to COIT, then to the Board of Supervisors (“BOS”), an impact report and a proposed use policy. The impact report should identify the pros and cons of using the technology. Ideally, any red flags raised during the review would be mitigated by the proposed use policy. For each approved technology, there is an ongoing annual reporting obligation, which provides the BOS, and the public, information as to its efficacy, civil liberties concerns, ongoing costs, and so forth. The three documents and their public vetting allow for greater public engagement and better-informed decision-making by the BOS as they allocate scarce taxpayer resources.

10. On March 5, 2024, voters approved Proposition E; it took effect on April 12, 2024. Although Proposition E modified parts of the Surveillance Ordinance, the modifications do not affect any of Petitioner's claims.

II. JURISDICTION AND VENUE

11. This Court has jurisdiction under the California Constitution, Article VI, section 10, and Code of Civil Procedure sections 1085 and 1060.

12. Venue in this Court is proper because Petitioner's claims arose in the City and County of San Francisco, and because this is an action against a San Francisco agency. Code Civ. Proc. § 394.

III. PARTIES

13. Petitioner Secure Justice, Inc. (“Secure Justice”) is an IRS-registered non-profit organization located in Oakland that advocates against state abuse of power, and for a reduction in government and corporate overreach. Secure Justice actively works in San Francisco, including, but not limited to, helping to draft and advocate for the Surveillance Ordinance.

14. Respondent The City and County of San Francisco (“San Francisco”) is a charter city and county of the State of California. The San Francisco Police Department (“SFPD”) and COIT are departments of San Francisco. City staff are employees of San Francisco.

15. Petitioners have no legal remedy that would compel San Francisco and its departments to do their duty under the laws discussed below.

**IV. A WRIT OF MANDATE/PROHIBITION IS
NECESSARY AND APPROPRIATE
FIRST CAUSE OF ACTION
(Against San Francisco)**

Failure to Submit Required Use Policies

16. Petitioner incorporates by reference the allegations of the above paragraphs as though fully set forth herein.

17. Section 19B.5 of the Surveillance Ordinance requires that each San Francisco department possessing covered technology submit an inventory of its technologies to COIT within 60 days of the effective date of the Surveillance Ordinance, and that each department submit to COIT and the BOS the impact statement and proposed use policy required for each technology for approval within 180 days, or no later than January 15, 2020.

18. Although untimely, by at least July 2020, SFPD had identified at least forty-two (42) pre-existing surveillance technologies in its inventory, and by July 27, 2021, had successfully received policy approval for its ShotSpotter technology, and Automated License Plate Readers.² For unknown reasons, SFPD quit complying with the Surveillance Ordinance and has not submitted to the BOS any further proposed use policies for pre-existing technology beyond July 27, 2021.

19. Section 19B.8 of the Surveillance Ordinance provides that prior to the commencement of any legal action, San Francisco be given a 30-day “right to cure” notice. If the alleged violation is substantiated and subsequently corrected, a notice must be conspicuously posted on the City’s website, and describe the corrective measures taken to address the violation.

² <https://www.sanfranciscopolice.org/your-sfpd/policies/19b-surveillance-technology-policies>

1 20. On June 9, 2023, Secure Justice issued such a letter to SFPD and San
2 Francisco, referencing SFPD’s 42 previously identified technologies that did not
3 have a corresponding BOS-approved use policy. (Exhibit A.) SFPD has made no
4 effort to cure its lapse.

5 21. As stated above, Proposition E amended portions of the Surveillance
6 Ordinance, but not in a manner that moots any of Secure Justice’s claims. As to the
7 Surveillance Ordinance, Proposition E provided a one-year grace period for policy
8 submission and removed drones and public safety cameras entirely from the
9 Surveillance Ordinance. These two technologies are not among the 42 previously
10 identified by SFPD. A true and correct copy of Proposition E is attached hereto as
11 Exhibit B.

12 22. As amended, SFPD must submit to the BOS for approval a policy for
13 each covered technology “within one year of the use or acquisition...” As SFPD had
14 previously identified 42 technologies that it was already using or had acquired by at
15 least July 2020, four years ago, the amended language did not relieve SFPD of its
16 duty to submit proposed policies for approval, and SFPD remains non-compliant
17 with the Surveillance Ordinance.

18 23. On March 19, 2024, the City Attorney provided a Proposition E
19 implementation memo to all the key stakeholders, including SFPD Chief Scott, with
20 the following guidance: “The Department must submit a proposed policy within a
21 year after the date the Department first used or acquired the technology –
22 whichever is earlier. Failure to submit a policy within a year is a violation of
23 Chapter 19B.”

24 24. Out of caution, Secure Justice issued a second right-to-cure notice to
25 SFPD on May 27, 2024, again referencing the 42 previously identified technologies
26 in SFPD’s possession. (Exhibit C.) SFPD continues to make no effort to cure its non-
27 compliance. It is clear from the five-year window that SFPD has been afforded to
28 comply, that a court order is required to ensure that SFPD performs its mandatory
29 duties under the Surveillance Ordinance. At present, the BOS and the people of San
30

1 San Francisco have no idea how such technologies are being used, with whom data
2 might be shared, what data on San Francisco residents and visitors is being
3 collected, or whether the technology is even working—a timely question as San
4 Francisco is attempting to rapidly expand its use of surveillance technology.

5 WHEREFORE, as the Surveillance Ordinance and right-to-cure notices have
6 been insufficient to ensure compliance, Petitioner requests that the Court issue a
7 writ of mandate or prohibition requiring the following:

- 8 A. That SFPD submit to COIT and the BOS the required impact statements
9 and proposed use policies for its 42 previously identified and acquired or
10 used surveillance technologies in compliance with the provisions of
11 Chapter 19B; or
12 B. In the alternative, that SFPD permanently cease its use of the 42
13 previously identified and acquired or used surveillance technologies;
14 C. That the Court award attorney fees and court costs pursuant to Section
15 19B.8 of the Surveillance Ordinance and Civil Code section 1021.5.

16 **SECOND CAUSE OF ACTION**

17 **Violation of the Prohibition Against the Use of Facial Recognition**
18 **Technology or Information Derived from Facial Recognition**
19 **Technology**
20 **(Against San Francisco)**

21 25. Petitioner incorporates by reference the allegations of the above
22 paragraphs as though fully set forth herein.

23 26. San Francisco generated international news when it became the first
24 city to prohibit the use of facial recognition technology by city staff, inspiring at
25 least 22 other jurisdictions across the country to follow suit.

26 27. As provided in Section 19B.2(d) of the Surveillance Ordinance,
27 departments cannot “obtain, retain, access, or use” facial recognition technology
28 (“FRT”) or any information obtained from FRT.

28. The Surveillance Ordinance further states that a department's "inadvertent or unintentional receipt, retention, access to, or use of any information obtained from" FRT is not a violation of the above prohibition, so long as the department "does not request or solicit its receipt, access to, or use such information" and the department "logs such receipt, access to, or use in its Annual Service Report" to the BOS. Sec. 19.B.2(d).

29. Additional and subsequently amended language allows for possession (but not use) of FRT on San Francisco-issued software or products where the FRT is otherwise bundled into the software—like iPads and iPhones. *See* Sec. 19.B.2(f-h). This amendment took effect in December 2019.

30. On January 28, 2021, SFPD Chief William Scott issued Department Notice 21-011 to inform his officers of the Surveillance Ordinance's requirements. The Notice states:

“It is unlawful for SFPD to obtain, retain, access or use information obtained from Facial Recognition Technology from city or non-city entities unless very narrow exceptions apply.”

31. In 2021, Secure Justice received documents that confirmed that SFPD was violating the prohibition on FRT by outsourcing FRT use to third parties—like the Daly City Police Department and the Northern California Regional Intelligence Center (“NCRIC,” a local federal-state fusion center).

32. On September 16, 2021, Secure Justice issued a right-to-cure notice to SFPD, placing them on notice that requesting that third parties use FRT on SFPD's behalf violated Section 19B.2(e)(1). (Exhibit D.) In the notice, Secure Justice identified two such requests, dated June 17, 2021, and June 23, 2021. No notices were posted, nor, upon information and belief, was any corrective measure taken, within 30 days as required by Section 19B.8(d).

33. Secure Justice sought additional documents to ascertain whether more violations had occurred.

1 34. On January 31, 2023, SFPD Chief Scott submitted a memo to COIT as
2 an addendum to the annual report to the Board, disclosing four additional violations
3 of the FRT prohibition—on May 20, 2020; May 28, 2020; June 17, 2021; and June
4 23, 2021— while stating that Officer A and Officer B were responsible for the four
5 violations.

6 35. In this memo, Chief Scott stated that the first SFPD training on the
7 Surveillance Ordinance occurred on September 17, 2020, and references the above
8 Notice 21-011. Chief Scott stated that a recently submitted ordinance pertaining to
9 cameras restated “the prohibition on the use of facial recognition...” and that
10 “training will roll out” and “will reconfirm the prohibition to request facial
11 recognition technology data.”

12 “The Department has over forty technologies that fall under SF admin Code
13 19B and each will require BOS approval. This will provide over forty
14 additional opportunities to notify members on the approved uses of each
15 technology and reaffirm the SF Admin Code 19B facial recognition
16 prohibition.... This summarizes the Department’s requests for use of Facial
17 Recognition Technology between the SF Admin Code 19B effective date and
18 the date of this memorandum.”

19 36. Chief Scott’s statement as to the number of violations and number of
20 officers involved was not true.

21 37. On February 10, 2023, SFPD Assistant Chief of Operations David
22 Lazar submitted a letter to the BOS containing almost the exact same information
23 as Chief Scott’s January 31, 2023, memo to COIT, informing the BOS of the four
24 violations that Officer A and B committed, promising that SFPD “is issuing Bureau
25 Orders and training...and will reconfirm the prohibition to request facial
26 recognition technology data,” and referring to the over 40 technologies and
27 opportunities to reaffirm the FRT prohibition. Mr. Lazar’s letter also states that
28 this summarizes the SFPD’s requests for FRT use between the effective date of the
29
30

1 Surveillance Ordinance, and the date of the letter. Like Chief Scott's earlier
2 statement, Asst. Chief Lazar's statement was also untrue.

3 38. SFPD has only identified two officers, A and B, as having violated the
4 FRT prohibition. Based on documents in its possession, Secure Justice has
5 identified SFPD officers Rich Jones (#852), Scott Dumont (#711), Jennifer Orantes
6 (#2340), Mark Hutchings (#940), Michael Toomey (#1870), and Chris Servat (#285)
7 as having solicited the help of third parties (like Daly City and NCRIC), and
8 requesting the use of FRT on photos provided by the SFPD officers.

9 39. Based on documents in its possession, Secure Justice has identified
10 additional violations of the FRT prohibition on April 21, 2020; May 21, 2020; June
11 3, 2020; July 21, 2020; September 10, 2020; March 3, 2021; and March 25, 2022. As
12 these were not included in SFPD's annual report to the BOS, these failures to report
13 are themselves additional violations of the Surveillance Ordinance, Section
14 19B.2(e)(2).

15 40. The SFPD officers were so bold as to title their email solicitations
16 "Facial Recognition," and to openly state their intent to solicit the use of FRT from
17 third parties in their chronology reports.

18
19 **From:** [Dumont, Scott \(POL\)](#)
20 **To:** [Jason Hutchinson](#)
21 **Subject:** Re: Facial Recognition [REDACTED]
22 **Date:** Thursday, May 28, 2020 5:41:56 PM
23 **Attachments:** [REDACTED]

24 Hi Jason,
25 I have a couple of other people I am looking to identify. I put the corresponding case number
26 under each photo [REDACTED].
27
28
29
30

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

From: [Jason Hutchinson](#)
To: [Dumont, Scott \(POL\)](#)
Subject: RE: Facial Recognition [REDACTED]
Date: Tuesday, July 21, 2020 3:05:44 PM
Attachments: [REDACTED]

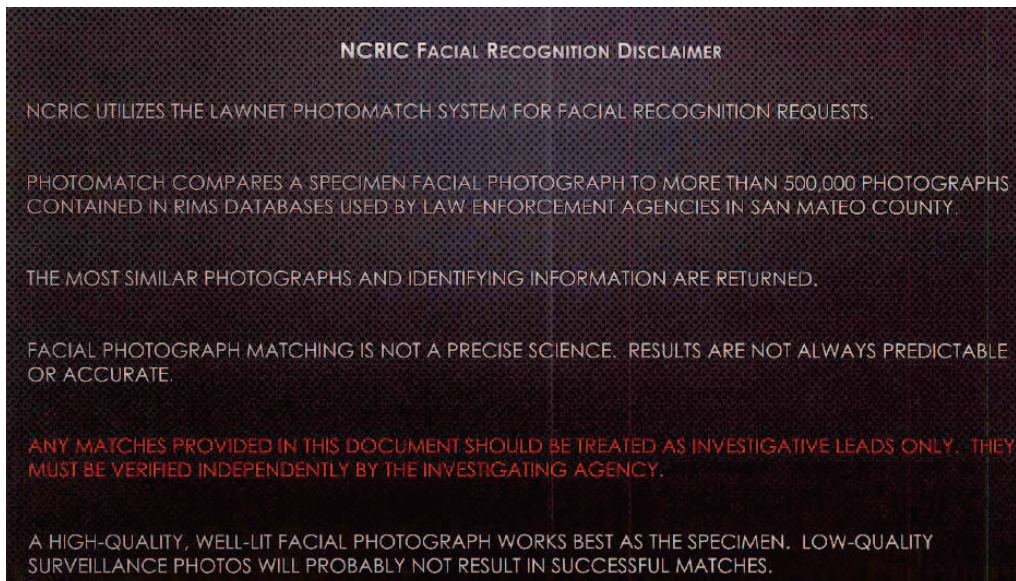
This message is from outside the City email system

Sorry, but still no matches.

Jason Hutchinson
Senior Forensic Analyst
Special Investigator
NCRIC Digital Forensic Evidence Lab
Department of Homeland Security US-CERT

SAN FRANCISCO POLICE DEPARTMENT			Page 4 of 5
CHRONOLOGICAL REPORT OF INVESTIGATION			
DATE	TIME	ACTIVITY	
		I emailed (R/W4) Robert Martin Jr. (speedqbrobbie@gmail.com), asking that he contact me at his earliest convenience.	
06/17/21	1204	I emailed Jason Hutchinson, Special Investigator at the NCRIC Digital Forensic Evidence Lab, photos of S1 to try and get a facial recognition match for the suspect to aid with the identification of the suspect in this case.	
06/22/21	1242	I distributed my APB for a second time department wide via email.	
06/23/21	1113	I emailed Jennifer Schiantarelli, Crime Analyst with the Daly City Police Department, photos of S1 to try and get a facial recognition match for the suspect and to possibly enhance the photos.	
06/23/21	1133	I emailed SFMTA Law Enforcement Liaison, Bill Canning, a copy of my APB.	

41. NCRIC involvement in these violations was robust. It produced a slide deck for SFPD.



42. The multiple violations already acknowledged by SFPD, the fact that the problem is more widespread than SFPD admits, and the fact that the training and orders that SFPD claimed would be issued either have not occurred or are being blatantly ignored make it clear that a court order is needed to prohibit SFPD's use of FRT.

43. The "right to cure" is not a get-out-of-jail-free card, wherein a guilty party can merely promise to do better next time by simply posting a notice and

1 promising not to do it again. The intent behind this provision was to get
2 Departments to perform without the need for court intervention, such as submitting
3 required use policies or annual reports which would ‘cure’ their absence.
4 Acknowledging a violation is not a ‘cure,’ and the legitimacy of many criminal
5 investigations is now called into question.

6 44. SFPD’s unlawful use of FRT calls for an investigation into the
7 legitimacy of investigations that may have been prosecuted by the District Attorney,
8 and a review of all cases for possible *Brady* violations. The previous District
9 Attorney considered dismissing a case after it was revealed in discovery that SFPD
10 may have developed a lead based on information derived from the use of FRT. As he
11 stated recently to the Washington Post: “Police are using it but not saying they are
12 using it,’ said Chesa Boudin, San Francisco’s former district attorney, who said he
13 was wary of prosecuting cases that may have relied on information the SFPD
14 obtained in violation of the city’s ban.” Douglas MacMillan, *These Cities Bar Facial*
15 *Recognition Tech. Police Still Found Ways to Access it*. The Washington Post, May
16 18, 2024 (available at [https://www.washingtonpost.com/business/](https://www.washingtonpost.com/business/2024/05/18/facial-recognition-law-enforcement-austin-san-francisco/)
17 [2024/05/18/facial-recognition-law-enforcement-austin-san-francisco/](https://www.washingtonpost.com/business/2024/05/18/facial-recognition-law-enforcement-austin-san-francisco/)).

18 45. According to Ean Vizzi, the suspect’s attorney in the above-referenced
19 case:

20 “It’s too convenient that police officers are so good at identifying photographs
21 from surveillance videos. ... (I thought) there has to be something else going
22 on there,” he said. “Lo and behold in this case, I see there’s something going
23 on there.”
24 (available at [https://www.sfchronicle.com/bayarea/article/Facial-recognition-tech-](https://www.sfchronicle.com/bayarea/article/Facial-recognition-tech-used-to-build-SFPD-gun-15595796.php)
25 [used-to-build-SFPD-gun-15595796.php](https://www.sfchronicle.com/bayarea/article/Facial-recognition-tech-used-to-build-SFPD-gun-15595796.php))

26 WHEREFORE, as the Surveillance Ordinance and right-to-cure notices have
27 been insufficient to ensure compliance and as no or insufficient corrective measures
28 have been taken, Petitioner requests that the Court issue a writ of mandate or
29 prohibition requiring the following:
30

- 1 A. That SFPD be prohibited from using FRT, or any information derived
2 from FRT from any internal or external source;
- 3 B. That an independent party or entity such as San Francisco's Department
4 of Police Accountability or the Controller's office conduct an audit of SFPD
5 records for the past five years to ascertain whether any criminal
6 investigations have been compromised by violating the prohibition on
7 using FRT or any information derived from FRT and whether any *Brady*
8 violations have occurred, and if so, that such disclosures be provided to
9 the pertinent defense counsel or unrepresented defendants;
- 10 C. That an independent party or entity such as San Francisco's Department
11 of Police Accountability or Controller's office monitor future SFPD
12 chronology reports and communications for unlawful use of FRT for three
13 years;
- 14 D. That attorney fees and court costs be awarded pursuant to Section 19B.8
15 of the Surveillance Ordinance and Civil Code section 1021.5.

16 **THIRD CAUSE OF ACTION**

17 **(Against San Francisco)**

18 **Failure to Produce Annual Reports**

19 46. Petitioner incorporates by reference the allegations of the above
20 paragraphs as though fully set forth herein.

21 47. An annual report is required for each technology with an approved use
22 policy. The Surveillance Ordinance requires that the report be submitted to the
23 COIT and the BOS "within 12 months of Board approval of the applicable
24 Surveillance Technology Policy, and annually thereafter on or before November 1."
25 By February 15, on an annual basis, each Department that has obtained
26 approval...shall submit to the Board...a copy of its annual report and a resolution to
27 accept the report, the Board shall publish all annual reports, and COIT must post
28 on its website each annual report submitted in the prior year. Section 19B.6(a-d).

48. Based on the approved use policy adoption dates, the following covered technologies are missing annual reports:

- Adult Probation: Ankle Monitoring Ankle Bracelet
- Adult Probation: GPS Monitoring Ankle Brace
- Emergency Management Gunshot Detection Technology
- Human Services Agency Social Media Monitoring
- MUNI Genetec Video Management Software
- MUNI Video Analytics for passenger vehicles
- Recreation and Park Dept. Sensource People Counters

49. These reports are a critical piece of the overall framework of the Surveillance Ordinance; they provide the public and BOS with metrics regarding efficacy, potential policy violations, corrective action taken, data security, sharing with third parties, and costs to the taxpayer. Without them, residents and leaders in San Francisco have no idea whether the technology even works, the technologies are performing as desired, there are civil liberties violations, or data breaches are occurring. Some technologies may be benign from a privacy infringement perspective but are ineffective at fighting crime or improving efficiency, and as a result, waste scarce taxpayer resources. This is especially a concern today as San Francisco is facing a historic budget deficit.

50. On May 27, 2024, Secure Justice issued the required “right to cure” notice to San Francisco and identified the above reports as having not been produced. (Exhibit C.) No attempt to cure has been made.

WHEREFORE Petitioners request the Court issue a writ of mandate or prohibition:

- To compel San Francisco to perform its duties and generate the annual reports required by the Surveillance Ordinance.
- That attorney fees and court costs be awarded pursuant to Section 19B.8 of the Surveillance Ordinance and Civil Code section 1021.5.

FOURTH CAUSE OF ACTION
(Against San Francisco)

Failure to Provide Required Information in Annual Reports

51. Petitioner incorporates by reference the allegations of the above paragraphs as though fully set forth herein.

52. In addition to threats to our civil liberties and intrusiveness into private affairs, the use of these technologies is sometimes simply not effective at achieving their stated goal(s) as outlined in their corresponding impact analysis and use policies. Section 19B.4 (“Standard for Approval”) calls for a cost-benefit analysis to ensure that the benefits outweigh the costs.

53. Without information—such as how often data is shared and with whom, upfront and ongoing costs, and efficacy metrics—the BOS and general public cannot gauge whether the expenditure of scarce taxpayer funds has been appropriate and responsible. Yet almost none of the Section 19B.4 published annual reports provide the minimum necessary information to satisfy this standard. Instead, many simply state naked unsupported conclusions like “the technology has been effective.”

54. For example, the Department of Homelessness and Support Housing Security Camera Annual Report states: “Our security camera has been effective in providing security for the safety of our shelter clients.” This provides no useful information to determine whether the “benefits...outweigh its costs.” Section 19B.4.

55. In its Drone Annual Report, the Fire Department responded to the efficacy category with: “The technology has been used according to policy.” Not only is that not responsive, but it also provides no quantitative or qualitative information to help gauge whether or not San Francisco spent its money wisely on the technology. This is even more concerning as the Fire Department states in the same report that it wants to procure additional drones, without providing any justification.

56. The Recreation and Parks Department responded to the same question as to whether the technology had been effective at achieving its identified purposes with a simple: “Yes.” The Department went on to state, “We have not had many cases using this technology.” No other information or response was provided.

57. These types of responses make a mockery of the spirit and letter of the Surveillance Ordinance requirements for annual reporting.

58. It is all the more important to cure this widespread deficiency in light of San Francisco's projected budget deficit. Cost savings could be realized by eliminating the ongoing use of certain technologies that are not cost-effective. The Mayor and Chief Scott describe San Francisco as being in a "doom loop" of criminal behavior but cannot explain what, if any, effect SFPD's 42+ surveillance technologies have had on combating crime.

59. Section 19B.1 defines “Annual Surveillance Report,” to require “(2)...how often...data was shared with outside entities, the name of any recipient outside entity, the type of data disclosed, under what legal standard it was disclosed, and the justification for disclosure,” and “(5) [i]nformation, including crime statistics, which help the Board of Supervisors assess whether the Surveillance Technology has been effective at achieving its identified purposes.”

60. On May 27, 2024, Secure Justice issued the required “right to cure” notice (Exhibit C) and identified the following reports as deficient:

- Child Support Services Security Camera 2022 and 2023 reports – noncompliant with Sec. 19B.1(5).
- Dept. of Elections Security Camera 2023 report– noncompliant with Sec. 19B.1(5).
- Dept. of Homelessness and Supportive Housing Security Camera 2022 report– noncompliant with Sec. 19B.1(5).
- Dept. of Homelessness and Supporting Housing Security Camera 2023 report– noncompliant with Sec. 19B.1(2, 5).

- Dept. of Public Health Security Camera 2022 report– noncompliant with Sec. 19B.1(2, 5).
- Dept. of Technology Security Camera 2022 and 2023 reports– noncompliant with Sec. 19B.1(5).
- Fire Dept. Drone 2022 and 2023 reports– noncompliant with Sec. 19B.1(5).
- Human Services Agency Security Camera 2022 and 2023 reports– noncompliant with Sec. 19B.1(5).
- Municipal Transportation Agency Security Camera 2022 and 2023 reports–noncompliant with Sec. 19B.1(5), as to “crime statistics.” There are references to third-party data sharing with the police, sheriff, and city attorney, but no crime information is provided as required. In addition, the same cut-and-paste language was used in responding to COIT annual report form question 8.2– which strongly suggests that no analysis was performed for at least one of the years.
- Police Dept. ShotSpotter 2022 and 2023 reports– noncompliant with Sec. 19B. 1(2, 5). “(H)ow often” data is shared is absent from both reports; and although a specific number of alerts is recorded in both reports, this does not satisfy the requirement to provide “information, including crime statistics, which help the Board of Supervisors assess whether the Surveillance Technology has been effective at achieving its identified purposes.” The use policy and impact statement for ShotSpotter identifies multiple potential benefits such as faster response times, deterrent effect, recovery of guns or spent bullet casings, first aid rendered to victims, and arrests made—none of which are addressed in the annual report. The BOS, and the public, have no meaningful information to gauge

the effectiveness of a technology that is presently losing contracts across the country due to its lack of efficacy.

- Public Library People Counting 2023 report–noncompliant with Sec. 19B. 1(5).
- Public Library Security Camera 2023 report– noncompliant with Sec. 19B. 1(2, 5).
- Recreation and Park Dept. Automated License Plate Reader 2022 and 2023 reports– noncompliant with Sec. 19B.1(5).
- Recreation and Park Dept. Body-Worn Camera 2023 report– noncompliant with Sec. 19B. 1(5).
- Rent Arbitration Board Security Camera 2022 and 2023 reports– noncompliant with Sec. 19B. 1(5).
- War Memorial Security Camera 2022 and 2023 reports– noncompliant with Sec. 19B. 1(5).
- War Memorial Third-Party Camera 2023 report– noncompliant with Sec. 19B. 1(5).

61. No attempt has been made to cure these deficiencies.

WHEREFORE Petitioners request the Court issue a writ of mandate or prohibition:

- A. To compel San Francisco departments to perform their duties and provide the missing information as required by the Surveillance Ordinance.
- B. That attorney fees and court costs be awarded pursuant to Section 19B.8 of the Surveillance Ordinance and Civil Code section 1021.5.

WHEREFORE, Petitioner requests that this Court:

- A. Issue a writ of mandate and/or prohibition as specified above,
- B. Award Petitioners their attorney's fees and costs as provided by the Surveillance Ordinance and Civil Code section 1021.5.
- C. Order such other relief as the Court deems just.

Dated: July 15, 2024

Law Office of Mitchell Chyette

By: Mitchell Chyette
 Mitchell Chyette
 Attorney for Secure Justice, Inc.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

VERIFICATION

I, Brian Hofer, am Chair of the Board for, and the Executive Director of, Secure Justice, Inc. and am authorized to execute this verification on its behalf. I have read the foregoing Petition for Writ of Mandate and I hereby verify that based on my personal knowledge the facts alleged are true.

Executed this 15th day of July 2024 in Oakland, California, I declare under penalty of perjury that the foregoing is true.



Brian Hofer,
on behalf of Secure Justice

EXHIBIT A.



June 9, 2023

VIA E-MAIL ONLY

Chief William Scott
San Francisco Police Dept.
1245 Third Street
San Francisco, CA 94158
E-Mail: SFPDChief@sfgov.org

**Re: Surveillance Technology Ordinance – Pre-Existing Technology
Notice of Violation**

Dear Chief Scott:

Pursuant to Sec. 19B.8 (c) of the Surveillance Ordinance, I write to inform you of our intent to pursue legal action due to your department's failure to comply with the surveillance ordinance obligations.

The San Francisco Police Department has failed to submit "within 180 days following the effective date of this Chapter," the required impact statement and proposed use policy for pre-existing technologies. See Sec. 19B.5(b-c). The ordinance went into effect on July 15, 2019.

The Department has publicly identified at least forty-five pre-existing surveillance technologies and has only submitted three proposals to the Board of Supervisors for approval. As the Department's "right to cure" period is 30 days, it is highly unlikely you can cure said violations without significantly diverting your departmental resources away from important crime fighting.

Without waiving our right to sue, I believe I have a potential win-win that would streamline the administrative burden, achieve compliance, and likely be supported by COIT and the Board. Please call me to discuss this opportunity at your earliest convenience. I can best be reached via the email or phone number below.

Sincerely,

Brian Hofer
Executive Director
(510) 303-2871
brian@secure-justice.org
<https://secure-justice.org/>

cc: Sup. Peskin, COIT, City Attorney

EXHIBIT B.

SAN FRANCISCO
FILED
2023 OCT 17 PM 3:31
DEPARTMENT OF ELECTIONS

**Submittal Form
For Proposed Initiative Measure(s)
Prior to Submittal to the Department of Elections
by 4 or more Supervisors or the Mayor**

I, hereby submit the following proposed initiative measure(s) for hearing before the Board of Supervisors' Rules Committee prior to the submittal of the proposed initiative measure to the Department of Elections (per Proposition C, November 2007).

This matter is for the **March 5, 2024** Election.

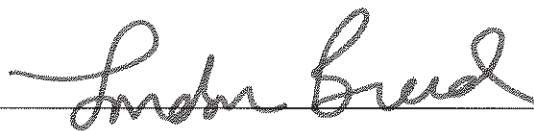
Sponsor(s): Mayor London Breed

Subject: Initiative Ordinance - Administrative Code - Police Department Policies and Procedures and Use of Technology

The text is listed below or attached:

(See attached.)

Mayor Breed :



(Clerk of the Board's Time Stamp)

SAN FRANCISCO
FILED

2023 OCT 17 PM 3:31

DEPARTMENT OF ELECTIONS

**PROPOSED INITIATIVE ORDINANCE TO BE SUBMITTED BY THE
MAYOR TO THE VOTERS AT THE MARCH 5 2024 ELECTION.**

[Under Charter Sections 3.100(16) and 2.113(b), this measure must be submitted to the Board of Supervisors and filed with the Department of Elections no less than *45 days prior* to the deadline for submission of such initiatives to the Department of Elections set in Municipal Elections Code Section 300(b).]

[Initiative Ordinance - Administrative Code - Police Department Policies and Procedures and Use of Technology]

Ordinance amending the Administrative Code to 1) require a standardized community engagement process before the Police Commission changes policies or procedures regarding Police Department operations; 2) require the Commission and Department to consider administrative burdens on staff before changing such policies or procedures, and to streamline reporting and recordkeeping procedures; 3) modify the Department's use of force and vehicle pursuit policies, and establish a technology policy, to allow officers to use body-worn cameras and drones under certain circumstances; 4) limit new restrictions on the Department's use of technology unless approved by the Board of Supervisors; 5) streamline the process for the Department to install community safety cameras; and 6) permit the Department to use Surveillance Technology for at least one year before the corresponding Surveillance Technology Policy may be disapproved by the Board of Supervisors.

NOTE: **Unchanged Code text and uncodified text** are in plain font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *strikethrough italics Times New Roman font*.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. The Administrative Code is hereby amended by adding Chapter 96I, consisting of Sections 96I.1, 96I.2, 96I.3, and 96I.4, to read as follows:

CHAPTER 96I:

POLICE DEPARTMENT POLICIES AND PROCEDURES

SEC. 96I.1. COMMUNITY ENGAGEMENT STANDARDS.

(a) Community Engagement Process. Before agendizing any proposal to establish, modify, or abolish policies or procedures related to Police Department operations, the Police Commission shall first publish a notice regarding the proposal on its website. The Department shall then have 90 days to hold community meetings to solicit public feedback on any existing policies or procedures that may be affected, with at least one community meeting at each district station. Each community meeting shall have a neutral facilitator selected jointly by the Chief of Police and the Commission President. The facilitator shall chair the meetings, encourage dialogue between community members and the Department and Commission, and post written summaries online before any Commission meeting where any proposed change will be considered. The purpose of this community engagement shall be to describe the existing policies and procedures, solicit feedback on their implementation and impacts, and identify possible changes, rather than to consider specific draft proposals or to advocate for particular positions or changes. The Commission may begin holding public meetings on proposed changes only after the Commission President and Chief of Police have consulted each other, at the close of the 90-day community engagement period, on whether the community meetings are complete. If either the Commission or the Department convene a working group to consider a change to a policy or procedure, they may do so only after the consultation described in the foregoing sentence, and any working group should include subject matter experts, community members with experience in the criminal justice system, merchants, business owners, victims of crimes, and current or former police officers.

(b) **Waiver by the Chief of Police.** This Section 96I.1 is intended to help the Commission and Department receive public feedback on whether proposed changes to policies and procedures governing Department operations will impact the Department's ability to efficiently and effectively serve the community. The Chief of Police may waive the requirements of this section 96I.1 based on whether the proposed changes are unlikely to have a substantial impact on the Department's ability to serve the community, the amount of public feedback already received on the subject matter, the need for immediate action, and such other factors as the Chief may deem appropriate.

(c) **Other Notice Requirements.** This Section 96I is not intended to impair any other notice requirements that may apply to the Commission, such as the 10-day notice required under Charter Section 4.104(a).

SEC. 96I.2. IMPROVING THE EFFICIENCY AND EFFECTIVENESS OF THE DEPARTMENT.

(a) **Administrative Time.** It is essential that the Commission and Department maximize the time that officers can spend performing their core law enforcement and crime prevention functions, as opposed to administrative tasks. When adopting or revising policies governing the conduct of officers, the Commission and Department shall endeavor to minimize imposing administrative tasks on officers so that officers can primarily focus their time and efforts on law enforcement and crime prevention. It shall be City policy that patrol officers shall spend no more than 20% of their on-duty time conducting administrative tasks, except for tasks required by law, such as the completion of arrest reports and the booking of arrestees and property, and except for training and education.

(b) **Recordkeeping and Reporting.** To minimize redundancy and administrative tasks with respect to recordkeeping and reporting, the Commission and Department shall revise their existing policies and procedures to reduce all recordkeeping and reporting requirements to the extent allowed by law, and shall apply this rule to all future policies and procedures. Further, officers shall be

authorized to comply with recordkeeping and reporting requirements through the use of technologies such as body-worn cameras. This subsection (b) is intended to ensure accurate reporting and recordkeeping, promote trust in the Department, and maximize the ability of officers to focus their time and efforts on law enforcement and crime prevention as opposed to administrative tasks that remove officers from the field.

(c) **Use of Force Policy.** The Department's highest priority is to safeguard the life, dignity, and liberty of all persons. Consistent with this priority, in encounters with criminal suspects or others, it shall be Department policy when feasible for officers to use rapport-building communication, crisis intervention approaches, and de-escalation tactics before they resort to using force. Officers shall be required to provide a written report for uses of force only when (1) the use of force resulted in a physical injury, including where the officer believes the use of force is likely to have caused a physical injury or where a person has complained of a physical injury; or (2) an officer removed a firearm from a holster and pointed the firearm at a person or used it to compel a person to comply. In all other instances involving a reportable use of force, the officers shall satisfy these reporting requirements using body-worn cameras, to the maximum extent possible, consistent with subsection (b). The use of force policy shall also minimize duplicative reporting by multiple officers regarding the same incident.

(d) **Vehicle Pursuit Policy.** An officer may engage in a vehicle pursuit if the officer has reasonable suspicion or probable cause that a felony or violent misdemeanor crime has occurred, is occurring, or is about to occur. In evaluating whether to engage in a vehicle pursuit, the officer must weigh the seriousness of the crime and the likelihood that the pursuit will prevent the crime or lead to the apprehension of a suspect against the potential dangers to the community and officers; and to minimize the dangers from vehicle pursuits, officers shall be authorized to use unassisted aerial vehicles ("UAVs," also known as "drones") along with or in lieu of vehicle pursuits, consistent with all applicable City policies on data and privacy and subsection (e). The Department shall annually report to the Commission on the total number of vehicle pursuits; the reason(s) for the pursuits; the number of

pursuits that resulted in a collision; the number of pursuits that resulted in death or injury to an officer or member of the public; and the number of pursuits that were found to be within or outside of policy.

(e) **Technology Policy.** The Department shall use technology to the maximum extent possible to improve its efficiency and effectiveness in combatting crime, and to reduce dangers to the public, subject to the City's policies to protect privacy and civil liberties. Consistent with these principles:

_____ (1) officers shall be authorized to use technologies such as body-worn cameras to comply with recordkeeping and reporting requirements as set forth in subsections (b) and (c);

_____ (2) the Department shall have the authority to use UAVs along with or in lieu of vehicle pursuits as set forth in subsection (d), and to assist with active criminal investigations; and

_____ (3) the City may not adopt or impose any new restrictions on the use of technology by the Department, unless such restrictions are approved by the Board of Supervisors pursuant to Section 96I.4;

provided, however, that the Department must use technology for legitimate law enforcement purposes only, rather than for the purpose of infringing on the lawful exercise of rights protected by the First Amendment; must not retain any public footage for longer than 30 days unless a sworn member holding the rank of Captain or higher has determined that a longer retention period is necessary due to an open criminal investigation; and must not allow any Department staff to access any public footage unless a sworn member holding the rank of Captain or higher has determined that access is necessary for an open criminal investigation; and provided further, that the Department's use of UAVs under this subsection (e) shall not be subject to the requirements of Chapter 19B of the Administrative Code.

SEC. 96I.3. IMPLEMENTATION.

(a) The Commission and Department may adopt policies and procedures consistent with this Chapter 96I to implement this Chapter.

(b) This Chapter 96I shall override any conflicting provisions in ordinances, regardless of the effective date of any such ordinances. This Chapter 96I shall also override any conflicting provisions in Department General Orders, regardless of the effective date of any such orders, including without limitation Department General Orders 3.01 (Written Communication System), 5.01 (Use of Force), 5.03 (Investigative Detentions), 5.05 (Response and Pursuit Driving), and 5.06 (Citation Release); provided, however, that (1) conflicting provisions of Department General Orders shall remain operative until the Commission has revised them to comply with this Chapter, or until October 1, 2024, whichever is sooner, and (2) the community engagement process in Section 96I.1 will not be required with respect to these implementing revisions to existing Department General Orders.

(c) The Department shall provide appropriate training to officers on any revisions to the policies and procedures within six months after the revisions are adopted.

SEC. 96I.4. AMENDMENT BY THE BOARD OF SUPERVISORS.

Prior to January 1, 2027, the Board of Supervisors may by ordinance amend this Chapter 96I by supermajority of at least eight votes. Effective January 1, 2027, the Board of Supervisors may by ordinance amend this Chapter 96I by majority vote.

//

//

//

//

//

//

Section 2. Chapter 19 of the Administrative Code is hereby amended by revising the title of the Chapter, revising Sections 19.1 through 19.6, adding Sections 19.7 and 19.8, and by revising and renumbering existing Section 19.7 as Section 19.9, to read as follows:

CHAPTER 19:

PUBLICCOMMUNITY SAFETY CAMERA ORDINANCE

SEC. 19.1. SHORT TITLE.

This ordinance shall be known and may be cited as the PublicCommunity Safety Camera Ordinance.

SEC. 19.2. DEFINITIONS.

—(a) **PublicCommunity Safety Camera.** For the purposes of this Chapter, the term "publiccommunity safety camera" means any digital recording surveillance system installed at fixed locations in an open and obvious manner by the City and County of San Francisco to film public streets, sidewalks, or common areas of public housing complexes *for the purpose of enhancing public safety*. It does not include surveillance cameras designed to record the regular and ongoing operations of City departments, including but not limited to mobile in-car video systems, jail observation and monitoring systems, traffic reporting cameras, and building security taping systems. In addition, it does not include surveillance cameras installed for security purposes at the San Francisco International Airport, the San Francisco Unified School District or in San Francisco Municipal Railway facilities or vehicles.

SEC. 19.3. LIMITATIONS ON PUBLICCOMMUNITY SAFETY CAMERAS.

The City and County of San Francisco may install publiccommunity safety cameras *for the purpose of enhancing public security only in locations experiencing substantial crime and where the potential to deter criminal activity outweighs any concerns asserted by the affected community as*

~~determined by the Police Commission only in locations where the Chief of Police has determined, following a public meeting held in accordance with subsection 19.4(b) of this Chapter, that installation would enhance public safety.~~ The cameras shall record areas perceptible to the human eye from public streets and sidewalks only. Images obtained by ~~the public~~community safety cameras may be released only to the following:

(a) Sworn members of the ~~San Francisco~~ Police Department holding the rank of ~~Sergeant~~ Inspector or higher. Police shall limit review of images to investigation of specific crimes, active operations, and crimes in progress. A sworn member holding the rank of Captain or higher may approve live monitoring of these images/camera feeds; and

* * * *

SEC. 19.4. APPROVAL AND AUDITING OF ADDITIONAL PUBLICCOMMUNITY SAFETY CAMERAS.

(a) ~~Recommendation for Camera Installation by Director.~~ The Chief of Police may install a public safety camera in an area if the Chief of Police finds, after holding a community meeting as set forth below, that installing the camera is likely to improve public safety in that area. The Chief of Police may call a meeting to discuss installation of a public safety camera on the Chief's own initiative, or in response to a request from a member of the public (including but not limited to community and business organizations). ~~If the Director of the Mayor's Office of Criminal Justice ("MOCJ") finds that a particular location is experiencing substantial crime and that the potential to deter criminal activity outweighs any concerns asserted by the affected community, the Director may recommend approval of a new community safety camera in that location to the Police Commission. The Police Commission shall calendar consideration of the matter no sooner than 30 days and no later than 60 days from MOCJ's notification.~~

(b) **Public ~~Meeting~~Hearing Required.** A community meeting shall be held in the neighborhood(s) being considered for a public safety camera, prior to installation. The Chief of Police may require the attendance of the affected neighborhood's District Captain and/or a sworn member of the Police Department holding the rank of Captain or higher. The Police Commission shall conduct a public hearing to determine whether or not to install the camera. The MOCJ shall create and distribute to the Police Commission and the public a report justifying the camera at the particular location 20 days prior to the first public hearing on the proposed installation. The report shall include, for each proposed new camera location: (1) the reason for installing the camera at the particular location, including crime statistics for the area and (2) the proposed area/range to be covered. The Police Commission may continue its consideration of the proposal for up to 30 days in order to receive more information from the Director of the MOCJ, the Police Department, or community organizations or to further consider the proposal. The decision of the Police Commission shall be rendered within 30 days from the date of the first hearing.

(c) **Approval of Camera Installation by Chief of Police Commission.** After the community meeting(s) described in subsection (b), the Chief of Police shall review a summary of community feedback, including feedback provided at the community meeting, before making a decision regarding the installation and/or placement of the public safety camera. The Chief's decision shall be based on public safety considerations, including the nature and frequency of criminal activity in the area and information provided by members of the impacted community. The Department of Technology ("DT") shall be responsible for installing and maintaining any approved cameras. A camera installation approved by the Chief of Police under this subsection (c) is not subject to the requirements of Chapter 19B of the Administrative Code. The Police Commission may approve the camera's installation after a hearing, provided that the Commission finds that the proposed location is experiencing substantial crime, the potential to deter criminal activity outweighs any concerns asserted

~~by the affected community, and there exists significant support from the affected community for the camera.~~

(d) Annual Report to the Board of Supervisors and to the Police Commission.

The Police Department shall prepare an annual report on all public~~community~~ safety cameras ~~that the City has installed under this Chapter 19 located in the City and County of San Francisco.~~ The report shall identify the camera locations, the crime statistics for the vicinity surrounding each camera both before and after the camera is installed, crime statistics from surrounding vicinities, the number of times the Police Department requested copies of the recorded images, the number of live monitoring operations, and the number of times the images were used to make an arrest ~~bring criminal charges, the types of charges brought, and the results of the charges.~~ The Department shall issue the first reports during the first quarter of each calendar year, starting in 2025 ~~no later than one year following the date of the first camera installation approval by the Police Commission and not less often than once yearly thereafter. Based upon information provided in the annual report, the Police Commission may direct the removal of any individual camera(s).~~

SEC. 19.5. NOTICE REQUIREMENTS.

(a) Public Notice of Proposed Camera~~I~~ Installation. At least 30~~20~~ days before a ~~public meeting to consider a public safety camera at a new location, the Department~~~~the Police Commission considers a recommendation to install a new community safety camera, the Department of Information and Telecommunications Services ("DTIS")~~ shall post a minimum of four ~~4~~ signs, ~~as set forth below,~~ within a 100-foot radius of the location at which the camera is proposed. ~~Signs shall remain posted through the date of approval or disapproval of the camera installation by the Police Commission.~~

~~—(1) Number of Signs. The Director of the MOCJ may approve additional signs if deemed necessary to provide adequate notice to the public.~~

~~—(2) Contents and Size of Signs.~~ Each sign shall be at least thirty inches by thirty inches. The signs shall be entitled NOTICE OF INTENT TO INSTALL~~APPROVE A~~ PUBLIC~~COMMUNITY~~ SAFETY CAMERA(S) AT THIS LOCATION. ~~The lettering of the title shall be at least 1¼-inch capital letters. All other letters shall be at least ¾-inch uppercase and ½-inch lowercase. Each sign and shall include the time, and date, and location of the public meeting regarding the camera installation, of the Police Commission's approval hearing, a Police Commission contact person, and contact information a telephone number~~ where members of the public may obtain additional information and/or submit comments. Signs shall be posted in languages appropriate to the specific neighborhood, and as required by the Language Access Ordinance, Chapter 91 of the Administrative Code~~as determined by the Director of the MOCJ.~~

~~—(3) Production of Signs.~~ ~~The Director of the MOCJ shall develop a standardized sign that meets the requirements of this Section.~~

~~—(b) Additional Notice Provisions.~~ ~~In addition to the signposting requirements in Section 19.5(a), the Director of the MOCJ may use mailed notices. If the Director uses mailed notices, the Director shall send notices to:~~

~~—(1) The owner of each property within 300 feet of the proposed camera location as reflected on the latest Citywide Assessor roll.~~

~~—(2) Neighborhood associations and organizations listed with the Planning Department as representing businesses, owners or occupants located within 300 feet of the proposed camera location, and~~

~~—(3) To the extent practicable, the occupants of each property within 300 feet of the proposed camera location.~~

~~—The mailed notice shall include, at a minimum, all of the information required in Section 19.5(a)(ii). Mailed notice shall be sent at least 20 days prior to the Police Commission's consideration of approval to install a community safety camera.~~

~~(b)(e)~~ **Notice for Approved Cameras.** Upon approval by the Chief of Police Commission and installation of a new publiccommunity safety camera, the DepartmentDirector of the DTIS shall post a conspicuous sign within 25 feet of the location of the camera. ~~The sign shall state~~ that the area is under camera surveillance, unless the Chief of Police determines that the sign would reduce public safety or undermine the effectiveness of the camera in enhancing public safety. ~~Additionally, the Police Department shall publish on the Department's website the location of all cameras installed throughout the City. The Department shall update the site within 30 days of each new camera installation.~~

SEC. 19.6. PROTOCOLS FOR OVERSIGHT AND ACCESS TO SURVEILLANCE INFORMATION.

(a) Access to the recorders for publiccommunity safety cameras shall be limited to personnel from the DTIS for purposes of installation, repair, maintenance and upgrades, and to Custodian of Records staff from the Department of Emergency Management ("DEM"). DEM staff shall be responsible for proper release of the records.

* * * *

(c) ~~(1)~~ Members of the Police Department may obtain copies of the recordings or access to live-feeds by presenting a written request to DEM. The request shall be submitted by a sworn member of the Department holding the rank of Sergeant or higher ~~an Inspector of the SFPD~~, and approved by a Captain or higher-ranking officer ~~the Deputy Chief of Inspectors~~. In exigent circumstances only, DEM may release the recordings and/or live-feed access to the Sergeant or higher-ranking officer ~~information to an Inspector~~ prior to receipt of a written request, but in that circumstance the requesting officer ~~Inspector~~ must then provide DEM a written justification for the release, including specification of the exigent circumstances, approved by a sworn member holding the rank of Captain or higher. ~~Within 7seven days from the release under exigent~~

circumstances, the SFPD Inspector must submit, in writing, the supervisor's and captain's approval of the Inspector's initial request.

~~(d)~~—(2) The Public Defender, other criminal defense attorney, or an investigator appointed by the Court to assist a pro se criminal defendant may submit a written request to obtain copies of the recordings to DEM. A copy of the request shall be delivered concurrently to the Office of the District Attorney. The request shall include the name and court number of the charged criminal case, the time and place of the recordings, and a declaration under penalty of perjury verifying that the request is made in connection with the investigation or defense of a charged criminal case and further declaring under penalty of perjury that the attorney or investigator will use any publiccommunity safety camera recordings released by DEM only in connection with the charged criminal case. Upon receipt of the written request, DEM shall preserve for 180 days any recordings requested and deliver a copy of the recordings to the Office of the District Attorney. The District Attorney may review the recordings with members of the Police Department at the rank of SergeantInspector or higher in determining whether to seek a Ccourt order preventing disclosure. DEM shall deliver to the requesting individual a copy of the recordings within five ~~5~~ court days of the disclosure to the District Attorney, unless the District Attorney applies for a Ccourt order to prevent disclosure of the recordings pursuant to existing law. If the District Attorney applies for a Ccourt order to prevent disclosure, DEM shall not produce the recordings to the requesting individual until the court issues a decision regarding production.

~~(e)~~(d) DEM may only release records to agencies or individuals other than those specified in section 19.3 pursuant to a court order. DEM must notify the Board of Supervisors within 7seven days of any release pursuant to a court order.

~~(f)~~(e) Under no circumstances may recordings from publiccommunity safety cameras be used for personal purposes.

~~(g)(f)~~ DTIS shall ensure that ~~the publiccommunity~~ safety cameras retain data for a period of ~~at least 30 days but not longer than 30 days, unless the Department advises that a longer retention period is required for an active investigation.~~

~~(h) DEM, through a written agreement, may delegate its authority and responsibility under this Chapter 19 to DT or another non-law enforcement department.~~

SEC 19.7 REMOVAL OF PUBLIC SAFETY CAMERA.

~~The Chief of Police, or the Board of Supervisors acting by ordinance to override this Chapter 19 pursuant to Section 19.8, may direct the removal of a public safety camera at a specific location.~~

SEC 19.8 AMENDMENT BY THE BOARD OF SUPERVISORS.

~~Prior to January 1, 2027, the Board of Supervisors may by ordinance amend this Chapter 19 by supermajority of at least eight votes. Effective January 1, 2027, the Board of Supervisors may by ordinance amend this Chapter 19 by majority vote.~~

SEC. 19.79. SEVERABILITY.

If any part or provision of this Chapter 19, or the application of this Chapter to any person or circumstance, is held invalid, the remainder of this Chapter, including the application of such part or provisions to other persons or circumstances, shall not be affected by such holding and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

//

//

Section 3. Chapter 19B of the Administrative Code is hereby amended by revising Section 19B.2, to read as follows:

SEC. 19B.2. BOARD OF SUPERVISORS APPROVAL OF SURVEILLANCE TECHNOLOGY POLICY.

* * * *

(c) A Department is not required to obtain Board of Supervisors approval by ordinance of a Surveillance Technology Policy if the Department's acquisition or use of the Surveillance Technology complies with a Surveillance Technology Policy previously approved by the Board by ordinance. Additionally, (1) the Police Department may acquire and/or use a Surveillance Technology so long as it submits a Surveillance Technology Policy to the Board of Supervisors for approval by ordinance within one year of the use or acquisition, and may continue to use that Surveillance Technology after the end of that year unless the Board adopts an ordinance that disapproves the Policy; and (2) this Chapter 19B shall not apply to the Police Department's use of public safety cameras under Administrative Code Chapter 19, or unassisted aerial vehicles ("UAVs," also known as "drones") under Administrative Code Chapter 96I, so long as Chapters 19 and 96I expressly exempt public safety cameras and drones from this Chapter.

* * * *

//

//

//

//

//

//

//

SAN FRANCISCO
FILED

2023 OCT 17 PM 3:31

DEPARTMENT OF ELECTIONS

Section 4. Scope of Ordinance. In enacting this ordinance, the People of the City and County of San Francisco intend to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions or deletions, in accordance with the "Note" that appears under the official title of the ordinance.

* * *

SUBMITTED.



LONDON BREED
Mayor, City and County of San
Francisco

Date:

10/17/23

n:\leganalas2023\2400047\01711414.docx

EXHIBIT C.



May 27, 2024

VIA E-MAIL ONLY

Hon. Aaron Peskin

Hon. David Chiu

Carmen Chu

Chief William Scott

City of San Francisco

E-Mail: SFPDChief@sfgov.org; cityattorney@sfcityatty.org; aaron.peskin@sfgov.org;
city.administrator@sfgov.org

**Re: Surveillance Technology Ordinance – Pre-Existing Technology, Annual Reports
Notice of Violations**

To the City of San Francisco:

Pursuant to Sec. 19B.8 (c) of the Surveillance Ordinance, I write to inform you of our intent to pursue legal action due to the city's failure to comply with the Chapter 19B surveillance ordinance obligations, including recent amendments due to the adoption of Proposition E. Proposition E's passage did not moot any of our previous claims, which remain uncured and will be included in our forthcoming lawsuit along with these new violations.

Failure To Submit Pre-Existing Technologies Use Policies And Impact Statements For Approval

The San Francisco Police Department ("SFPD") failed to submit "within 180 days following the effective date of this Chapter," the required impact statement and proposed use policy for pre-existing technologies. See Sec. 19B.5(b-c). The ordinance went into effect on July 15, 2019. We submitted a right-to-cure notice regarding this violation, and SFPD has made no move to cure. By at least July 2020, the Department publicly identified at least forty-two pre-existing surveillance technologies and to date has only submitted four proposals to the Board of Supervisors for approval, as reflected on its website: <https://www.sanfranciscopolice.org/your-sfpd/policies/19b-surveillance-technology-policies>.

The March 2024 adoption of Proposition E modified the obligations to submit a use policy somewhat but did not moot our claims. Departments, including SFPD, may now submit a use policy and impact statement for pre-existing technology "within one year of the use or acquisition..." A March 19, 2024 memo from the City Attorney's office provided the following guidance to the City: "The Department must submit a proposed policy within a year after the date the Department first used or acquired the technology—whichever is earlier. Failure to submit a policy within a year is a violation of Chapter 19B." As SFPD identified at least thirty-eight pre-existing and acquired and/or used surveillance technologies almost four years ago for

which no use policy has been submitted, let alone adopted by the Board, the City is in violation of Chapter 19B as amended.

Failure To Submit Annual Reports For Covered Technologies

An annual report is required for each technology with an approved use policy and requires that the report be submitted to the Board and COIT “within 12 months of Board approval of the applicable Surveillance Technology Policy, and annually thereafter on or before November 1.” By February 15 on an annual basis, each Department that has obtained approval...shall submit to the Board...” a copy of its annual report and a resolution to accept the report, the Board shall publish all annual reports, and COIT must post on its website each annual report submitted in the prior year. Sec. 19B.6 (a-d).

Based on the approved use policy adoption dates, the following covered technologies are missing annual reports:

- | | |
|-----------------------------------|--|
| • Adult Probation: | Ankle Monitoring Ankle Bracelet |
| • Adult Probation: | GPS Monitoring Ankle Brace |
| • Dept. of Emergency Management | Gunshot Detection Technology |
| • Human Services Agency | Social Media Monitoring |
| • Municipal Transportation Agency | Genetec Video Management Software |
| • Municipal Transportation Agency | Video Analytics for SFMTA passenger vehicles |
| • Recreation and Park Dept. | Sensource People Counters |

Failure To Provide Required Information In Annual Reports

All annual reports reflected on COIT’s website as of this date (see attached index), that reported third party data sharing in 2022 and 2023, are noncompliant with Sec. 19B. 1 (2), as to “how often” data was shared. In addition:

- Child Support Services Security Camera 2022 and 2023 reports – noncompliant with Sec. 19B.1 (5).
- Dept. of Elections Security Camera 2023 report – noncompliant with Sec. 19B.1 (5).
- Dept. of Homelessness and Supportive Housing 2022 report – noncompliant with Sec. 19B.1 (5).
- Dept. of Homelessness and Supporting Housing 2023 report – noncompliant with Sec. 19B.1 (2, 5).
- Dept. of Public Health Security Camera 2022 report – noncompliant with Sec. 19B.1 (2, 5).
- Dept. of Technology Security Camera 2022 and 2023 reports – noncompliant with Sec. 19B.1 (5).
- Fire Dept. Drone 2022 and 2023 reports – noncompliant with Sec. 19B.1 (5).
- Human Services Agency Security Camera 2022 and 2023 reports – noncompliant with Sec. 19B.1 (5).
- Municipal Transportation Agency Security Camera 2022 and 2023 reports – noncompliant with Sec. 19B.1 (5), as to “crime statistics.” There are references to third

party data sharing with the police, sheriff, and city attorney, but no crime information is provided as required. In addition, the same cut and paste language is used in responding to 8.2 – which doesn’t pass the smell test that any analysis was performed for at least one of the years.

- Police Dept. ShotSpotter 2022 and 2023 reports – noncompliant with Sec. 19B. 1 (2, 5), in that “how often” data is shared is absent from both reports, and although a specific number of alerts is recorded in both reports, this does not satisfy the requirement to provide “information, including crime statistics, which help the Board of Supervisors assess whether the Surveillance Technology has been effective at achieving its identified purposes.” The use policy identifies multiple purposes, none of which are addressed in the annual report except for receiving an alert, such as faster response times, deterrent effect, recovery of guns or spent casings, first aid rendered to victims, arrests made, and so forth. The Board, and the public, have no meaningful information to gauge effectiveness of a technology that is presently losing contracts across the country due to its lack of efficacy.
- Public Library People Counting 2023 report – noncompliant with Sec. 19B. 1 (5).
- Public Library Security Camera 2023 report – noncompliant with Sec. 19B. 1 (2, 5).
- Recreation and Park Dept. Automated License Plate Reader 2022 and 2023 reports – noncompliant with Sec. 19B.1 (5).
- Recreation and Park Dept. Body-Worn Camera 2023 report – noncompliant with Sec. 19B. 1 (5).
- Rent Arbitration Board Security Camera 2022 and 2023 reports – noncompliant with Sec. 19B. 1 (5).
- War Memorial Security Camera 2022 and 2023 reports – noncompliant with Sec. 19B. 1 (5).
- War Memorial Third-Party Camera 2023 report – noncompliant with Sec. 19B. 1 (5).

Staff appears to have a fundamental misunderstanding of why ongoing oversight via the annual reporting obligation is important – in addition to civil liberties concerns and intrusiveness into our private affairs due to the use of these technologies, some are simply not effective at achieving their stated goal(s) as outlined in their corresponding impact analysis and use policies. The cost-benefit analysis imposed by the annual reporting obligation is to ensure that the standard referenced in Sec. 19B.4 (“Standard For Approval”), namely, that the benefits outweigh the costs, is met.

//
//
//

Without important information like how often data is shared and with whom, upfront and ongoing costs and efficacy metrics, the Board and general public are unable to gauge whether the expenditure of scarce taxpayer funds has been appropriate and responsible. Almost none of the published annual reports meet the minimum necessary to satisfy this standard, as most simply state naked unsupported conclusions that “the technology has been effective.” This widespread deficiency is all the more important to cure in light of San Francisco’s projected budget deficit, as some cost savings could be realized by eliminating ongoing use of certain technologies that aren’t effective enough to satisfy the above standard.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Hofer", is positioned above the typed name.

Brian Hofer
Executive Director
(510) 303-2871
brian@secure-justice.org
<https://secure-justice.org/>
San Francisco Bay Area, CA



Annual Surveillance Report Inventory

This inventory shows all completed Annual Surveillance Reports for Board of Supervisors-approved policies.

For each technology which receives Board of Supervisor approval, City departments are required to complete an Annual Surveillance Report every year after the date of approval.

For [more details, refer to the ordinance directly.](#)

Last updated January 22, 2024.

Documents

Airport

[Airport: Automated License Plate Reader \(ALPR\) Annual Surveillance Report 2022](#)

October 27, 2022

Airport: Automatic License Plate Reader (ALPR) Annual Surveillance Report 2022

[Airport: Pre-Security Closed Circuit Television \(CCTV\) Cameras Annual Surveillance Report 2022](#)

October 27, 2022

Airport: Pre-Security Closed Circuit Television (CCTV) Cameras Annual Surveillance Report, 2022

[Airport: Automated License Plate Reader \(ALPR\) Annual Surveillance Report 2023](#)

October 25, 2023

Airport: Automated License Plate Reader (ALPR) Annual Surveillance Report 2023

[Airport: Pre-Security Closed Circuit Television \(CCTV\) Camera Annual Surveillance Report 2023](#)

October 27, 2023

Airport: Pre-Security Closed Circuit Television (CCTV) Camera Annual Surveillance Report 2023

[Airport: Third-Party Cameras Annual Surveillance Report 2023](#)

October 26, 2023

Airport: Third-Party Cameras Annual Surveillance Report 2023

Arts Commission

[Arts Commission: Security Camera Annual Surveillance Report 2022](#)

October 28, 2022

Arts Commission: Security Camera Annual Surveillance Report 2022

[Arts Commission: Security Camera](#)

[Annual Surveillance Report 2023](#)

October 30, 2023

Arts Commission: Security Camera Annual Surveillance Report
2023

Asian Art Museum

[Asian Art Museum: Security](#)

[Camera Annual Surveillance Report](#)

[2022](#)

October 28, 2022

Asian Art Museum: Security Camera Annual Surveillance Report
2022

[Asian Art Museum: Security](#)

[Camera Annual Surveillance Report](#)

[2023](#)

October 30, 2023

Asian Art Museum: Security Camera Annual Surveillance Report
2023

Child Support Services

[Child Support Services: Security](#)

[Camera Annual Surveillance Report](#)

[2022](#)

November 15, 2022

Child Support Services: Security Camera Annual Surveillance
Report 2022

[Child Support Services: Security](#)

[Camera Annual Surveillance Report](#)

[2023](#)

October 30, 2023

Child Support Services: Security Camera Annual Surveillance
Report 2023

City Administrator's Office - Real Estate

[City Administrators' Office \(Real Estate Division\): Security Camera Annual Surveillance Report 2022](#)

October 28, 2022

City Administrators' Office (Real Estate Division): Security Camera Annual Surveillance Report 2022

[City Administrator's Office \(Real Estate Division\): Security Camera Annual Surveillance Report 2023](#)

October 31, 2023

City Administrator's Office (Real Estate Division): Security Camera Annual Surveillance Report 2023

Department of Elections

[Department of Elections: Security Camera Annual Surveillance Report 2023](#)

October 30, 2023

Department of Elections: Security Camera Annual Surveillance Report 2023

Department of Emergency Management

[Department of Emergency Management: Security Camera Annual Surveillance Report 2022](#)

October 28, 2022

Department of Emergency Management: Security Camera Annual Surveillance Report 2022

[Department of Emergency Management: Security Camera Annual Surveillance Report 2023](#)

October 25, 2023

Department of Emergency Management: Security Camera Annual Surveillance Report 2023

Department of Homelessness and Supportive Housing

[Department of Homelessness and Supportive Housing: Security Camera Annual Surveillance Report 2022](#)

October 28, 2022

Department of Homelessness and Supportive Housing: Security Camera Annual Surveillance Report 2022

[Department of Homelessness and Supportive Housing: Security Camera Annual Surveillance Report 2023](#)

October 27, 2023

Department of Homelessness and Supportive Housing: Security Camera Annual Surveillance Report 2023

Department of Human Resources

[Department of Human Resources: Security Camera Annual Surveillance Report 2022](#)

October 28, 2022

Department of Human Resources: Security Camera Annual Surveillance Report 2022

[Department of Human Resources: Security Camera Annual Surveillance Report 2023](#)

October 26, 2023

Department of Human Resources: Security Camera Annual Surveillance Report 2023

Department of Public Health

[Department of Public Health:](#)

[Security Camera Annual](#)

[Surveillance Report 2022](#)

October 28, 2022

Department of Public Health: Security Camera Annual
Surveillance Report 2022

[Department of Public Health:](#)

[Security Camera Annual](#)

[Surveillance Report 2023](#)

October 31, 2023

Department of Public Health: Security Camera Annual
Surveillance Report 2023

Department of Public Works

[Department of Public Works:](#)

[Automated License Plate Reader](#)

[\(ALPR\) Annual Surveillance Report](#)
[2022](#)

October 28, 2022

Department of Public Works: Automated License Plate Reader
(ALPR) Annual Surveillance Report 2022

[Department of Public Works: Drone](#)

[Annual Surveillance Report 2022](#)

October 27, 2022

Department of Public Works: Drone Annual Surveillance Report
2022

[Department of Public Works:](#)

[Automated License Plate Reader](#)

[\(ALPR\) Annual Surveillance Report](#)
[2023](#)

October 26, 2023

Department of Public Works: Automated License Plate Reader
(ALPR) Annual Surveillance Report 2023

[Department of Public Works: Drone](#)

[Annual Surveillance Report 2023](#)

October 27, 2023

Department of Public Works: Drone Annual Surveillance Report
2023

Department of Technology

[Department of Technology: Drone](#)

[Annual Surveillance Report 2022](#)

October 28, 2022

Department of Technology: Drone Annual Surveillance Report
2022

[Department of Technology:](#)

[Security Camera Annual](#)

[Surveillance Report 2022](#)

October 27, 2022

Department of Technology: Security Camera Annual Surveillance
Report 2022

[Department of Technology: Drone](#)

[Annual Surveillance Report 2023](#)

October 30, 2023

Department of Technology: Drone Annual Surveillance Report
2023

[Department of Technology:](#)

[Security Camera Annual](#)

[Surveillance Report 2023](#)

October 30, 2023

Department of Technology: Security Camera Annual Surveillance
Report 2023

Fire Department

[Fire Department: Drone Annual
Surveillance Report 2022](#)

October 28, 2022

Fire Department: Drone Annual Surveillance Report 2022

[Fire Department: Security Camera
Annual Surveillance Report 2022](#)

October 28, 2022

Fire Department: Security Camera Annual Surveillance Report
2022

[Fire Department: Body-Worn
Camera Annual Surveillance Report
2023](#)

Fire Department: Body-Worn Camera Annual Surveillance Report
2023

[Fire Department: Drone Annual
Surveillance Report 2023](#)

October 27, 2023

Fire Department: Drone Annual Surveillance Report 2023

[Fire Department: Security Camera
Annual Surveillance Report 2023](#)

October 27, 2023

Fire Department: Security Camera Annual Surveillance Report
2023

Human Services Agency

[Human Services Agency: Security
Camera Annual Surveillance Report
2022](#)

October 28, 2022

Human Services Agency: Security Camera Annual Surveillance
Report 2022

[Human Services Agency: Security
Camera Annual Surveillance Report
2023](#)

October 27, 2023

Human Services Agency: Security Camera Annual Surveillance
Report 2023

Juvenile Probation Department

[Juvenile Probation Department:
Continuous Alcohol Monitoring
Device Annual Surveillance Report
2023](#)

October 27, 2023

Juvenile Probation Department: Continuous Alcohol Monitoring
Device Annual Surveillance Report 2023

[Juvenile Probation Department:
Electronic Monitoring Ankle
Bracelet \(with GPS\) Annual
Surveillance Report 2023](#)

October 27, 2023

Juvenile Probation Department: Electronic Monitoring Ankle
Bracelet (with GPS) Annual Surveillance Report 2023

Municipal Transportation Agency

[Municipal Transportation Agency:
Security Camera Annual
Surveillance Report 2022](#)

November 29, 2022

Municipal Transportation Agency: Security Camera Annual
Surveillance Report 2022

[Municipal Transportation Agency:
Automated License Plate Reader
\(ALPR\) Annual Surveillance Report
2023](#)

October 31, 2023

Municipal Transportation Agency: Automated License Plate Reader (ALPR) Annual Surveillance Report 2023

[Municipal Transportation Agency:
Security Camera Annual
Surveillance Report 2023](#)

October 31, 2023

Municipal Transportation Agency: Security Camera Annual Surveillance Report 2023

[Municipal Transportation Agency:
Security Camera inside SFMTA-
regulated Taxi Cabs Annual
Surveillance Report 2023](#)

October 30, 2023

Municipal Transportation Agency: Security Camera inside SFMTA-regulated Taxi Cabs Annual Surveillance Report 2023

Police Department

[Police Department: Automated
License Plate Reader \(ALPR\)
Annual Surveillance Report 2022](#)

December 15, 2022

Police Department: Automated License Plate Reader (ALPR) Annual Surveillance Report 2022

[Police Department: Shotspotter
Audio Recorder Annual
Surveillance Report 2022](#)

December 15, 2022

Police Department: Shotspotter Audio Recorder Annual Surveillance Report 2022

[Police Department: Face](#)

[Recognition Addendum 2022](#)

February 10, 2023

Police Department: Face Recognition Addendum 2022

[Police Department: Automated](#)

[License Plate Reader \(ALPR\)](#)

[Annual Surveillance Report 2023](#)

January 11, 2024

Police Department: Automated License Plate Reader (ALPR)

Annual Surveillance Report 2023

[Police Department: Shotspotter](#)

[Audio Recorder Annual](#)

[Surveillance Report 2023](#)

January 22, 2024

Police Department: Shotspotter Audio Recorder Annual

Surveillance Report 2023

[Police Department: Non-City Entity](#)

[Camera \(without financial](#)

[agreement\) Annual Surveillance](#)

[Report 2023](#)

January 11, 2024

Police Department: Non-City Entity Camera (without financial

agreement) Annual Surveillance Report 2023

Port

[Port: Security Camera Annual](#)

[Surveillance Report 2022](#)

October 28, 2022

Port: Security Camera Annual Surveillance Report 2022

[Port: Unmanned Aerial Vehicle-](#)

[Drone Annual Surveillance Report](#)

[2022](#)

October 28, 2022

Port: Unmanned Aerial Vehicle-Drone Annual Surveillance Report

2022

[Port: Security Camera Annual](#)[Surveillance Report 2023](#)

October 30, 2023

Port: Security Camera Annual Surveillance Report 2023

[Port: Unmanned Aerial Vehicle-](#)[Drone Annual Surveillance Report](#)

2023

October 30, 2023

Port: Unmanned Aerial Vehicle-Drone Annual Surveillance Report
2023

Public Library

[Public Library: RFID Annual](#)[Surveillance Report 2022](#)

October 28, 2022

Public Library: RFID Annual Surveillance Report 2022

[Public Library: Security Camera](#)[Annual Surveillance Report 2022](#)

October 28, 2022

Public Library: Security Camera Annual Surveillance Report 2022

[Public Library: Computer Time and](#)[Management System Annual](#)[Surveillance Report 2023](#)

October 31, 2023

Public Library: Computer Time and Management System Annual
Surveillance Report 2023

[Public Library: People Counting](#)[Camera Annual Surveillance Report](#)

2023

Public Library: People Counting Camera Annual Surveillance
Report 2023

[Public Library: RFID Annual](#)[Surveillance Report 2023](#)

Public Library: RFID Annual Surveillance Report 2023

[Public Library: Security Camera
Annual Surveillance Report 2023](#)

October 27, 2023

Public Library: Security Camera Annual Surveillance Report 2023

[Public Library: Social Media
Monitoring Software Annual
Surveillance Report 2023](#)

October 31, 2023

Public Library: Social Media Monitoring Software Annual
Surveillance Report 2023

Public Utilities Commission

[Public Utilities Commission:
Security Camera Annual
Surveillance Report 2022](#)

October 28, 2022

Public Utilities Commission: Security Camera Annual Surveillance
Report 2022

[Public Utilities Commission:
Unmanned Aerial Vehicle/ Drone
Annual Surveillance Report 2022](#)

October 28, 2022

Public Utilities Commission: Unmanned Aerial Vehicle/ Drone
Annual Surveillance Report 2022

[Public Utilities Commission:
Security Camera Annual
Surveillance Report 2023](#)

October 30, 2023

Public Utilities Commission: Security Camera Annual Surveillance
Report 2023

[Public Utilities Commission:
Unmanned Aerial Vehicle-Drone
Annual Surveillance Report 2023](#)

October 30, 2023

Public Utilities Commission: Unmanned Aerial Vehicle-Drone
Annual Surveillance Report 2023

Recreation and Park Department

[Recreation and Park Department:
Automated License Plate Reader
\(ALPR\) Annual Surveillance Report
2022](#)

October 28, 2022

Recreation and Park Department: Automated License Plate Reader (ALPR) Annual Surveillance Report 2022

[Recreation and Park Department:
Drone Annual Surveillance Report
2022](#)

October 28, 2022

Recreation and Park Department: Drone Annual Surveillance Report 2022

[Recreation and Park Department:
Security Camera Annual
Surveillance Report 2022](#)

November 1, 2022

Recreation and Park Department: Security Camera Annual Surveillance Report 2022

[Recreation and Park Department:
Automated License Plate Reader
\(ALPR\) Annual Surveillance Report
2023](#)

October 31, 2023

Recreation and Park Department: Automated License Plate Reader (ALPR) Annual Surveillance Report 2023

[Recreation and Park Department:
Body-Worn Camera Annual
Surveillance Report 2023](#)

October 31, 2023

Recreation and Park Department: Body-Worn Camera Annual Surveillance Report 2023

[Recreation and Park Department:
Drone Annual Surveillance Report
2023](#)

October 30, 2023

Recreation and Park Department: Drone Annual Surveillance
Report 2023

[Recreation and Park Department:
Security Camera Annual
Surveillance Report 2023](#)

October 31, 2023

Recreation and Park Department: Security Camera Annual
Surveillance Report 2023

Rent Arbitration Board

[Rent Arbitration Board: Security
Camera Annual Surveillance Report
2022](#)

October 28, 2022

Rent Arbitration Board: Security Camera Annual Surveillance
Report 2022

[Rent Arbitration Board: Security
Camera Annual Surveillance Report
2023](#)

Rent Arbitration Board: Security Camera Annual Surveillance
Report 2023

War Memorial

[War Memorial: Security Camera
Annual Surveillance Report 2022](#)

October 27, 2022

War Memorial: Security Camera Annual Surveillance Report 2022

[War Memorial: Security Camera
Annual Surveillance Report 2023](#)

October 30, 2023

War Memorial: Security Camera Annual Surveillance Report 2023

[War Memorial: Third-Party Camera
Annual Surveillance Report 2023](#)

War Memorial: Third-Party Camera Annual Surveillance Report
2023

Departments

[Committee on Information Technology \(COIT\)](#)

Was this page helpful?

Yes

No

Report something wrong with this page

Jobs with the City

Contact us

About this website

Disclaimer

Privacy policy

City and County
of San Francisco

EXHIBIT D.



September 16, 2021

VIA E-MAIL ONLY

Chief William Scott
San Francisco Police Dept.
1245 Third Street
San Francisco, CA 94158
E-Mail: SFPDChief@sfgov.org

**Re: Surveillance Technology Ordinance – Facial Recognition Technology
Notice of Violation**

Dear Chief William Scott:

Pursuant to Sec. 19B.8 (c) of the Surveillance Ordinance, I write to inform you of our intent to pursue legal action due to your department's unlawful use of facial recognition technology.

As you are aware, the Board of Supervisors enacted an ordinance prohibiting the use of such technology, among other things. *See* Sec. 19B.2 (d) & (e)(1).

In an unlawful attempt to circumvent the ban, your officers are requesting that third parties perform facial recognition technology searches on the department's behalf. As clearly stated in Sec. 19B.2 (e)(1), this is a violation of the ordinance.

- On June 17, 2021, your department requested that NCRIC run a search using facial recognition technology.
- On June 23, 2021, your department requested that the Daly City PD run a search using facial recognition technology.

Sincerely,

Brian Hofer
Executive Director
(510) 303-2871
brian@secure-justice.org
<https://secure-justice.org/>

cc: Sup. Peskin