



LONDON N. BREED
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158



WILLIAM SCOTT
CHIEF OF POLICE

July 10, 2023

NOTICE: San Francisco Administrative Code 19B.8 (a)- Allegation of 19B Violation.

S.F. Admin. Code section 19B.8(a) states that “[i]f a Department alleged to have violated this Chapter 19B takes corrective measures in response to such allegation, the Department shall post a notice on the Department’s website that generally describes any corrective measure taken to address such allegation.”

The Department received a letter from Secure Justice, dated June 9, 2023, alleging that SFPD did not submit required impact reports and use policies for existing technologies within 180 days following the effective date of the ordinance, which was July 15, 2019, and threatens to pursue legal action.

San Francisco Administrative Code 19B.2(b)(1)(2) & (3) named the Committee of Information Technology (“COIT”) as the body responsible for developing policies based on impact reports. Pursuant to this authority, COIT created timelines for all city department submissions to maintain the practical application of 19B.

As agreed, collectively all city departments that reported surveillance inventories could not comply with the "180-day" deadline as it would have required COIT to receive and process over 180 surveillance impact reports (SIRs) and 180 surveillance technology policies (STPs) from 32 different city departments between July 2019 and January 11, 2020. COIT set the process to mitigate the extreme administrative burden for departments as well as COIT staff, which was made up of three full time employees (FTEs) at the time, by setting the initial timelines for submissions based on technology category.

- COIT established the Privacy Surveillance Advisory Board (“PSAB”) to evaluate surveillance technologies used by the City and County of San Francisco.
- COIT set the citywide deadline for initial inventory submissions for August 2, 2019.
- COIT set the citywide deadline for final inventory submissions for August 29, 2019.
- COIT planned to move forward with review of department drone policies as the first citywide category. SFPD did not have drones listed in its existing inventory, so this deadline did not apply. COIT planned to move forward with hearings between February and March 2020, but COVID-19 mitigation measures took priority which pushed the initial deadlines for drones to June 26, 2020.
- COIT created and modified the citywide templates used for the policies and impact reports. The citywide department submissions were based on COIT process/templates and was not a department-initiated process.

- COIT directed the city departments that listed Automatic License Plate Readers (“ALPR”) as an existing technology to submit policies and impact reports to COIT by July 10, 2020.
- COIT directed the city departments that listed radio frequency identification (“RFID”) as an existing technology to submit policies and impact reports to COIT by July 26, 2020. SFPD submitted questions relating to RFID as SFPD uses this technology exclusively for staff access badges and is not used to track Personally Identifiable Information (“PII”) of members of the public.
- SFPD began prioritizing submissions based on contract renewal implications which explains the need for the ShotSpotter submission.
- As of September 9, 2020, COIT had approved 1 RFID policy and 6 drone policies, citywide.
- The first ordinance approving city department surveillance tools was introduced in May 2021 and approved by the BOS in July 2021.
- SFPD began drafting the 19B non-city entity surveillance camera policy in September 2021 but competing ballot measures relating to SFPD use of surveillance cameras outside of the 19B approval process delayed the submission of SIR and STPs.
- The 19B SFPD Use of Non-City Entity Surveillance Camera Policy required over 12 hearings including PSAB, COIT, Rules Committee, full Board and Police Commission between March 2022 and October 2022. The BOS adopted this policy ordinance in September 2022 with an effective date of November 6, 2022.
- In November 2022, the Department submitted the STP and SIR for Data Extraction Tools to PSAB. This submission satisfies three items listed on the SFPD inventory list. The Data Extraction Tool STP and SIR were first heard by PSAB on February 23, 2023. The second hearing was held on June 29, 2023. COIT is scheduled to hear this item in August 2023.
- SFPD along with all city department have followed the process set forth by COIT (19B.2(b) (1-3)).
- SFPD’s policy development timelines have been impacted by limited staffing resources. The City and County of SF placed a hiring freeze on new civilian positions between 2020-2022 which restricted the Department’s ability to staff the unit that manages 19B policy development.

As of May 4, 2023, the Department created a new division to streamline policy development and has allocated three (3) new FTE positions for policy writing which will expedite 19B department policy submissions.

In addition, the Department and COIT have determined a PSAB schedule which allows the Department to submit and present a new STP and SIR every month starting August 2023. SFPD will continue to work with COIT and follow the direction of the City implementing the provisions of 19B.