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San Francisco Administrative Code

CHAPTER 19.

COMMUNITY SAFETY CAMERA ORDINANCE

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SEC. 19.1. SHORT TITLE.

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

(Added by Ord. 127-06, File No. 060086, App. 6/22/2006)

SEC. 19.2. DEFINITIONS.

(a) **Community Safety Camera.** For the purposes of this Chapter, the term "community 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. 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.

(Added by Ord. 127-06, File No. 060086, App. 6/22/2006)

SEC. 19.3. LIMITATIONS ON COMMUNITY SAFETY CAMERAS.

The City and County of San Francisco may install community 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. The cameras shall record areas perceptible to the human eye from public streets and sidewalks only. Images obtained by the community safety cameras may be released only to the following:

- (a) Sworn members of the San Francisco Police Department holding the rank of Inspector or higher. Police shall limit review of images to investigation of specific crimes; and
- (b) The Public Defender, other criminal defense attorney, or an investigator appointed by the Court to assist a pro se criminal defendant. Requests may be made only in connection with the investigation or defense of a charged criminal case. Any recordings released may be used only in connection with the charged criminal case. The requesting individual may disclose the recording only to the defendant and any expert retained by the requesting individual, and to no other individual. This Subsection (b) shall not preclude the requesting individual from disclosing any recording during a hearing or trial in the charged criminal case if the Court approves such disclosure. Any person who discloses a recording in violation of this Subsection (b) shall be deemed guilty of a misdemeanor and may be punished by a fine not exceeding \$1,000.00, imprisonment in the county jail for not more than six months, or both such fine and imprisonment; and
- (c) The District Attorney as provided in Section 19.6.

(Added by Ord. 127-06, File No. 060086, App. 6/22/2006; Ord. 32-08, File No. 071536)

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

(a) **Recommendation for Camera Installation by Director.** 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 Hearing Required.** 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 Police Commission.** 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 community safety cameras 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 times the images were used to bring criminal charges, the types of charges brought, and the results of the charges. The Department shall issue the first report 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).

(Added by Ord. 127-06, File No. 060086, App. 6/22/2006)

SEC. 19.5. NOTICE REQUIREMENTS.

(a) **Public Notice of Proposed Cameral Installation.** At least 20 days before 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 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 APPROVE A COMMUNITY SAFETY CAMERA 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 shall include the time and date of the Police Commission's approval hearing, a Police Commission contact person, and 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, 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.

(c) **Notice for Approved Cameras.** Upon approval by the Police Commission and installation of a new community safety camera, the Director 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. 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.

(Added by Ord. 127-06, File No. 060086, App. 6/22/2006)

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

(a) Access to the recorders for community 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.

(b) The camera recording devices shall be kept in secure areas with password protection for access.

(c) (1) of the Police Department may obtain copies of the recordings by presenting a written request to DEM. The request shall be submitted by an Inspector of the SFPD, and approved by a Captain or the Deputy Chief of Inspectors. In exigent circumstances only, DEM may release the information to an Inspector prior to receipt of a written request, but the Inspector must then provide a written justification for the release, including specification of the exigent circumstances. Within 7 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.

(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 community 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 Inspector or higher in determining whether to seek a Court order preventing disclosure. DEM shall deliver to the requesting individual a copy of the recordings within 5 court days of the disclosure to the District Attorney, unless the District Attorney applies for a Court order to prevent disclosure of the recordings pursuant to existing law. If the District Attorney applies for a Court order to prevent disclosure, DEM shall not produce the recordings to the requesting individual until the court issues a decision regarding production.

(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 7 days of any release pursuant to a court order.

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

(f) DTIS shall ensure that the community safety cameras retain data for a period of at least 30 days but not longer than 30 days.

(Added by Ord. 127-06, File No. 060086, App. 6/22/2006; Ord. 32-08, File No. 071536, App. 3/4/2008)

SEC. 19.7. SEVERABILITY.

If any part or provision of this Chapter, 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.

(Added by Ord. 127-06, File No. 060086, App. 6/22/2006)