

Special Operations Bureau Order

UNIT INDEX NUMBER	23-01
DATE ISSUED	2/28/23
DATE REVISED	

SUBJECT:
Non-City Entity Surveillance Cameras

**ISSUED
TO:**
Special Operations Bureau

**ISSUED
BY: DEPUTY CHIEF DANIEL PEREA
#474**



SPECIAL OPERATIONS BUREAU – NON-CITY ENTITY SURVEILLANCE CAMERAS

Purpose:

The purpose of this order is to establish the protocol for members to access, review, and retain data and footage from surveillance cameras and camera systems owned and/or operated by non-City entities.

This order applies to both live viewing of surveillance cameras and to historical footage gathered for use as evidence in criminal or administrative investigations.

Definitions

“Exigent circumstance” is defined as an emergency involving imminent danger of death or serious physical injury to any person that requires the immediate use of Surveillance Technology or the information it provides, as defined in SF Administrative Code 19B.1.

“Non-City entity” is defined as any individual or organization that is not an agency or employee of the City & County of San Francisco and does not have an MOU or financial agreement with SFPD. This includes non-profit organizations, private individuals, private businesses, corporations, neighborhood associations, and state or federal government agencies.

“Surveillance camera registry” is defined as a centralized database, where surveillance camera owners volunteer to register their information and camera location with a city Department through a website, and where their information can be accessed, with legal consent, by law enforcement personnel who are investigating a crime.

“Live monitoring” is defined as a member of the SFPD watching live-feed footage from a surveillance camera or camera system for up to 24 hours.

“Historical footage” is defined as a video and/or audio recording of past events from a surveillance camera or camera system.

“Personally Identifiable Information” or “PII” is defined in 19B as information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

“Significant events” are defined as large or high-profile events in the City requiring enhanced situational awareness and resource coordination. These events include when SFPD Field Operations Bureau and/or Traffic Company plan events in partnership with the district stations to manage street closures, barricades, and crowds; Special Investigations Division (SID) manages dignitary escorts and protection details; or Homeland Security Unit (HSU) and/or Special Operations is assigned to thwart potential terrorist or criminal attacks.

Policy:

Members may request, obtain, and review historical footage from a non-City entity in the following circumstances:

1. To gather evidence relevant to a specific criminal investigation.
2. To gather evidence relevant to a specific internal investigation regarding an allegation of officer misconduct.

Members may request and monitor live surveillance footage from a non-City entity in the following circumstances:

1. Exigent circumstance as defined in this order.
2. To further a specific criminal investigation when authorized by a Captain based on credible information.
3. To coordinate deployment of resources and maintain situational awareness during a significant event as defined in this order.

Absent a search warrant, SFPD access to all non-City entity surveillance cameras or systems will be obtained through the express consent of the individual or entity managing the surveillance system at the time of the request.

This order excludes those surveillance cameras and camera systems that are paid for through a City grant and are owned/operated by non-City entities that have a contract or MOU with the City to provide historical or live footage.

SF Safe is not considered under this order and members may continue to request and access SF Safe surveillance footage.

Prohibitions:

Members are prohibited from live monitoring of non-City entity surveillance cameras for longer than 24 hours, after access is granted.

Members are prohibited from recording or duplicating live monitoring footage in any way, including body worn cameras or cell phones. If criminal activity is observed during live monitoring, members should request historical footage of those events after the live monitoring has concluded.

SFPD does not currently have and will not in the future establish a surveillance camera registry nor will the SFPD have public observation devices or "Ring"/"Neighbors" or similar partnership agreements.

SFPD is prohibited from using biometric identification or facial recognition technology in connection with non-City entity surveillance cameras and associated data.

SFPD is prohibited from monitoring any groups or individuals based, in whole or in part, on race, gender, religion, or sexual orientation. Race, color, ethnicity, or national origin may not be used as a motivating factor for initiating police enforcement action.

SFPD is prohibited from accessing, requesting, or monitoring any surveillance camera live feed during First Amendment activities unless there are exigent circumstances or for placement of police personnel due to crowd sizes or other issues creating imminent public safety hazards.

SFPD members shall not acquire or use surveillance camera footage in cooperation with or in assisting US Immigration and Customs Enforcement or US Customs and Border Protection in an investigation, detention, or arrest procedures, public or clandestine, where in any such instance the purpose is enforcement of federal immigration laws.

SFPD is prohibited from seeking to obtain or monitor surveillance footage for purposes of enforcing prohibitions on reproductive care or interstate travel for reproductive care. Except as required by law, SFPD shall not share surveillance footage with any law enforcement agency for purposes of enforcing prohibitions on reproductive care.

Procedure:

Historical Footage:

Non-City entity historical footage may be requested, retrieved, and reviewed by sworn members. Non-sworn members may request, retrieve, and review non-City entity historical footage with authorization from their officer in charge.

If the non-City entity is retrieving the footage themselves and providing it to the SFPD, whether spontaneously or upon request, the member shall note this in their incident report or Chronological of Investigation. The member may accept, review, and retain the footage in the established manner for storage of digital evidence.

If a member is retrieving the footage from a non-City entity camera or camera system with the permission of the owner/operator, the member shall:

1. Explain it to the owner/operator and obtain their signature on the form. This permission must also be recorded, either through a digital audio recording or on the members body worn camera.
2. Note the granting or denial of access and any request for confidentiality in an incident report, supplemental report, or Chronological of Investigation.

The member may then retrieve, review, and retain the footage in the established manner for storage of digital evidence.

If a non-City entity declines to grant permission to a member to retrieve historical footage, the member may obtain a search warrant to retrieve the historical footage if legally justified. The search warrant shall be prepared and obtained in accordance with Department General Orders and applicable law. The member shall note the denial of permission in the incident report or Chronological of Investigation.

Planned live monitoring:

Only sworn members may request and monitor live footage from non-City entity surveillance cameras or systems.

Any request to temporarily access live surveillance footage related to a criminal investigation must be based on credible information and shall be made in writing on SFPD Form 619 through chain of command to the member's captain. If circumstances do not allow Form 619 to be completed prior to live access, the captain may grant verbal authorization and Form 619 may be completed and submitted at the conclusion of the live monitoring.

Any request to temporarily access live surveillance footage related to a significant event as defined in this order shall be submitted as part of the Operations Order for the event. The event commander shall ensure that SFPD Form 619, including permission from the owner/operator of the surveillance system, is completed and submitted with the Operation Order for the event. Live monitoring during First Amendment activities is restricted to exigent circumstances or to facilitate placement of police personnel due to crowd sizes or other issues creating imminent public safety hazards.

If a non-City entity grants permission to live monitor surveillance footage, the member requesting live monitoring shall explain SFPD Form 619 to the owner/operator and obtain their signature on the form. This permission shall be noted in the incident report, Chronological of Investigation, and/or Operations Order. SFPD members may then monitor the live footage from the surveillance camera or system for up to 24 hours.

If a non-City entity declines to grant permission to a member to live monitor surveillance footage, the member may obtain a search warrant to live monitor if legally justified. The search warrant shall be prepared and obtained in accordance with Department General Orders and applicable law. The member shall note the denial of permission in the incident report or Chronological of Investigation.

Live monitoring shall not exceed 24 hours unless an exigent circumstance exists, the City Mayor has declared a state of emergency, or at least 8 hours have passed since the previous monitoring period.

Members are prohibited from live monitoring inside residences where residents have a reasonable expectation of privacy unless one of these conditions exist: in exigent circumstances, when the resident or person with legal authority to do so provides consent, or when a search warrant is issued.

Exigent circumstance live monitoring:

In the case of exigent circumstances as defined in this order, a member or members may monitor non-city entity live surveillance footage until the conclusion of the exigent circumstance if the member believes that immediate live monitoring will assist in the abatement of the exigent circumstance. At the conclusion of the live monitoring, the member shall complete SFPD Form 619 and submit it through chain of command to their captain.

Record keeping and reporting:

Each request by a member to monitor non-City entity live surveillance footage (Form 619) must be forwarded to SFPD19B@sfgov.org. Requests shall be forwarded to SFPD19B@sfgov.org whether approved or denied by chain of command and whether access is granted or denied by the non-City entity. The commanding officer that approved or requested the live monitoring shall ensure that the "Post Monitoring Report" section of Form 619 is completed.

The unit/member who manages the SFPD19B@sfgov.org account shall log each request along with the following information:

1. Whether the request was approved or denied by the chain of command.
2. The purpose of the request.
3. The police district and sector of the request.
4. The captain's justification for granting each request, including why the information was deemed credible.
5. Whether access to the surveillance footage was granted by the non-City entity.
6. If granted, the date, time, and duration of live monitoring.
7. The number of members actively monitoring the surveillance footage.
8. Whether the live monitoring was used to bring charges and, if so, the type of charges brought.
9. The result of any charges brought.

The unit that manages the SFPD19B@sfgov.org account will compile a quarterly report of all entries in the live monitoring log and submit this report to the Police Commission, after receiving approval from the AC of Operations, within 60 days after the end of quarter.