

CHAPTER 19:

PUBLIC SAFETY CAMERA ORDINANCE

SEC. 19.1. SHORT TITLE.

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

SEC. 19.2. DEFINITIONS.

Public Safety Camera. For the purposes of this Chapter, the term “public 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 purposes 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 PUBLIC SAFETY CAMERAS.

The City and County of San Francisco may install public safety cameras 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 public safety cameras may be released only to the following:

(a) Sworn members of the Police Department holding the rank of Sergeant 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.

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

(a) **Camera Installation.** 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).

(b) **Public Meeting 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 sworn member of the Police Department holding the rank of Captain or higher.

(c) **Approval of Camera Installation by Chief of Police.** 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.

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

The Police Department shall prepare an annual report on all public safety cameras that the City has installed under this Chapter 19. 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. The Department shall issue the reports during the first quarter of each calendar year, starting in 2025.

SEC. 19.5. NOTICE REQUIREMENTS.

(a) **Public Notice of Proposed Camera/ Installation.** At least 30 days before a public meeting to consider a public safety camera at a new location, the Department shall post a minimum of four 4 signs within a 100-foot radius of the location at which the camera is proposed. Each sign shall be at least thirty inches by thirty inches. The signs shall be entitled NOTICE OF INTENT TO INSTALL SAFETY CAMERAS(S) AT THIS LOCATION and shall include the time, date, and location of the public meeting regarding the camera installation and contact information 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*.

(b) **Notice for Approved Cameras.** Upon approval by the Chief of Police and installation of a new public safety camera, the Department shall post a conspicuous sign within 25 feet of the location of the camera stating 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.

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

(a) Access to the recorders for public safety cameras shall be limited to personnel from the DT 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.

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(c) 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 and approved by a Captain or higher-ranking officer in exigent circumstances only, DEM may release the recordings and/or live- feed access to the Sergeant or higher-ranking Officer prior to receipt of a written request, but in that circumstance the requesting Officer 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 seven days from the release.

(d) 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 public 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 Sergeant 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 five 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.

(e) 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 seven days of any release pursuant to a court order.

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

(g) DT shall ensure that public safety cameras retain data for a period of 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. 19.9. 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.

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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 of 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 961, so long as Chapters 19 and 961 expressly exempt public safety cameras and drones from this chapter.

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