



January 19, 2022

### Mayor Breed's Attack on San Francisco's Surveillance Ordinance is Misguided

San Francisco-In a lengthy press release issued on January 18, 2022 by the office of San Francisco mayor London Breed, the mayor declares her intention to water down San Francisco's surveillance ordinance, whether by supervisor vote or by ballot initiative. The release seeks, **inaccurately**, to claim the ordinance is preventing the San Francisco Police Department from using Business Improvement District owned cameras to monitor retail corridors.

As evidence, Breed points to the *Williams v San Francisco* case, filed by the ACLU of Northern California and the Electronic Frontier Foundation. However, that case involves the use of private cameras to monitor protests against police brutality after the murder of George Floyd. Breed states in her press release that protests and First Amendment protected activities should not be monitored remotely by private camera networks by the Police Department. The looting that did occur in San Francisco around the time of the protests was not prevented by SFPD's real-time access to the camera network.

San Francisco's surveillance ordinance **does not** prevent the use of any equipment or technology besides the use of facial recognition, which is banned. It simply requires the creation of a usage policy and impact report that is reviewed and approved by the Board of Supervisors. If the San Francisco Police Department wants to use the cameras under certain circumstances, all they need to do is ask and describe the specific circumstances when use would be allowed. That request was never made and now it is almost three years since the ordinance was passed, and the equipment was used without ever doing so. Now the intent seems to be to revise the surveillance ordinance so that it never will and that private camera networks can be used with impunity.

Oakland Privacy's advocacy director Tracy Rosenberg commented: *The use of any surveillance technology with impunity is a recipe for disaster. We've seen the building of a surveillance state with just these kinds of demands for unfettered and unregulated use. "Trust us" is not the answer for technology. It's having clear rules of the road. San Francisco's mayor and police department saying "we don't want no stinking rules" is really disappointing. Rules are not "an obstacle," they are a safety measure.*

San Francisco's mayor goes on to provide two scenarios for this unfettered and unregulated use of private camera networks by the police department. The first expands the existing exemption for serious threats of injury or death to a person to include "organized theft or robbery."

The second imposes a waiver of any rules when there is an "open-air drug market" or when crime statistics have increased in a 14-day period. It isn't clear whether the waiver applies to a particular block where drug dealing is said to occur, an entire neighborhood like the Tenderloin or the entire City. To the best of our knowledge, the private camera networks in San Francisco's downtown area are in Union Square and operated by the business improvement district, and aren't located in the Tenderloin. The other camera network close to downtown in San Francisco is in Japantown. It isn't clear what impact real-time police access to cameras in Japantown and Union Square would have on the Tenderloin.

San Francisco's crime statistics can be viewed [here](#) on the City's dashboard. At the time of this release, the dashboard showed nine categories of crimes. Of these, seven categories (rape, robbery, assault, burglary, arson, motor vehicle theft and larceny) had all decreased from the same 14-day period a year ago. One category (homicides) was flat, with two in 2021 and two in 2022, and one category (human trafficking) had no comparison data from 2021.

If the City of San Francisco wants to provide its police department with real-time access to private camera networks operated by business improvement districts, they don't need to issue a press release, nor amend legislation to do so. What they need to do is submit a usage policy and surveillance impact report for real-time camera monitoring.

Blaming the surveillance ordinance for their failure to take action is simply pandering to politics.

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