
FINAL REPORT

The San Francisco Human Rights Commission's Civil Rights Division Reviews Alleged Violation of the City's Sanctuary Ordinance by the San Francisco Police Department.

September 28, 2026



**SAN FRANCISCO
HUMAN RIGHTS
COMMISSION**

City and County of San Francisco
HUMAN RIGHTS COMMISSION



Mawuli Tugbenyoh
Executive Director

Daniel Lurie
Mayor

September 25, 2026

Derrick Lew
Chief of Police
San Francisco Police Department
1245 3rd Street
San Francisco, CA 94158

Via email: Derrick.Lew@sfgov.org

Dear Chief Lew,

The San Francisco Human Rights Commission (HRC) presents this report detailing the findings of its investigation into an alleged violation of Chapter 12H of the San Francisco Administrative Code by the San Francisco Police Department (SFPD). Chapter 12H requires HRC to review the compliance of City and County of San Francisco departments, agencies, commissions, and employees whenever questions of noncompliance arise or when a complaint alleging noncompliance has been filed.

The investigation concerns allegations that SFPD used city resources for the purpose of assisting federal immigration enforcement when out-of-state law enforcement agencies made queries using SFPD's Flock Safety Automatic License Plate Reader (ALPR) database. HRC reviewed the information provided by SFPD, collaborated with SFPD to identify potential gaps within the Flock platform, and developed recommendations to address and remediate those gaps.

The recommendations provided are part of the department's mission to work in service of the City's anti-discrimination laws by upholding civil and human rights and advancing equitable outcomes in San Francisco. Central to this mission is to make recommendations related to the laws we enforce. In this case, the recommendations included in HRC's report are directly tied to Chapter 12H and its legislative intent.

The report contemplates only the question of compliance with 12H and outlines five recommendations for SFPD to strengthen its oversight of Flock and to build community trust. These recommendations are intended to support SFPD in identifying and addressing gaps in oversight and utilization of Flock Safety technology. Implementation of these recommendations is a policy matter for consideration by the Police Commission and Department leadership.

SF HRC appreciates the assistance and cooperation of all staff involved in this audit. For questions about the report, please contact me at Mawuli.Tugbenyoh@sfgov.org.

Sincerely,



Mawuli Tugbenyoh
Executive Director

San Francisco Agency for Human Rights (Human Rights Commission)

cc San Francisco Police Commission
 San Francisco Human Rights Commission
 The Office of the Mayor

Executive Summary

Introduction

The San Francisco Human Rights Commission (HRC) works in service of the City's anti-discrimination laws by upholding civil and human rights and advancing equitable outcomes in San Francisco. HRC was established in 1964 from a mandate to address the causes of prejudice, intolerance, bigotry, and discrimination.

San Francisco's Sanctuary City Ordinance is civil rights legislation that was established in Chapter 12H of the Administrative Code by the San Francisco Board of Supervisors in 1989. The law was originally established to assist refugees fleeing violence related to conflicts in Central America. It was later expanded to generally prohibit the use of City and County of San Francisco funds or resources to assist in enforcement of federal civil immigration law. The purpose of the Sanctuary City Ordinance is to improve public safety and allow all San Franciscans to access City services, regardless of immigration status while fostering trust and respect between residents and law enforcement.

Context

On September 8, 2025, the San Francisco Standard published an article indicating that the San Francisco Police Department (SFPD) may have violated the City's Sanctuary City Ordinance by allowing law enforcement from outside of California to access its Flock Safety automatic license plate reader (ALPR) database using searches related to federal immigration enforcement, including specific references to United States Immigration and Customs Enforcement (ICE). Following a Request for Inquiry to investigate the alleged violation of San Francisco's Sanctuary City Ordinance, HRC's investigators conducted a 10-month process that included an investigation into SFPD's compliance with Chapter 12H. HRC reviewed information provided by SFPD, collaborated with SFPD to identify potential gaps within the Flock platform through ongoing communication over this time period, and developed recommendations pursuant to Administrative Code Sec. 12A.5(e) to address and remediate those gaps.

The investigation focused on two questions:

1. Is SFPD in compliance with Chapter 12H after out-of-state agencies made queries related to federal immigration enforcement using SFPD's ALPR database?
2. What can SFPD do to protect ALPR data it owns in accordance with the legislative intent and purpose of Chapter 12H?

Finding

HRC's investigation concludes that because there is insufficient evidence showing SFPD took actions to turn on Flock Safety's Nationwide Lookup feature, HRC cannot find a violation of

Chapter 12H. The Nationwide Lookup feature was enabled by Flock, a contractor of SFPD, without SFPD's knowledge or intent to take such action. Chapter 12H does not cover actions by contractors of the City and County of San Francisco.

Recommendations

1. **Implement robust screening and reporting protocols for Flock Safety.** HRC recommends that SFPD require data searches to be documented with specific reasons, and maintain heightened oversight, clear authorization standards, and regularized reporting controls. HRC also recommends that SFPD obtain direct control over the Nationwide Lookup feature without relying on Flock to manage this setting.
2. **Utilize Flock Transparency Portal and SF Open Data.** HRC recommends opting into all available Transparency Portal features to ensure full transparency with the public.
3. **Retain ALPR data for 30 days or less.** HRC recommends that SFPD retain data for 30 days to limit the amount of information subject to possible Chapter 12H violations.
4. **Review new tech advancements and Flock features with Flock Safety on a regular basis.** HRC recommends that SFPD develop a formal process to review any Flock technology changes and advancements with Flock to address the critical gap in SFPD's knowledge of the Flock Safety Nationwide Lookup feature's activation.
5. **Consider other technology options and vendors.** HRC recommends that SFPD evaluate alternative providers offering comparable technologies.

Conclusion

To avoid potential noncompliance of the City's Sanctuary Ordinance and in the spirit of the ordinance's purpose, the HRC encourages SFPD to implement the recommendations above in full and apply the recommendations in this report to all Flock software platforms. Ensuring safe and informed use of Flock technologies is essential to maintain constituent trust in local law enforcement. Without adequate safeguards and oversight from SFPD, misuse can occur within any Flock platform.

City and County of San Francisco

HUMAN RIGHTS COMMISSION

Mawuli Tugbenyoh
Executive Director
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Mayor



Staff Investigation Report

A. Overview

The Human Rights Commission (HRC) opened this investigation pursuant to a Request for Inquiry (RFI) submitted on November 4, 2025, regarding an alleged violation of San Francisco Administrative Code Chapter 12H (hereinafter, Chapter 12H), City of Refuge Ordinance now commonly referred to as the City's Sanctuary Ordinance. The RFI alleges that the San Francisco Police Department (SFPD) allowed law enforcement from other jurisdictions to use city resources for the purpose of assisting the enforcement of federal immigration law. The allegations on the RFI are based on a San Francisco Standard (hereinafter, "the Standard") article published on September 8, 2025.¹ The RFI and the Standard article indicated that SFPD may have been noncompliant with Chapter 12H because out-of-state law enforcement agencies made queries using the Flock Safety ALPR ("Flock") database for the purpose of assisting in the enforcement of federal immigration law.

Pursuant to Chapter 12H, HRC is mandated to review the compliance of City departments, agencies, commissions, officers, and employees where there is a question of noncompliance, or when a member of the public files a request for inquiry, or a complaint, alleging noncompliance with the City's Sanctuary Ordinance. Specifically, HRC is responsible for investigating the alleged noncompliance with the ordinance in accordance with the Rules of Procedure for Chapter 12H.²

¹ The San Francisco Standard, *SFPD let Georgia, Texas Cops illegally search City Surveillance Data on behalf of ICE*, Sept. 28, 2025, <https://sfstandard.com/2025/09/08/sfpd-flock-alpr-ice-data-sharing/>, last accessed on March 23, 2025.

² Exhibit 1, Rules of Procedure for Chapter 12H.

In this case, HRC received the RFI alleging noncompliance with Chapter 12H on November 4, 2025.³ According to Rule 8.C of the Rules of Procedure for Chapter 12, HRC has 10 working days from receipt of the RFI to draft a Staff Report. Consequently, HRC timely filed a Staff Report by November 15, 2025.⁴ On December 31, 2025, HRC sent a copy of the RFI and Staff Report to SFPD with a Notice of Alleged Violation.⁵ SFPD responded timely to the Notice of Alleged Violation on January 15, 2026, and within 10 working days per the Rules of Procedure for Chapter 12H.⁶ SFPD in its response denied noncompliance with Chapter 12H. SFPD admitted that out-of-state agencies made queries on SFPD's ALPR system because Flock enabled its Nationwide Lookup feature and stated that SFPD was unaware that any query resulted in sharing of ALPR data with any out-of-state agency. SFPD maintained consistent engagement with HRC during the investigation.

Upon receiving SFPD's response, HRC initiated an investigation per Rule 11 of the Rules of Procedure for Chapter 12H. The investigation focused on two questions:

- 1) Is SFPD in compliance with Chapter 12H after out-of-state agencies made queries related to federal immigration enforcement using SFPD's ALPR database?
- 2) What can SFPD do to protect ALPR data it owns in accordance with the legislative intent and purpose of Chapter 12H?

B. Administrative Code Chapter 12H.

Chapter 12H generally prohibits the use of City funds and resources to assist in the enforcement of federal immigration law. Notably, contractors of the City and County of San Francisco are not covered by this ordinance. Chapter 12H.2 states:

"No department, agency, commission, officer, or employee of the City and County of San Francisco shall use any City funds or resources to assist in the enforcement of [f]ederal immigration law or to gather or disseminate information regarding release status of individuals or any other such personal information as defined in Chapter 12I in

³ Exhibit 2, Request for Inquiry filed on November 4, 2025.

⁴ Exhibit 3, Staff Report filed on November 15, 2025.

⁵ Exhibit 4, Notice of Alleged Violation sent to SFPD on December 31, 2025.

⁶ Exhibit 5, SFPD's Response to Notice of Alleged Violation sent to HRC on January 15, 2026.

the City and County of San Francisco unless such assistance is required by Federal or State statute, regulation, or court decision. The prohibition set forth in Chapter 12H shall include, but shall not be limited to:

(a) Assisting or cooperating, in one's official capacity, with any investigation, detention, or arrest procedures, public or clandestine, conducted by the Federal agency charged with enforcement of the Federal immigration law and relating to alleged violations of the civil provisions of the Federal immigration law, except as permitted under Administrative Code Section 12I.3.

(b) Assisting or cooperating, in one's official capacity, with any investigation, surveillance, or gathering of information conducted by foreign governments, except for cooperation related to an alleged violation of City and County, State, or Federal criminal laws.

(c) Requesting information about, or disseminating information, in one's official capacity, regarding the release status of any individual or any other such personal information as defined in Chapter 12I, except as permitted under Administrative Code Section 12I.3, or conditioning the provision of services or benefits by the City and County of San Francisco upon immigration status, except as required by Federal or State statute or regulation, City and County public assistance criteria, or court decision.

(d) Including on any application, questionnaire, or interview form used in relation to benefits, services, or opportunities provided by the City and County of San Francisco any question regarding immigration status other than those required by Federal or State statute, regulation, or court decision. Any such questions existing or being used by the City and County at the time this Chapter is adopted shall be deleted within sixty days of the adoption of this Chapter.”

C. Analysis of Administrative Code Chapter 12H

Originally passed in 1989 and amended in 2009 and 2016, the goal of Chapter 12H is to maintain San Francisco’s sanctuary policies by limiting local involvement in federal immigration enforcement and promoting public safety and trust. Per Chapter 12I and 12H,

“The purpose of this Chapter 12I, as well as of Administrative Code Chapter 12H, is to foster respect and trust between law enforcement and residents, to protect limited local resources, to encourage cooperation between residents and City officials, including especially law enforcement and public health officers and employees, and to ensure community security, and due process for all.”⁷

⁷ San Francisco Admin. Code Ch. 12I § 12I.1 (“Civil Immigration Detainers”) (cited to 2026), available at https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_admin/0-0-0-7769.

Further, the goal of the Board of Supervisors in passing this legislation was to address “the increase in information-sharing between local law enforcement and immigration officials.”⁸ The legislative intent clearly states, “The City has an interest in ensuring that confidential information collected in the course of carrying out its municipal functions, including but not limited to public health programs and criminal investigations, is not used for unintended purposes that could hamper collection of information vital to those programs.”⁹

The legislative intent behind Chapter 12H is grounded in safeguarding the privacy of San Francisco residents from federal immigration enforcement. At the time of its adoption, the Board of Supervisors was not considering, nor was the SFPD utilizing, Flock technologies. Therefore, SFPD’s use of Flock technologies was not contemplated during the passage of the legislation. However, the underlying intent of the legislation, to protect City resources and constituents’ information from immigration law enforcement, can be reasonably applied to emerging technologies such as Flock as procured by and under the management of local law enforcement.

D. Response by SFPD

SFPD provided a written response to the RFI allegations on January 15, 2026.¹⁰ In addition, SFPD shared a video of their Flock training related to ALPR, Department Notices relating to Flock, a Department General Order related to enforcement of immigration laws, and a copy of the City of San Francisco and Flock Safety contract.

In the written response, SFPD stated that it takes the San Francisco and California sanctuary laws seriously and follows privacy laws very strictly when it comes to SFPD’s use of surveillance technology.¹¹ SFPD explained that, upon reviewing the Organizational Audit Log provided by Flock, the Department identified search queries originating from out-of-state agencies and reported that they “were shocked and disappointed, especially because no

⁸ City & County of San Francisco, Ordinance No. 96-16, File No. 160022 (May 24, 2016) (Administrative Code – Due Process for All and Sanctuary), available at

<https://sfbos.archive.sf.gov/ftp/uploadedfiles/bdsupvrs/ordinances16/o0096-16.pdf>.

⁹ *Id.*

¹⁰ *See*, Exhibit 5.

¹¹ *Id.*

member of the Department knowingly approved or authorized a request to access our ALPR system from any out-of-state agency, nor to any agency—whether in or out-of-state—for any purpose that violates Administrative Code Section 12H.”¹²

SFPD further explained that, upon integration of the Flock system in 2024, the SFPD members responsible for administering the account individually reviewed all requests from outside agencies seeking to share data.¹³ According to SFPD, requests were approved only for local and state law enforcement agencies within California that were in compliance with applicable state law, and no broader data-sharing access was knowingly authorized beyond those approvals. At issue is the “Nationwide Lookup” feature, which SFPD stated it is unable to determine how or when the feature was enabled within SFPD’s system, and that Flock informed SFPD that the out-of-state queries stopped because Flock disabled the feature.

SFPD clarified that while there was for a limited period of time access by out-of-state agencies to SFPD’s Flock system through the Nationwide Lookup feature, such access did not establish any “hit” in San Francisco arising from those queries.¹⁴ SFPD stated that it is “not aware of SFPD having received any follow-up communication from an out-of-state agency related to such queries — and if SFPD did, it would deny such a request from an out-of-state agency for ALPR information, consistent with California law.”¹⁵ SFPD also explained that they have opted into the Transparency Portal created by Flock and later stated that they are actively working for ALPR data to be available to constituents via Open Data SF.

HRC met with SFPD to better understand SFPD’s utilization of the Flock system, how the Nationwide Lookup feature worked, and other agencies’ access to the Flock system. HRC asked questions regarding the control SFPD has over the Flock system, how the audit log was screened, and what safeguards were put in place to make sure SFPD does not unintentionally

¹² *Id.*

¹³ *Id.*; See, Exhibit 6, SFPD screenshot of outside agencies seeking to share data on the Flock system. The screenshot shows that SFPD manually accepts or rejects requests from local and state law enforcement agencies.

¹⁴ The Standard reported that the queries by out-of-state agencies occurred between August 2024 and February 2025.

¹⁵ Exhibit 5.

opt-in to future Flock updates that could make data available to out-of-state or federal agencies.

SFPD's use of Flock for ALPR Technology

While SFPD utilizes Flock for uses other than the ALPR technology, the focus of HRC's investigation is rooted in the Nationwide Lookup feature within ALPR. HRC identified gaps in SFPD's training regarding the Nationwide Lookup feature and a lack of robust protocols to understand when the feature was turned on or off. Further, HRC inquired whether SFPD exercises sufficient oversight over the features provided by Flock and about established protocols specifying when these features may be used, who is authorized to access them, and/or how their use is monitored.

SFPD explained that the audit system for Flock's ALPR system has two components: first, the agency audit, which shows searches conducted by SFPD personnel and second, the network audit, which shows all searches, including by outside agencies and SFPD personnel, of the SFPD ALPR network. Currently, SFPD monitors both agency and network audits monthly with one SFPD officer assigned to review both audits.

Additionally, as part of the investigation, HRC asked SFPD about the query process for SFPD personnel given that queries can be made by SFPD personnel and agencies with access to SFPD's flock database. SFPD explained that Flock's ALPR technology requires a reason for searches to be entered by an officer making a query, which must identify the incident number, a CAD number, or the reason for searching. The reason for a search does not need to be tied to a specific case number— there are a variety of reasons an officer can enter for the search. These reasons include "other." If SFPD members select "other" as the reason for the search, they are required to complete an additional field specifying the reason for the search. SFPD's ALPR policy requires that ALPR information be used only for authorized law enforcement purposes.¹⁶ SFPD stated that the purposes include criminal investigations, locating stolen or wanted vehicles, locating missing individuals, and counter-terrorism. SFPD members are

¹⁶ See, Exhibit 7, SFPD's Department Notice 26-011.

prohibited from conducting searches of ALPR data for purposes of immigration status or enforcement or, for any purposes associated with reproductive rights.

Screening of Audit Log

SFPD explained that it was not aware that the Nationwide Lookup feature was enabled in SFPD's Flock system. SFPD explained that when Nationwide Lookup is enabled SFPD does not have oversight on each request to share data. SFPD understood that only in-state agencies authorized by SFPD were able to conduct search queries in SFPD's system. Following SFPD's discovery that Nationwide lookup had been enabled for a period of time before Flock disabled it for all California agencies, SFPD began conducting regular network audits, in addition to agency audits, to confirm that only in-state agencies subject to California's sanctuary law were conducting search queries of SFPD's ALPR data.

Training and Authority for Officers Utilizing Flock

The HRC also considered improvements to SFPD's search and retention of data, to prevent future possibilities of noncompliance with 12H and in light of Chapter 12H's legislative intent and purpose to foster trust between law enforcement and residents, protect limited local resources, encourage cooperation between residents and City officials and ensure community security, and due process for all.¹⁷ During the investigation, SFPD represented that all officers are subject to the Department's existing ALPR policy and are required to adhere to the same generally applicable Department policies when using the Flock ALPR system as when conducting any other law enforcement activities.

SFPD further stated that implementing a formal approval or pre-authorization process for ALPR queries would be impractical, inefficient and impose an undue administrative burden on the Department given the need to quickly access information in performing their law enforcement duties. SFPD explained that approximately eighty percent of SFPD officers utilize the Flock ALPR system. Access to the system is granted upon completion of a four-minute training module, and user permissions are assigned based on defined access levels, which

¹⁷ Admin. Code Ch.12I § 12I.1 describes the purpose of Chapter 12H.

determine the scope of control and functionality available to each authorized user. SFPD regularly meets with Flock to discuss its technology, including the ALPR system.

Finally, SFPD had a chance to review this investigation's draft report for any errors or omissions before the finalization of this document. SFPD provided a response to the draft report and each recommendation listed below. Additionally, SFPD shared a copy of Flock Safety's California Compliance Architecture brochure.¹⁸

E. Investigation Finding

HRC investigated the matter by requesting information from SFPD, reviewing documents, conducting an interview, and researching ALPR use and related SFPD policies. The facts demonstrate that during the time period that the Nationwide Lookup feature in Flock Safety was enabled, law enforcement agencies outside of California used it to make queries that suggest the City's ALPR system was used for federal immigration enforcement purposes. The Nationwide Lookup feature was enabled by Flock, a contractor of SFPD, without SFPD's knowledge or intent to take such action. Chapter 12H does not cover actions by contractors of the City and County of San Francisco. Because there is insufficient evidence showing SFPD took actions to turn on the Nationwide Lookup, HRC cannot find a violation of Chapter 12H.

While the evidence does not support a finding against SFPD for a violation of Chapter 12H, HRC's investigation shows that SFPD's contractor allowed city resources to be utilized to arguably assist in enforcement of federal immigration law. Indeed, HRC's investigation uncovered ways in which SFPD can improve its oversight of its contract with Flock Safety to ensure proper use of city resources, ensure data privacy from external law enforcement jurisdictions, and protect due process. Given the severity of the consequences that could result to members of the San Francisco community due to failed oversight, SFPD has a responsibility to significantly bolster its management of the Flock Safety contract. Recommendations for such improvement are included below.

F. Recommendations

¹⁸ See Exhibit 8, Response to Draft Report on SFPD Compliance with Administrative Code 12H.

HRC recommends the implementation of certain modifications to SFPD's oversight and utilization of the Flock Safety technology. These recommendations are intended to establish stronger safeguards against potential misuse, ensure greater accountability in the operation of surveillance tools, and further advance the purpose and intent of the City's Sanctuary Ordinance enacted to protect the constituents of San Francisco.

Recommendation 1: Implement robust screening and reporting protocols for Flock Safety.

HRC learned that SFPD did not have the proper screening and reporting protocols to detect the immigration enforcement-related queries made by out-of-state agencies while Flock's Nationwide Lookup feature was enabled. In addition, SFPD explained that implementing a formal approval or pre-authorization process for SFPD officers running ALPR queries would impose an undue administrative burden on the Department and would be impractical to monitor and enforce. Flock's ALPR system grants officers access to constituent information on the system even for vague searches that are not tied to a specific investigation. Practically, that means it is very difficult to track down each vague search reason and reasonably audit that information. While SFPD accepts or rejects each query for in-state agencies, there is no oversight on each query made when Nationwide Lookup is enabled. When Nationwide Lookup is enabled SFPD does not have control over accepting or rejecting queries. In the course of this investigation, SFPD stated that it was unaware that any query resulted in the sharing of ALPR data with any out-of-state agency.¹⁹

At present, the primary safeguard against misuse consists of a monthly internal audit conducted by a single officer who is responsible for reviewing both agency and network audit logs. The HRC finds that this level of oversight places an unreasonable burden on one individual SFPD staff member and does not provide sufficient control to ensure that searches are properly authorized and consistent with SFPD policy. The recent addition of network audit review

¹⁹ On June 17, 2026, SFPD's Chief Lew stated that SFPD did not know if ALPR information had been shared as a result of 299 Flock queries conducted through the Northern California Regional Intelligence Center (NCRIC) by out of state and Federal agencies between May 1, 2025 and May 12, 2026. None of these queries referenced immigration enforcement or reproductive rights investigations. City and County of SF Police Commission Meeting, June 17, 2026, Agenda Item 3: Chief's Report, available at https://sanfrancisco.granicus.com/player/clip/52665?view_id=192&redirect=true.

responsibilities further increases the scope and complexity of this task, heightening the risk that improper or unauthorized queries in violation of the City’s Sanctuary Ordinance may go undetected. For example, if 100 searches each month are simply labeled as “investigation,” it becomes extremely difficult to audit that volume and determine whether any of those searches were conducted for federal immigration enforcement in potential non-compliance of Chapter 12H.

Accordingly, the HRC recommends the implementation of a more robust screening, auditing, and reporting protocol governing SFPD’s use of the Flock ALPR system. These enhanced safeguards are intended to reduce the likelihood of improper use of the technology, including instances in which the system is accessed for personal or otherwise unauthorized purposes, as reported in recent public coverage.²⁰ In addition, stronger reporting and monitoring procedures would assist SFPD in promptly identifying changes to system functionality or data-sharing settings, such as the prior activation of the Nationwide Lookup feature without SFPD’s knowledge or express authorization.

Given that the ALPR system contains constituent information and enables access to data shared across multiple jurisdictions, HRC recommends that SFPD maintain heightened oversight, clear authorization standards, and regularized reporting controls to ensure continued compliance with applicable privacy, surveillance, and the City’s Sanctuary Ordinance, and to preserve public trust in SFPD’s use of this technology.

Department General Order 5.15, *Enforcement of Immigration Laws*, requires in Section 5.15.07 that the Chief provides the Police Commission with an annual written report describing all communications received from any federal agency responsible for enforcing federal immigration law, as well as any communications made by SFPD to such agencies.²¹ The HRC recommends incorporating a review of Flock ALPR logs as an additional method for screening ALPR activity into this existing reporting requirement.

²⁰ The San Francisco Standard, *SF cop investigated for using Flock license plate reader data to track wife’s stolen car* February 27, 2026, <https://sfstandard.com/2026/02/27/san-francisco-cop-flock-wife-stolen-car/>, last accessed on April 7, 2026.

²¹ Exhibit 9, SPFD General Order 5.15.

HRC also recommends that SFPD obtain direct control over the Nationwide Lookup feature within the Flock system either physically or contractually, rather than relying on Flock to manage this setting. SFPD should request that Flock modify the ALPR platform to allow SFPD to independently verify whether the Nationwide Lookup feature is enabled or disabled for its jurisdiction. Establishing this control would eliminate delays and discrepancies between SFPD's understanding of the feature's status and Flock's actual configuration decisions, whether those discrepancies occur intentionally or inadvertently. In a video obtained on YouTube by ACLU Massachusetts, it appears that there is control of the Nationwide Lookup feature where organizations can review the features they are opted in or out of through the user platform. The video was posted on October 7, 2025. It is unclear whether SFPD had access to this version of the Flock platform during the time period covered in the Standard reporting.²² HRC recommends that SFPD create a screening protocol to audit and review all Flock settings on a monthly basis to ensure SFPD has direct knowledge, oversight and control over Flock features.

In addition, vague or poorly documented reasons for accessing ALPR data create a “side-door” pathway that undermine existing accountability measures. SFPD's Department Notice 26-011 already provides that all queries should be completed by entering a Computer-Aided-Dispatch (CAD) number, incident report or reason for the search. However, SFPD informed HRC that officers can simply select “other” as a justification when using the ALPR search feature. This practice weakens the intent of the policy and allows access to sensitive data without meaningful oversight. By contrast, the City of Mill Valley requires all ALPR searches to be tied to a “legitimate investigation and documented with an associate case or reference number.”²³ To close this gap, HRC recommends that all queries include specific, case related details. This safeguard is essential to prevent the misuse of ALPR information. It ensures that SFPD data cannot be accessed for federal immigration enforcement through vague or intentionally ambiguous searches.

²² ACLU of Massachusetts, *Network Sharing Overview*, YouTube (October 7, 2025), https://www.youtube.com/watch?v=S34n0_TBFgo&t=123s, last accessed on July 20, 2026.

²³ City of Mill Valley, *Flock Safety and Camera Use, Council Information and Public FAQs*, <https://www.cityofmillvalley.gov/DocumentCenter/View/11507/FLOCK-for-City-Council-RN3>, last accessed on April 7, 2026.

Recommendation 2: Utilize Flock Transparency Portal and SF Open Data.

As discussed above, SFPD did not have the guardrails in place to detect searches by out-of-state agencies while Nationwide Lookup was enabled. Transparency with the community fosters public trust with SFPD. SFPD can use the Flock Transparency Portal, in addition to SF Open Data, to make ALPR search activity available to the public in accordance with the purpose of 12H: to foster trust and respect between residents and law enforcement.

SFPD has indicated that it participates in Flock's Transparency Portal to help constituents understand search activity within the ALPR system. In addition, SFPD is in the process of making ALPR data available through the SF Open Data portal. SFPD notes that the Open Data build-out is extensive and will require additional time to complete. The HRC believes that SFPD is not limited to a single transparency pathway; while the Open Data feature is under development, SFPD should fully opt into the Transparency Portal. The Portal can provide redacted Search Audit Logs of all Flock searches conducted within the ALPR system, the number of searches and hotlist hits in the last 30 days, which hotlists are active, and the number of vehicles detected in the last 30 days, these are all features that SFPD has redacted while other jurisdictions such as San Jose have open for the public. The HRC recommends opting into all available Transparency Portal features to ensure full transparency with the public.

Recommendation 3: Retain ALPR data for 30 days or less.

Currently, SFPD retains ALPR data that is not subject to an investigation for one year.²⁴ While Nationwide Lookup was enabled, a year's worth of data was stored and subject to search in SFPD's ALPR database. The data was accessible through the queries made by outside agencies, nineteen of which were related to immigration enforcement per the Standard article.²⁵ HRC recommends that SFPD retain data for 30 days to limit the amount of information subject to possible Chapter 12H violations.

²⁴ Surveillance Technology Policy, approved by Board of Supervisors Ordinance 255-23 on December 12, 2023 (File No. 231161), https://www.sanfranciscopolice.org/sites/default/files/2025-09/SFPD_SurveillanceTechnologyPolicy_ALPR_20250910.pdf, last accessed on April 7, 2026.

²⁵ See, supra at footnote 1.

SFPD currently retains ALPR data for a year because it follows NCRIC's data collection policy.²⁶ However, SFPD is not required to follow NCRIC's data retention policy. NCRIC's policy specifies that data shared with NCRIC will be retained for a shorter period according to the length of time provided in the partner agency's retention policy.²⁷ Thus, SFPD can choose to retain ALPR data for 30 days without affecting its data sharing practices with NCRIC.²⁸

SFPD's retention policy should follow SFPD's actual use of such data with the aim of protecting ALPR data from access by federal law enforcement. A California State Auditor's report showed that ALPR data that is stored longer is not necessarily more useful.²⁹ Data that is not part of an investigation does not need to be stored for a year as it loses its use over time, especially when technology is so advanced that data subject to a query or to a current criminal investigation can be run in the system in a matter of seconds. San Jose recently changed its ALPR data retention policy from 12 months to 30 days, reasoning that shortening the time results in "minimal impact on investigative effectiveness or operational support."³⁰ Thus, storing ALPR data for 30 days allows SFPD access to information that is current and relevant while balancing the risk that data could be made available to federal immigration enforcement.

As a point of comparison, neighboring jurisdictions have ALPR data retention periods significantly shorter than SFPD's data retention policy:

- The City of Mill Valley retains data for 72 hours.³¹

²⁶ Supra at footnote 24.

²⁷ NCRIC Automated License Plate Reader Policy, page 4, <https://www.ssfca.gov/files/assets/public/v/1/police/images/documents/ncric-alpr-policy.pdf>, last accessed on March 25, 2026.

²⁸ Per Chief Lew's report at the Police Commission on June 17, 2026, SFPD has disabled NCRIC's access to SFPD's ALPR data while it investigates queries made by out of state and federal agencies. Supra at footnote 19.

²⁹ See, California State Auditor's Report 2019 (February 2020), <https://information.auditor.ca.gov/pdfs/reports/2019-118.pdf>, last accessed on April 7, 2026.

³⁰ San Jose also noted that a shorter data retention period results in an annual reduction of approximately \$142,200 in data storage costs. San Jose Chief of Police, Memorandum approved on February, 25, 2026, <https://sanjose.legistar.com/View.ashx?M=F&ID=15279913&GUID=F5A3F78C-488C-4982-A9DC-EFFD550773B4>, last accessed on April 7, 2026.

³¹ Citizen Portal, Mill Valley subcommittee trims Flock camera data retention to 72 hours, <https://citizenportal.ai/articles/7438342/mill-valley-subcommittee-trims-flock-camera-data-retention-to-72-hours-cites-safeguards>, last accessed on April 7, 2026.

- The City of Alameda retains data for 30 days.³²
- The City of Oakland retains data for 6 months.³³
- The City of Richmond has an ALPR data retention policy of 30 days.³⁴
- San Mateo retains data for 30 days.³⁵
- South San Francisco retains data for 30 days.³⁶

In addition, the template provided by California’s Attorney General for ALPR policies suggests retaining data between 60 days and 6 months.³⁷

National guidance also supports reducing SFPD’s data retention period. In 2020, The International Association of Chiefs of Police conducted a survey on the use of license plate readers among police agencies. The survey gathered 1,237 agency respondents. The most common data retention period among agencies that specified having one was 31-90 days.³⁸ HRC recommends that SFPD follow neighboring jurisdictions, state and national guidance and shorten its ALPR data retention period to 30 days to protect the data it gathers through Flock Safety and ensure community security in accordance with Chapter 12H.

Recommendation 4: Review new tech advancements and Flock features with Flock Safety on a regular basis.

At the core of this investigation was the use of the Flock Safety Nationwide Lookup feature. As stated above, SFPD did not know that this feature was activated and that its data was being searched by outside agencies for the purpose of federal immigration enforcement.

³² Alameda Police Department, Flock Transparency Portal, <https://transparency.flocksafety.com/alameda-ca-pd/>, last accessed on June 29, 2026.

³³ Oakland Police Department, Policy 430, Automated License Plate Readers (ALPRs), 430.6, <https://public.powerdms.com/OAKLAND/documents/894971>, last accessed on April 7, 2026.

³⁴ Richmond Police Department, Flock Transparency Portal, <https://transparency.flocksafety.com/richmond-ca-pd/>, last accessed on September 22, 2026.

³⁵ San Mateo Police Department, Policy 463, Automated License Plate Readers, 463.5, <https://www.cityofsanmateo.org/DocumentCenter/View/99914/ALPR-Policy-12-23-2025>, last accessed April 7, 2026.

³⁶ South San Francisco Police Department, Flock Transparency Portal, <https://transparency.flocksafety.com/south-san-francisco-ca-pd/>, last accessed on June 28, 2026.

³⁷ California LEA Template Operator and End User ALPR Policy, <https://oag.ca.gov/system/files/media/ALPR-429-Policy.pdf>, last accessed on April 7, 2026.

³⁸ International Association of Chiefs of Police, *License Plate Reader Systems: Survey of Police Use of LPR*, page 6, https://www.theiacp.org/sites/default/files/IACP_LPR_Survey_Results_5.16.22.pdf, last accessed on April 7, 2026.

The HRC recommends that SFPD develops a formal process to review any Flock technology changes and advancements with Flock to address this critical gap. This process can include a standing meeting with Flock in the same way that SFPD currently meets with Flock for its drone surveillance technology. The meeting should at a minimum include the following standing agenda items:

- **Flock system glitches:** For SFPD to identify any security systems that may not be working as expected, in accordance with its Flock contract and in compliance with 12H.
- **System-wide malfunctions:** For SFPD to learn about malfunctions related to data sharing and promptly identify additional guardrails to maintain its data protected from immigration enforcement per Chapter 12H.
- **Flock cameras tech updates:** Technology is changing constantly. There may be updates to the technology that inadvertently put data at risk or facilitate possible violations of Chapter 12H. It is important that SFPD keeps up with changes in technology and regularly analyzes whether these changes affect its compliance with the law.
- **Features that become available for SFPD's Flock package:** SFPD informed HRC that Flock charges an additional fee for features added to SFPD's Flock package. In the event that features are available regardless of cost, SFPD should review these features. Especially when these features may not require SFPD to opt-in.
- **Confirmation regarding the status of the system's Nationwide Lookup feature:** SFPD can use a standing meeting to confirm that the Nationwide Lookup feature, or any other feature that violates the City's Sanctuary Ordinance, remains off at all times.

At a minimum, there should be a written record of the meeting with the above standing items. These items should be reviewed consistently, systematically and include a post-meeting analysis about SFPD's continued compliance with the City's Sanctuary Ordinance.

Recommendation 5: Consider other technology options and vendors.

This investigation determined that there may be a lack of control by SFPD over the full function of the Flock technology, as demonstrated by SFPD's lack of knowledge that the Nationwide Lookup feature had been turned on by Flock. Therefore, HRC recommends that SFPD evaluate alternative providers offering comparable technologies. Given the recurring reports of Flock misrepresenting data sharing practices³⁹ and the Flock system error that enabled Nationwide Lookup,⁴⁰ it is important for SFPD to assess whether similar tools are available from other trusted vendors. Flock has repeatedly demonstrated challenges in reliably upholding the privacy settings selected by jurisdictions, raising concerns about the dependability of its software and safety of San Francisco constituent data.

G. Conclusion

To avoid any future noncompliance of the City's Sanctuary ordinance and in the spirit of the ordinance's purpose to protect City resources and constituents' information from federal immigration law enforcement, the HRC encourages SFPD to implement the recommendations above in full and apply the recommendations in this report to all Flock software platforms. Ensuring safe and informed use of Flock technologies is essential to maintain constituent trust in enforcement of privacy safeguards related to federal immigration enforcement as enumerated in Chapter 12H. Without adequate safeguards and oversight from SFPD, misuse can occur within any Flock platform. This staff investigation report was timely completed on April 13, 2026, per Rules of Procedure for Chapter 12H of the Administrative Code.

³⁹ ACLU, *Flock Safety Credibility Lost as it Repeatedly Lies to City Councils, Police Departments, and Public Across the Country*, July 2, 2026, <https://www.aclu.org/news/privacy-technology/tracking-alpr-cameras/flock-safety-credibility-lost-as-it-repeatedly-lies-to-city-councils-police-departments-and-public-across-the-country>, last accessed September 22, 2026.

⁴⁰ Supra at footnote 1.

Exhibit 1

City and County of San Francisco
HUMAN RIGHTS COMMISSION



Mawuli Tugbenyoh
Executive Director

Daniel Lurie
Mayor

**RULES OF PROCEDURE FOR FILING A COMPLAINT UNDER CHAPTER 12.H
OF THE ADMINISTRATIVE CODE (CITY OF REFUGE ORDINANCE)**

1. Ordinance:

- A. Chapter 12.H of the San Francisco Administrative Code affirms that San Francisco is a City and County of refuge and prohibits any Department, Agency, Commission, officer, or employee of the City and County from using any City funds or resources to assist in the enforcement of federal immigration law or to gather or disseminate information regarding the immigration status of individuals in the City, with certain exceptions.
- B. Chapter 12.H.4 mandates that the Human Rights Commission shall review the compliance of City departments, agencies, commissions, and employees with the mandates of this ordinance under certain conditions.

2. Definitions:

- A. Department: Any department, agency, commission, or officer of the City and County of San Francisco.
- B. Director: Director of the Human Rights Commission (HRC).

3. Complaints:

- A. A complaint may be filed by anyone who believes that a City Department is not or may not be in complete compliance with the requirements of Chapter 12.H.
- B. The complaint may be made in writing or, if made verbally, shall be put in writing by the HRC staff person receiving the complaint.

4. Request for Inquiry (RFI):

- A. A RFI may be made by anyone who believes that a City Department is not or may not be in complete compliance with the requirements of Chapter 12.H.
- B. The RFI may be made in writing or, if made verbally, shall be put in writing by the HRC staff person receiving the RFI.

5. Contents of Written Filing of Complaint or RFI:

The written filing shall contain:

- A. The complete name and address of the person making the complaint or RFI, if the person making the filing does not request anonymity.
- B. A plain and concise statement of the facts which provide a basis for the complaint or RFI, including the date, time, and location of the incident.
- C. The name and Department of the City employee alleged to have violated the ordinance. However, in the event that the person filing the complaint or RFI is unable to identify a person by name and/or a specific Department of the City, the statement of facts should provide enough information to reasonably support a belief that the alleged actions constituting the violation were carried out by an employee or representative of the City and County of San Francisco.
- D. In the event that the Department which is the object of the allegations has as part of its structure an internal agency which investigates complaints against departmental employees, the person making the filing shall be referred to that agency. Such a referral is exclusive of the obligation of the HRC to review departmental compliance.

6. Confidentiality:

The identity of any person making a filing shall remain confidential. In addition, confidentiality shall extend to any person whose identity is revealed by an investigation made by the HRC under this ordinance, to the extent that a breach of confidentiality would violate the provisions of this ordinance. All investigative records, including filings, shall be maintained in a locked file which shall be available only to the Director and his or her designees (who shall be identified in writing). All other access shall be by written request and provided only on a need-to-know basis consistent with the provisions of this ordinance. Release of any name, address, or identifying information contained in the filing shall be only on the written authorization of the person making the filing.

7. Time of Filing:

No complaint or RFI may be filed more than 90 days from the time that an incident is alleged to have occurred, or that the complainant became aware that the action violating this ordinance occurred, or that the complainant became aware that such an action was in violation of this ordinance, whichever date occurred most recently. This time can be extended by the action of the Director when he or she determines that mitigating circumstances permit it or fairness requires it.

8. Review by Staff/Staff Report:

- A. After receipt of the complaint or RFI, the HRC staff person shall review the information to determine whether, in his or her opinion, the actions alleged are sufficient to

constitute a violation of Chapter 12.H. The decision shall be made in consultation with the unit supervisors and, if necessary, the Director or the City Attorney.

- B. Staff shall determine which City Department is responsible for the alleged violation. In the event that insufficient information is contained in the written filing to determine the Department with specificity, that fact shall not of itself cause the filing to be dismissed.
- C. A staff report shall be completed within 10 working days of the receipt of the filing, which shall contain the filing (subject to the provisions of section 6), the staff determination that the allegations are sufficient to constitute a violation of the ordinance, and the identity of the City employee and Department of City government involved.
- D. If staff determines that the allegations are not sufficient to constitute a violation of the ordinance and that further investigation does not or will not provide such information, a recommendation of dismissal of the charge shall be made with the approval of the Director. Such a dismissal can be appealed to the Director for his or her review. The decision of the Director is final.

9. Notice of Alleged Violation of Chapter 12.H:

- A. A Notice of Alleged Violation (Notice), including the staff report indicated in section 8.C shall be mailed to the Department Head of the appropriate Department.
- B. The Notice shall advise the Department Head of the filing and ask for a written response to the allegations.
- C. The Notice shall be signed by the Director.
- D. If it has not been possible to determine the specific Department involved in the filing, the Notice shall be sent to both the Mayor and the Chief Administrative Officer.

10. Response:

- A. The Department's response shall be made within 10 working days of receipt of the Notice from the HRC and shall be signed by the Department Head or his or her representative. This time may be extended for good cause.
- B. In addition to responding to the specific charges contained in the filing, the response shall include the steps which the Department has taken to ensure compliance with the ordinance.

11. Investigation:

- A. If the Department's response denies the allegations contained in the filing or if the response is incomplete, HRC staff shall initiate an investigation which shall be completed within 90 days from receipt of the response.

- B. The investigation shall attempt to determine whether the allegations contained in the filing are true and whether the Department Head has carried out the requirements of Chapter 12.H.
- C. A report shall be prepared for the Director detailing the finding of the staff investigation, the basis for that finding, and the staff recommendation.
- D. The Director shall make a determination based on the staff finding or may require that further investigation be done. The Director's determination shall be final.
- E. The Director's determination shall be forwarded to the Department Head and a copy sent to the Mayor or the Chief Administrative Officer as appropriate. If the identity of the specific City Department involved remains unknown, a copy of the Director's determination shall be submitted to both the Mayor and the Chief Administrative Officer.

12. Annual Report:

An annual report shall be prepared for the HRC, which after approving it, the Director, shall forward it to the Mayor, the Chief Administrative Officer, and the President of the Board of Supervisors.

Exhibit 2



Request for Inquiry

Pursuant to San Francisco Administrative Code Chapter 12H

November 4, 2025

A. Person requesting inquiry:

Matthew Oglander (Investigator/Mediator, San Francisco Human Rights Commission).

Address: 25 Van Ness Ave. #800, San Francisco, CA 94102.

B. Statement of facts:

This Request for Inquiry (RFI) is based on information contained in a news article titled “SFPD let Georgia, Texas cops illegally search city surveillance data on behalf of ICE,” published by the *San Francisco Standard* on September 08, 2025.¹ The article contains details about alleged unlawful uses of a city resource, a license-plate reader database known as “Flock.”

The article states that documents obtained by the *San Francisco Standard* show at least 19 instances of the San Francisco Police Department’s Flock database processing queries related to federal immigration enforcement. Specifically, the article states the following:

For instance, the SFPD’s logs show that on Dec. 26 at 7:16 p.m, the Franklin County Sheriff’s Office in Georgia made a search of San Francisco’s data that was later redacted. But logs from the Danville Police Department in Illinois — another of the 5,757 law enforcement agencies queried in the same search — are unredacted. The reason supplied: “ICE FUGOPS,” an apparent reference to the agency’s Fugitive Operations program, whose goal is to “locate, arrest and remove fugitive aliens from the United States.” The logs show the SFPD’s data was searched at least 19 times for “ICE Fugitive,” “Assist ICE,” or specific ICE detention numbers. The majority of those searches were made between Oct. 23 and Dec. 27, 2024, by the Franklin

¹ <https://sfstandard.com/2025/09/08/sfpd-flock-alpr-ice-data-sharing/>

County Sheriff in Georgia, the Dallas Police Department, and the Milford Police Department in Massachusetts. Additionally, the California Highway Patrol on April 22 searched for an “ICE case.”

The alleged facts reported in the article indicate that the San Francisco Police Department used a San Francisco city-funded resource (the Flock database) to assist other police agencies participating in the enforcement of Federal immigration law. The queries described in the article include specific references to ICE, which is U.S. Immigration and Customs Enforcement, the primary government agency responsible for enforcement of federal immigration laws. This detailed information was not publicly available prior to the publication of the article on September 8, 2025.

San Francisco Administrative Code Chapter 12H, 12H.2 states in pertinent part that “No department, agency, commission, officer, or employee of the City and County of San Francisco shall use any City funds or resources to assist in the enforcement of Federal immigration law.” The information described above indicates that the San Francisco Police Department may have violated the ordinance by allowing other police agencies to use San Francisco’s Flock database to assist in the enforcement of federal immigration law.

C. Department & employee(s) alleged to have violated Chapter 12H:

San Francisco Police Department (SFPD), employee(s) unknown.

Exhibit 3

City and County of San Francisco
HUMAN RIGHTS COMMISSION

Mawuli Tugbenyoh
Executive Director



Daniel Lurie
Mayor

Staff Report

To: Mawuli Tugbenyoh, Executive Director
From: Navneet Bajwa, Investigator
Date: November 14, 2025
Re: Staff Report – Review of Sanctuary City (12H) Request for Inquiry

Dear Director Tugbenyoh:

The San Francisco Human Rights Commission (HRC) opened this investigation pursuant to a Request for Inquiry (RFI) submitted on November 4, 2025, regarding an apparent violation of San Francisco Administrative Code Chapter 12H. The RFI alleges that the San Francisco Police Department (SFPD) allowed law enforcement from other jurisdictions to use a city resource for the purpose of assisting the enforcement of federal immigration law.

Per Chapter 12H, HRC is tasked with reviewing the compliance of City Departments, agencies, commission, and employees where there is a question of non-compliance, or when a member of the public files a complaint alleging noncompliance with the Sanctuary City Ordinance. Specifically, HRC is responsible for filing, mediating, and investigating complaints of non-compliance with the ordinance, which may be submitted by any person.

Overview of the Sanctuary City Complaint Process

Complainants or the HRC may file a Sanctuary City Complaint within 90 days of the alleged violation, the day a complainant becomes aware that a violation occurred, or the day a complainant becomes aware that the incident constituted a violation of the ordinance; whichever date is most recent.

Within 10 working days from the time the complaint is filed, an HRC staff member will present a Staff Report to the Executive Director to summarize the details of the filing, establish that the allegations are sufficient to constitute a violation of the Sanctuary City Ordinance, and identify the party responsible (Respondent). Additionally, the HRC will send notice of the alleged violation to the heads of the appropriate City entity and provide them with a copy of the Staff Report.

The Respondent must then submit a response signed by the head of the City entity. The response must contain an answer to each charge and outline the steps the agency has undertaken to ensure compliance with the Sanctuary City Ordinance.

Finally, the HRC will attempt to engage in mediation to resolve the complaint. If the parties do not agree to mediation, mediation fails, the agency denies responsibility, or the agency's response to the allegations is incomplete, the HRC will then begin an investigation. HRC staff will complete the investigation within 90 days from the time the response was received and present the details of the investigation and a recommendation in a report to the Director. The Director may either issue a final determination or request additional investigation. The Director's decision may not be appealed.

The RFI was submitted to the HRC on November 4, 2025, and the news article was published on September 8, 2025, in the *San Francisco Standard*. In compliance with the Sanctuary City Ordinance Rules of Procedure, the RFI was filed within 90 days, and the Staff Report has been prepared for the Director and submitted within 10 working days.

Basis of Request for Inquiry

The RFI is based on information in a news article by the *San Francisco Standard* titled, "SFPD let Georgia, Texas cops illegally search city surveillance data on behalf of ICE," (available online at: <https://sfstandard.com/2025/09/08/sfpd-flock-alpr-ice-data-sharing/>). The article shares details of a city resource, "Flock," which is a license-plate reader database. The article and RFI state there are at least 19 instances of the SFPD's Flock database processing inquiries related to ICE. ICE refers to U.S. Immigration and Customs Enforcement, a federal agency responsible for enforcement of federal immigration laws.

Quoted in the RFI and specifically, the article is the following:

For instance, the SFPD's logs show that on Dec. 26 at 7:16 p.m, the Franklin County Sheriff's Office in Georgia made a search of San Francisco's data that was later redacted. But logs from the Danville Police Department in Illinois — another of the 5,757 law enforcement agencies queried in the same search — are unredacted. The reason supplied: "ICE FUGOPS," an apparent reference to the agency's Fugitive Operations program, whose goal is to "locate, arrest and remove fugitive aliens from the United States." The logs show the SFPD's data was searched at least 19 times for "ICE Fugitive," "Assist ICE," or specific ICE detention numbers. The majority of those searches were made between Oct. 23 and Dec. 27, 2024, by the Franklin

County Sheriff in Georgia, the Dallas Police Department, and the Milford Police Department in Massachusetts. Additionally, the California Highway Patrol on April 22 searched for an “ICE case.”

The alleged facts in the article and RFI, indicate that the SFPD used a city-funded resource to assist other police agencies with the enforcement of Federal immigration law. The queries within Flock could have been used to provide ICE with information regarding the location of individuals wanted by federal immigration enforcement officials.

Sanctuary City Ordinance Provision 12H.2 at Issue

The San Francisco Administrative Code Chapter 12H.2 states that “No department, agency, commission, officer, or employee of the City and County of San Francisco shall use any City funds or resources to assist in the enforcement of Federal immigration law.”

The information described in the RFI and article indicate that SFPD may have violated the ordinance by allowing other police agencies to access the Flock database for the purpose of assisting in the enforcement of federal immigration law.

Staff Report Conclusion and Recommendation

In accordance with the Sanctuary City Ordinance enforcement guidelines, this Staff Report concludes that the allegations may constitute a violation of the Sanctuary City Ordinance.

The staff recommendation is to forward this Staff Report and mail a Notice of Alleged Violation of Chapter 12H to the SFPD Department Head, Interim Police Chief Paul Yep, in accordance with the Rules of Procedure.

Exhibit 4

City and County of San Francisco
HUMAN RIGHTS COMMISSION



Mawuli Tugbenyoh
Executive Director

Daniel Lurie
Mayor

December 30, 2025

Derrick Lew, Chief of Police
San Francisco Police Department
1245 3rd Street
San Francisco, CA 94158

via email: Derrick.Lew@sfgov.org

Re: Notice of Alleged Violation of Administrative Code Chapter 12H

Dear Chief Lew:

This letter is to formally notify you that the San Francisco Human Rights Commission (HRC) is reviewing an alleged violation of Chapter 12H of the San Francisco Administrative Code by the San Francisco Police Department (SFPD). This review pertains to allegations that SFPD allowed police agencies from other jurisdictions to access a City and County resource for the purpose of assisting in the enforcement of federal immigration law.

Chapter 12H generally prohibits City and County departments from using local resources to assist with enforcement of federal immigration law. Section 12H.2 states in pertinent part that "No department, agency, commission, officer, or employee of the City and County of San Francisco shall use any City funds or resources to assist in the enforcement of Federal immigration law." Subsection 12H.2(a) clarifies that this prohibition includes "Assisting or cooperating, in one's official capacity, with any investigation, detention, or arrest procedures, public or clandestine, conducted by the Federal agency charged with enforcement of the Federal immigration law and relating to alleged violations of the civil provisions of the Federal immigration law."

The Federal agency charged with enforcement of immigration law is U.S. Immigration and Customs Enforcement (ICE). HRC's review relates to the "Flock" license plate database system which is used to obtain and store information about vehicles in San Francisco. News reports indicate there were multiple incidents of SFPD's Flock database being accessed by police agencies from other jurisdictions to perform searches for the purpose of assisting ICE with

immigration law enforcement.

Section 12H.4 provides that “The Human Rights Commission shall review the compliance of the City and County departments, agencies, commissions and employees with the mandates of this ordinance in particular instances in which there is question of noncompliance or when a complaint alleging noncompliance has been lodged.” This review was initiated by a Request for Inquiry (RFI) as authorized by HRC Rules of Procedure for handling of complaints under Chapter 12H.

Attached, please find the following:

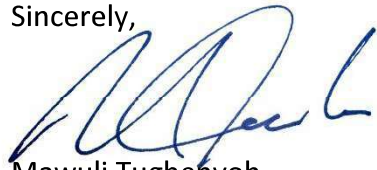
- 1) Request for Inquiry (RFI) dated 11/4/2025,
- 2) HRC Staff report dated 11/14/2025, and
- 3) HRC’s applicable Rules of Procedure.

The RFI and Staff Report contain details about the subject matter and the factual basis for this review.

Per the Rules of Procedure, please provide HRC with a written response within 10 working days of receipt of this Notice. Your response must be signed by you or your authorized representative. Please respond to the allegations described in the RFI and describe any steps SFPD has already taken to ensure compliance with Chapter 12H (if applicable).

If you have any questions, please contact me at mawuli.tugbenyoh@sfgov.org.

Sincerely,



Mawuli Tugbenyoh
Executive Director
San Francisco Human Rights Commission

Exhibit 5



DANIEL LURIE
MAYOR

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



DERRICK J. LEW
CHIEF OF POLICE

January 15, 2026

Human Rights Commission
c/o Exec. Director Mawuli Tugbenyoh
25 Van Ness Avenue, Suite 800
San Francisco, CA. 94102

Re: SFPD Response to Alleged Violation of Administrative Code Chapter 12H

Dear Honorable Members of the Human Rights Commission,

The San Francisco Police Department (SFPD) takes San Francisco and California sanctuary laws very seriously. From SFPD's first issuance in 1989 of Department General Order (DGO) 5.15 entitled, "Enforcement of Immigration Laws," through Interim Chief Yep's release of two Department-wide notices in 2025 entitled, "Response to Incidents Involving Federal Civil Immigration Enforcement" and "Prohibited Use of Facial Coverings During Law Enforcement Operations," the SFPD has been an unwavering and steadfast partner with policy makers and the communities we serve in our work to enhance public safety and trust through strict adherence to San Francisco Administrative Code § 12H and the California Values Act (SB54). Allegations of misconduct involving violations of these policies are thoroughly investigated by the Department of Police Accountability (DPA) and the San Francisco Police Department's Risk Management Office under the oversight of the San Francisco Police Commission. We encourage anyone with complaints to come forward, so that we may conduct a full investigation and be held to the highest standards of accountability.

In conjunction with Sanctuary policies, SFPD also take privacy laws very seriously, which is why there are strict policies in place that govern how SFPD uses technology, including Automated License-Plate Reader (ALPR) technology. SFPD's ALPR policy provides that ALPR technology may be used only for law enforcement purposes, that ALPR information may not be used for the enforcement of immigration laws, and that ALPR information may not be sold, shared or transferred except to another public agency, and only as permitted by California law under California Civil Code § 1798.90.55. Again, SFPD members who do not comply with SFPD's policies are subject to discipline.

Based upon the foregoing, when the Organizational Audit Log from Flock, SFPD's vendor for ALPR system access, revealed queries from out-of-state agencies, we—SFPD leadership and the SFPD members who administer this account—were shocked and disappointed, especially because no member of the Department knowingly approved or authorized a request to access our ALPR system from any out-of-state agency, nor to any agency—whether in or out-of-state—for any purpose that violates Administrative Code § 12H. When SFPD launched the Flock system in 2024, the SFPD members who administer the account individually reviewed all requests from other agencies to share SFPD's ALPR data. SFPD only approved requests from local and state law enforcement agencies inside California in compliance

with state law. Of note, the Organizational Audit Log shows that no federal agency ever had access to SFPD's Flock ALPR system, consistent with state law.

The Organizational Audit log shows that all out-of-state queries stopped in mid-February 2025. Flock has informed SFPD that the out-of-state queries stopped because Flock disabled a function, called "Nationwide Lookup." Based on information available to SFPD, we have not been able to determine how "Nationwide Lookup" was enabled in SFPD's system.

It should be noted that, based on our review of information available to SFPD through the Flock ALPR system, we are not aware that any query by an out-of-state agency during the time "Nationwide Lookup" was enabled actually resulted in the sharing of ALPR information from SFPD's Flock system with any out-of-state agency. In other words, the fact that out-of-state agencies had the ability, for a limited period of time, to run a nationwide query that included SFPD's ALPR system, does not establish that there was a "hit" in San Francisco arising from any nationwide query. Records available to SFPD—*i.e.*, the Organizational Audit Log—show only that queries occurred, not that any out-of-state agency obtained information from SFPD's ALPR system. We are not aware of SFPD having received any follow-up communication from an out-of-state agency related such queries—and if SFPD did, it would deny such a request from an out-of-state agency for ALPR information, consistent with California law.

In the future, SFPD intends to regularly generate and review audit logs to ensure that ALPR use and access complies with SFPD's strict policy and California and local law. SFPD has also made available a transparency portal that identifies all external organizations with access to its ALPR system, available here: <https://transparency.flocksafety.com/san-francisco-ca-pd>. As this portal confirms, only other California law enforcement agencies, which are similarly subject to California's sanctuary law, the California Values Act (SB54), have the ability to access SFPD's ALPR data.

In summary, although SFPD was troubled to discover that the Organizational Audit Log showed the occurrence of queries by out-of-state agencies, none have occurred since mid-February 2025, and our investigation has not revealed any violation of Administrative Code 12H. We hope that the manner in which SFPD promptly and thoroughly responded to this situation demonstrates our unwavering commitment to our public safety work that fully complies with SFPD policies and state and local laws.



DERRICK J. LEW
Chief of Police
San Francisco Police Department

Exhibit 6

^ Blythe CA PD

San Francisco CA PD

Search

Hot List

March 5, 2026

PENDING

ACCEPT

REJECT

^ Yuba County Sheriffs Office

San Francisco CA PD

Search

Hot List

March 5, 2026

PENDING

ACCEPT

REJECT

^ El Centro CA PD

San Francisco CA PD

Hot List

March 4, 2026

PENDING

ACCEPT

REJECT

^ University of CA - Santa Barbara CA PD

San Francisco CA PD

Search

Hot List

February 27, 2026

PENDING

ACCEPT

REJECT

^ Claremont CA PD

Exhibit 7



DEPARTMENT NOTICE

26-011

Published: 01/20/26

Expires: 01/20/29

ALPR Data Searches

(Supersedes DN 24-075)

SFPD Members will have access to multiple ALPR platforms and databases through the MyApps portal (<https://myapps.sfgov.org/ccsfportal/signin>) on their desktop/laptop and via department installed applications on their department issued cellphones. These ALPR systems provide comprehensive license plate number information to assist in criminal investigations. This tool will help in searching, identifying, and locating the suspect vehicles.

SFPD Members must complete the required training before utilizing the databases and shall comply with SFPD's [Surveillance Technology Policy for ALPR](#) technology.

Members utilizing any ALPR database to search for "Personally Identifiable Information" (PII) during investigations shall adhere to the "Right to Know" and "Need to Know" policy concerning all Information System Databases used by the Department. All use of these databases shall be for law enforcement purposes only. Members shall not furnish information queried from the database to another person not authorized to view it. All queries should be completed by entering the incident number, CAD number, or a reason for searching in the databases. The subject of the search should be directly referenced in one of the following:

- 1) CAD Entry
- 2) Incident Report
- 3) Reason for the search (this may be a requirement in the database)

ALPR platforms accessed by the San Francisco Police Department are disabled from sharing their information with any Federal or out-of-state agencies. Members shall not run queries at the request of federal or out-of-state agencies. Members are not to share information obtained from ALPR databases with Federal or out-of-state agencies. This includes any members serving on any taskforce with a Federal or out-of-state agency. In the event Federal law enforcement is assisting on a SFPD case, SFPD members may indicate they have a lead without sharing information from the ALPR database. SFPD members may have Federal law enforcement accompany them in an investigation when such lead initially came from an ALPR search.

Members shall not make any inquiries for the purposes of immigration status or enforcement or, for any purpose associated with reproductive rights.

Members are ultimately responsible for providing an explanation of the query that falls within the above parameters.

The Department will conduct periodic audits of the PII obtained from ALPR networks and internal databases and members may be required to submit the above-referenced materials to

validate their searches. Members not adhering to the preceding guidelines may have their access suspended and be required to prepare a memorandum explaining their action. Non-sworn members requiring access to ALPR platforms and databases shall submit a memo stating the reason for access through their chain of command. The member may contact the Strategic Investigation Unit (SIU-RTIC) at (415) 553-1503, or via email at sfpd-rtic@sfgov.org and supply a copy of the approved memo to obtain access to the ALPR databases.

A handwritten signature in black ink, appearing to read 'D. J. Lew', with a stylized, cursive script.

DERRICK J. LEW
Chief of Police

Per DN 23-152, all sworn & non-sworn Members shall electronically acknowledge this Department document in PowerDMS within (30) thirty calendar days of issuance. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be sent to sfpd.writtendirectives@sfgov.org, who will provide additional information.

Exhibit 8



DANIEL LURIE
MAYOR

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



DERRICK J. LEW
CHIEF OF POLICE

August 26, 2026

Executive Director Mawuli Tugbenyoh
San Francisco Agency for Human Rights
25 Van Ness, Unit 800
San Francisco, CA 94102

Dear Director Tugbenyoh:

RE: Response to Draft Report on SFPD Compliance with Administrative Code 12H

This letter responds to the draft Staff Investigation Report and recommended corrective actions you provided on behalf of the Human Rights Commission (HRC) on August 6, 2026.

We appreciate and concur with HRC's conclusion that the evidence does not support a finding that the San Francisco Police Department (SFPD) committed any violation of San Francisco Administrative Code Chapter 12H.

As we explained when HRC initiated this investigation, SFPD takes San Francisco's and California's sanctuary laws very seriously. Compliance with Chapter 12H has long been ingrained in the culture of SFPD and advances our mission to protect public safety by enhancing community trust. When SFPD discovered that the "Nationwide Lookup" function had been activated in SFPD's Flock ALPR system for a period of time, we were shocked. SFPD did not knowingly enable this function and was not aware that jurisdictions outside of California were able to run nationwide queries that included our system. SFPD took immediate action to ensure that the function was permanently disabled by Flock and could not be reenabled. SFPD conducts regular audits of its Flock ALPR system to ensure that ALPR data is only available to in-state agencies.

With respect to HRC's recommendations, SFPD strongly agrees that oversight of Flock and ALPR use must be robust, and SFPD has taken numerous steps to increase oversight since discovering that Nationwide Lookup had been enabled. While SFPD is generally in agreement with HRC's recommendations, SFPD believes that HRC has overstepped its role to investigate compliance with Section 12H by providing broad policy recommendations to SFPD. There is no provision in the Administrative Code – not in 12H, 12A (outlining HRC's powers and duties generally) or elsewhere – that gives HRC the authority to impose recommendations on a City Department as the result of an investigation. While SFPD understands that the recommendations in this report are not binding on the Department, SFPD respectfully asserts that HRC does not have the power to issue these recommendations in the first place. Instead, oversight of the SFPD and its members rests with the Police Commission and the Department of Police Accountability.

We address each of HRC's recommendations below.

Recommendation 1: Implement robust screening and reporting protocols for Flock Safety.

SFPD generally concurs with this recommendation, and specifically responds as follows:

- The statement that “SFPD accepts or rejects each query for out-of-state agencies” is not accurate. SFPD has never accepted or knowingly authorized any queries by out-of-state agencies, and Nationwide Lookup has been permanently disabled by Flock.
- SFPD already has implemented or will soon implement:
 - o Heightened oversight: The SFPD ALPR Administrator conducts monthly hand-audits of the system. There is no other system that SFPD audits in its entirety every month.
 - o SFPD is preparing and will issue a Unit Order to outline audit standards and procedures.
 - o Clear authorization standards: SFPD Department Notice 26-011 already mandates “need to know” and “right to know” for ALPR inquiries and, consistent with SFPD’s Board-approved 19B policy for ALPR, repeats that ALPR is for criminal law enforcement purposes only and shall not be shared with unauthorized parties.
- SFPD will consider the feasibility of requiring a case or CAD number for every search.
- While SFPD agrees that legitimate investigative reasons must justify SFPD members’ ALPR searches, it bears noting that this recommendation bears no relationship to Flock’s Nationwide Lookup function that prompted this investigation. There is no allegation, let alone evidence, that any SFPD member has ever searched or used ALPR data to assist in the enforcement of Federal immigration law.
- The recommendation to incorporate a review of Flock ALPR logs into an annual report to the Police Commission as an additional method for screening ALPR activity is impractical due to both the volume of ALPR searches over a one-year period and legal restrictions on SFPD’s ability to publicly disclose ALPR data. The SFPD ALPR Administrator’s monthly internal audits are more appropriately tailored to the volume and nature of the data and will identify any issues in a timelier manner.
- The recommendation to obtain “direct control” over Nationwide Lookup is out of touch with the measures that have already been taken to prevent out-of-state access. Flock has completely and permanently disabled Nationwide Lookup for all agencies in California. *See enclosed, Flock Safety, California Compliance Architecture* (“In California, compliance settings are mandatory and cannot be altered or bypassed because they are

hardcoded into the Flock platform.”). HRC’s recommendation to modify the Flock platform to allow SFPD to independently verify whether the Nationwide Lookup function is enabled or disabled for its jurisdiction would be a step backwards.

- SFPD already has means to independently verify that Nationwide Lookup remains disabled through its regular review of agency network audit logs.

Recommendation 2: Utilize Flock Transparency Portal and SF Open Data.

SFPD partially concurs with this recommendation, and specifically responds as follows:

- SFPD is working with Flock to implement expanded public access to ALPR audit log information. This could involve the Flock Transparency portal or SF Open Data or both.
- There is an important distinction between ALPR audit log information and information or data collected through the use of an ALPR system, which, under California law, can only be shared with another in-state or local public agency and cannot be made publicly available. *See* Cal. Civ. Code §§ 1798.90.55(b).

Recommendation 3: Retain ALPR data for 30 days or less.

SFPD partially concurs with this recommendation and specifically responds as follows:

- SFPD generally agrees that its ALPR retention period should be reduced and is already in the process of evaluating this policy change.
- It is important to note that SFPD is not able to take this step unilaterally as the retention period is set by SFPD’s ALPR 19B policy, and any changes must be approved by the Board of Supervisors.

Recommendation 4: Review new tech advancements and Flock features with Flock Safety on a regular basis.

SFPD partially concurs with this recommendation and specifically responds as follows:

- This recommendation is already incorporated into a weekly meeting between Flock and SFPD Real Time Investigations Center personnel, including the SFPD ALPR Administrator and UAS Program Manager.
- This recommendation seeks to add written documentation requirements that are at odds with the Proposition E mandate to reduce administrative burdens in the deployment of technology.

- This recommendation seeks to add written documentation requirements that are at odds with the Proposition E mandate to reduce administrative burdens in the deployment of technology.

Recommendation 5: Consider other technology options and vendors.

SFPD concurs and specifically responds as follows:

- SFPD is constantly seeking out and evaluating emerging technologies and competing providers of technology already in use and will continue to do so.

If you have additional questions, please feel free to contact my office, (415) 837-7000.

Sincerely,



DERRICK J. LEW
Chief of Police

/cf
Attachment



CALIFORNIA COMPLIANCE ARCHITECTURE

In California, compliance settings are mandatory and cannot be altered or bypassed because they are hardcoded into the Flock platform. This architectural design ensures strict system-level restrictions on out-of-state data sharing and mandates the use of specific search filters for all California-based agencies. The compliance process involves categorizing the customer, implementing hardcoding of rules by location, and removing optionality from the front-end platform so settings cannot be modified or changed.

Customer Categorization

Every account provisioned on the Flock platform is vetted during onboarding for proper configuration. This configuration dictates the customer's organization capabilities and ensures compliance metrics are properly tied to the account profile:

ORGANIZATION TYPE

Classifies the account (e.g., Law Enforcement, Private Security, HOA). This prevents private entities from gaining law-enforcement-level privileges.

JURISDICTION

Explicitly tags the agency as Federal, when applicable. Federal entities are categorized systemically.

GEOGRAPHIC LOCATION

Codes the location of the agency into a state. A "California" geographic code permanently and automatically triggers California-specific statutory guardrails for a non-federal agency.



Hardcoded Rules

When functionality is hardcoded, it means that the functionality restriction is written directly into Flock's underlying software codebase. It is completely decoupled from database variables or administrative toggles.

NO USER INTERFACE TOGGLE

There is no ability to toggle an "on/off" switch or configuration checkbox within the system dashboard for these rules.

ZERO ADMIN/SUPPORT OVERRIDE POWER

Neither a customer system administrator (e.g., a Chief of Police) nor a Flock Safety internal support technician can alter, bypass, or suspend these settings. The tools to do so simply do not exist in the software interface.

SOURCE CODE MODIFICATION REQUIRED

To alter a hardcoded safeguard, a full engineering deployment cycle would be necessary. This process is strictly governed by rules-based access controls to the code, restricting modification to authorized personnel only. Any hard-coded change would require modifying raw source code, completing at least two peer reviews, passing automated compliance testing suites, and publishing an official production-wide software release.

California Statutory Guardrails

For all California-coded accounts, the system natively implements automated blocks to align with state mandates like California's LPR law (CA CIV § 1798.90.5) and protections around immigration and protected healthcare:

INTER-AGENCY SHARING BLOCKERS

The network protocol requires a digital "handshake" to share data between agencies through one of two avenues, establishing a direct sharing relationship or by entering either Nationwide or Statewide Networks.

DIRECT SHARING

In this system, California agencies are protected by two separate coded gates. The first coded gate is that California agencies are only discoverable by other California agencies. This prevents agencies from receiving requests to establish a sharing relationship that a California agency cannot authorize under the law. That is, for California agencies, the backend code evaluates the target agency's location and jurisdiction tags. If the target is located out-of-state or labeled as a federal jurisdiction, the system blocks the permissions from being requested, sent, or approved. The second gate is a failsafe coded check that happens to ensure that even if a California agency received a request to establish a sharing agreement with an agency outside of California, the relationship would fail before going into effect.

NETWORK PARTICIPATION

The second way that agencies share data is through the shared lookup Networks. There are two types of these networks: statewide and nationwide; both are restricted to law enforcement organization types. These networks are opt-in reciprocal sharing arrangements with any other law enforcement organization that has qualified by location and has opted in. This allows other agencies in the pool to search their devices for exact plate matches only. California agencies may opt in to the California Statewide Network, but the system is coded to block California agencies from accessing the Nationwide Network.

MANDATORY SEARCH FILTERS: The search protocol programmatically appends mandatory filters to searches. The protocol rejects user attempts to execute searches targeting immigration enforcement or protected reproductive health care using a robust regex filtering system applied to multiple, specific fields within the search.

Administrative Oversight and Assurances

ABSENCE OF USER INTERFACE CONTROLS

The data-sharing control panel for California agencies strictly lacks the interface components required to select, input, or authorize connections with out-of-state or federal customers. The user interface toggle for enabling federal sharing, which is an option in other states, is greyed out and cannot be activated for California agencies.

IMMUTABLE COMPLIANCE AUDITS

The network generates system-generated audit logs that track configuration. These logs independently verify that the code maintaining California's regulatory boundaries remains active across the account by recording when sharing relationships are created or terminated.

Exhibit 9

General Order

Rev. 01/08/2020

ENFORCEMENT OF IMMIGRATION LAWS

The purpose of this order is to establish policies regarding the San Francisco Police Department's role in the enforcement of immigration laws and cooperation with U.S. Immigration and Customs Enforcement ("ICE"), U.S. Customs and Border Protection ("CBP") or successor agencies whose role is to enforce immigration laws, in conformity with state and federal laws and San Francisco Administrative Code Chapters 12H and 12I.

5.15.01 POLICY

It is the policy of the San Francisco Police Department to foster respect and trust between law enforcement and residents, to protect limited local resources, to encourage cooperation among residents, City officials, and law enforcement, and to ensure community security. It is also Department policy, consistent with its obligations under state and federal law, to adhere to San Francisco Administrative Code Chapters 12H and 12I. These Chapters generally prohibit the use of City resources to assist in the enforcement of federal immigration laws, except as required by federal or state law.

5.15.02 STATE AND LOCAL LAW

In accordance with Chapter 12H and state law, members of the Department shall, in performing their official duties, adhere to all of the following:

- A. **DETENTION:** Members shall not stop, question, or detain any individual because of the individual's national origin, foreign appearance immigration status, or who are Limited English Proficient. (see S.F. Administrative Code section 91.2; DGO 5.20, Language Access Services, 5.03, Investigative Detentions.) Members shall not inquire into an individual's immigration status.
- B. **DOCUMENTS:** In the course and scope of their duties e.g., traffic enforcement, investigations, and taking reports, members shall not require individuals to produce any document to prove their immigration status. (see DGO 5.06)
- C. **ASSISTING ICE/CBP:** Members shall not cooperate with or assist ICE/CBP in any investigation, detention, or arrest procedures, public or clandestine, where in any such instance the express or implied purpose is the enforcement of federal immigration laws.
- D. **INFORMATION GATHERING/DISSEMINATION FOR IMMIGRATION ENFORCEMENT PURPOSES:**
 - 1) **Release Status/Confidential Information for immigration enforcement purposes.** Members shall not request information about, or disseminate information, regarding the release status of any individual, or other "Personal Information" including but not

limited to date, time, or location or any other confidential, identifying information such as home, work, or family or emergency contact information, except as required by federal or state law. Members shall not threaten to release any personal information to federal immigration authorities or threaten individuals with deportation or removal proceedings.

- 2) **Benefits, Services, or Opportunities.** The Department shall not include on any application, questionnaire, or interview form it uses in relation to benefits, services, or opportunities provided by the City and County of San Francisco, any questions regarding immigration status other than those required by federal or state law.

E. ICE/CBP DETAINERS/ADMINISTRATIVE (CIVIL) WARRANTS: Members shall not arrest or detain an individual, or provide any individual's personal information to a federal immigration officer, solely on the basis of an administrative (civil) warrant, prior deportation order, or other civil immigration document that only addresses alleged violations of the civil provisions of immigration laws. Members shall not place an administrative (civil) immigration hold or detainer on an individual who is in custody. National Crime Information Center ("NCIC") or California Law Enforcement Telecommunication System ("CLETS") warrant responses currently make clear whether the warrant is administrative (civil) or criminal.

Members shall adhere to all of the following when reviewing or examining outstanding warrants in the NCIC or CLETS system. Members:

- 1) Shall contact the Sheriff's Central Warrant Bureau ("CWB") to confirm any warrant before taking action on the warrant.
- 2) Shall not enforce federal administrative (civil) warrants for arrest (currently Department Homeland Security ("DHS") Form I-200) or for removal/deportation (currently DHS Form I-205 or any other or similar versions of these forms).
- 3) Shall not enforce Administrative Immigration Detainer – Notice of Action (currently DHS Form I-247A, former forms I247-D, I-247N, and I-247X, or any other similar versions of these forms).
- 4) May enforce criminal warrants after consulting with CWB and confirming the criminal warrant.
- 5) Shall record the name of the individual from CWB staff who confirmed the criminal warrant in the incident report. (See DGO 6.18, Warrant Arrests)

F. TRUTH ACT

If an individual is in SFPD's custody and a member receives "any ICE hold, notification, or transfer request, [the member] shall provide a copy of the request to the individual" pursuant to Cal. Govt. Code section 7283.1(b). The member shall notify the individual that SFPD will not comply with any ICE hold, notification, or transfer request.

5.15.03

PROVIDING AN EMERGENCY RESPONSE TO ICE/CBP

- A. ICE/CBP REQUESTS FOR AN EMERGENCY RESPONSE:** Members may provide an emergency response to ICE/CBP to the same extent members would respond to an

emergency to any other law enforcement agency. For example, 10-25, Code 3, respond as back-up; and 406, officer needs emergency help. Generally, these calls require an emergency response. Members may provide an emergency response when the Officer-in-Charge determines there is an emergency posing a significant and immediate danger to public safety or to the ICE/CBP agents. The Officer-in-Charge shall determine when emergency response is no longer needed.

- B. DUTIES OF MEMBERS:** Members providing an emergency response to ICE/CBP shall immediately notify their supervisor and complete an incident report describing the reasons for their assistance. In no event shall members assist ICE/CBP with the enforcement of federal immigration laws, except as required by federal or state law.
- C. DUTIES OF SUPERVISORS:** When notified that a member is providing an emergency response to ICE/CBP, supervisors shall immediately respond to the location and ensure that such assistance is warranted.
- D. TRANSPORTATION:** Members shall not assist ICE/CBP in transporting individuals suspected solely of violating federal immigration laws.
- E. ASSISTANCE:** Members shall not provide assistance to ICE/CBP agents for routine ICE/CBP operations, investigations, or raids. If ICE/CBP requests assistance that does not amount to an emergency response as outlined in this section, members shall follow the protocols listed for Interagency Operations (see DOGO 5.14, Interagency Operations).

5.15.04

ASSISTING OTHER LAW ENFORCEMENT AGENCIES AND FOREIGN GOVERNMENT

- A. INTERAGENCY OPERATIONS:** If ICE/CBP requests assistance with a planned, unplanned, or spontaneous operation, members must obtain approval from the member's Assistant Chief to ensure compliance with this DOGO. (See DOGO 5.14, Interagency Operations)
- B. JOINT CRIMINAL OPERATIONS:** Members may continue to collaborate with other federal, state, and local law enforcement agencies on matters other than the enforcement of immigration laws, with approval of the member's Assistant Chief, to protect public safety and participate in joint criminal investigations that are permitted under Department policy or applicable city or state law. When a member becomes aware that the criminal investigation involves the enforcement of immigration laws, the member shall:
 - 1) Notify a Supervisor; and
 - 2) Cease operations if doing so would not pose a risk to the officers or the public;
 - 3) Suspend Interagency Operations; and
 - 4) Document in a memorandum the factual circumstances surrounding the incident and route through the chain of command, to the Chief's Office.

The Chief of Police shall report to the Commission at its earliest opportunity, information about the Joint Criminal Operation where the criminal investigation also included the

enforcement of immigration laws. The Chief's report may not include information that would compromise an on-going criminal investigation, or a related investigation, or endanger the safety of individuals or members.

The Chief of Police shall simultaneously submit to the Commission and the Department of Justice any reports required for Joint Law Enforcement Task Forces under state law, including Cal. Government Code section 7284.6.

- C. ASSISTING FOREIGN GOVERNMENT:** Members shall not assist or cooperate with any investigation, surveillance, or gathering of information conducted by foreign governments, except for cooperation related to an alleged violation of City and County, State, or Federal criminal laws. (See DGO 8.10, Guidelines for First Amendment Activities) Any assistance or cooperation with a foreign government must be approved by the member's Assistant Chief. (See DGO 5.14, Interagency Operations) Members requesting approval of the Interagency Operation shall notify the Officer-In-Charge ("OIC") of the Special Investigations Division ("SID") who will evaluate whether the U.S. State Department should be notified of the assistance or cooperation.

5.15.05

DEPARTMENT BULLETINS/NOTICES. Department Bulletins/Notices describing current versions or relevant examples of DHS forms and the most current samples of NCIC or CLETS print-outs of both administrative (civil) and criminal warrants will be issued as necessary.

5.15.06

COMPLIANCE WITH OTHER STATE OR LOCAL LAWS. Nothing in this General Order prohibits members from performing their duties in enforcing state and local laws.

5.15.07

ANNUAL REPORT. By no later than January of each year, the Chief shall provide to the Police Commission a written report on the following information:

- (1) a description of all communications received from the Federal agency charged with enforcement of the Federal immigration law, including but not limited to the number of civil immigration detainees, notification requests, or other types of communications; and
- (2) a description of any communications the Department made to the Federal agency charged with enforcement of the Federal immigration law, including but not limited to any Department's responses to inquiries as described in subsection 5.15.07(1) of this DGO.

References

DGO 5.03, Investigative Detentions
DGO 5.06, Citation Release
DGO 5.14, Interagency Operations
DGO 6.18, Warrant Arrests
DGO 8.10, Guidelines for First Amendment Activities
S.F. Administrative Code 9I
S.F. Administrative Code 12H
S.F. Administrative Code 12I
Cal. Govt. Code section 7283.1