



Surveillance Impact Report

Electronic Location Tracking Devices
San Francisco Police Department

As required by San Francisco Administrative Code, Section 19B, departments must submit a Surveillance Impact Report for each surveillance technology to the Committee on Information Technology ("COIT") and the Board of Supervisors.

The Surveillance Impact Report details the benefits, costs, and potential impacts associated with the Police Department's ("SFPD" or "Department") use of Electronic Location Tracking Devices.

PURPOSE OF THE TECHNOLOGY

Pursuant to the San Francisco Charter, SFPD is required to preserve the public peace, prevent, and detect crime, and protect the rights of persons and property by enforcing the laws of the United States, the State of California, and the City and County. SFPD's mission is to protect life and property, prevent crime and reduce the fear of crime by providing service with understanding, response with compassion, performance with integrity and law enforcement with vision.

Electronic Location Tracking Devices may be utilized to increase officer safety, enhance the SFPD ability to gain information about the locations of suspects, where suspect(s) have taken stolen property after a theft, or to have a vehicle pursuit alternative which can mitigate the risk to the public and protect human life.

SFPD shall use Electronic Location Tracking Devices only for the following authorized uses:

Authorized Use(s):

- To track a person, vehicle, or property in compliance with a search/arrest warrant or recognized search/arrest warrant exception [i.e. consent to search, exigent circumstances]. Cal. Pen. Code § 1534. Cal. Pen. Code § 637.7
- To utilize as a vehicle pursuit mitigation option consistent with all applicable SFPD written directives. Vehicle pursuits shall comply with SFPD Department General Order 5.05 *Response and Pursuit Driving* & SF Admin Code 96I.2(d)
- To aid Theft Abatement Operations

Prohibitions and Restrictions:

SFPD may use information collected from Electronic Location Tracking Devices only for legally authorized purposes. Electronic Location Tracking Devices shall not be used:

- To monitor, harass, intimidate, or discriminate against any individual or group based on race, ethnicity, political opinions, religious or philosophical beliefs, trade union membership,

Surveillance Oversight Review Dates

PSAB Review: June 27, 2024 & July 19, 2024

COIT Review: September 19, 2024

Board of Supervisors Approval: TBD

gender, gender identity, disability status, sexual orientation or activity, or genetic and/or biometric data.

- For the purposes of enforcing prohibitions on gender-affirming health care, reproductive care, or interstate travel for gender-affirming or reproductive health care. Except as required by law, the Department shall not share any data collected with any law enforcement agency for purposes of enforcing prohibitions on gender-affirming health care, reproductive care, or interstate travel for gender-affirming or reproductive health care.
- For a non-law enforcement related matter.
- If related to using a projectile electronic location tracking device during a vehicle pursuit, the electronic location tracking device must be removed, and location tracking must cease once officers apprehend the fleeing suspect vehicle.

Description of Technology

Electronic Location Tracking Device is defined as any device attached to a vehicle or other movable item that reveals its location or movement by the transmission of electronic signals as described in California Penal Code Section 637.7(d).

The Department utilizes the following Electronic Location Tracking Devices:

- Global Positioning System (GPS) tracking devices, which can be affixed to a vehicle or embedded within an item and provide location information via the Internet using Global Positioning System data. GPS tracking devices have a long range and do not have a distance limitation because of the utilization of GPS satellites which send the data to the device itself.
- Radio Frequency Identification (RFID) tracking devices can be embedded within an item and provide location information by using radio waves to identify the location of people or objects. RFID tag and reader distance ranges up to 1,500 ft.
- Radio Frequency Beacon (RF Beacon) tracking devices are small, wireless Bluetooth-enabled devices that transmit signals to nearby smartphones or other devices and are often used for location-based services based on their proximity to the beacon. RF Beacon range is 1-500 ft.
- Both RFID and RF Beacon tracking devices have a shorter range because they track items within a limited range from the device, typically a few meters.

Third-Party Vendor Access to Data

Data collected or processed by Electronic Location Tracking Devices will not be handled or stored by an outside provider or third-party vendor on an ongoing basis. SFPD will manage and control all data collected by the Electronic Location Tracking Device and SFPD remain the sole Custodian of Records. *See Physical Safeguards for further information.*

IMPACT ASSESSMENT

The impact assessment addresses the conditions for Electronic Location Tracking Devices' approval, as outlined by the Standards of Approval in San Francisco Administrative Code, Section 19B:

1. The benefits of Electronic Location Tracking Device outweigh the costs.
2. SFPD's Policy safeguards civil liberties and civil rights.
3. The uses and deployments of the Electronic Location Tracking Device are not based upon discriminatory or viewpoint-based factors and do not have a disparate impact on any community or protected class.

SFPD's use of Electronic Location Tracking Devices are intended to support and benefit the residents of San Francisco while minimizing and mitigating costs and potential civil rights and liberties impacts on residents.

A. Benefits

SFPD's use of the Electronic Location Tracking Device has the following benefits for the residents of the City and County of San Francisco:

	Benefit	Description
X	Education	Presentations to the Police Commission or community meetings by the SFPD can demonstrate that Electronic Tracking Devices are de-escalation tools and can be used to assist in safely apprehending suspects
▪	Community Development	
X	Health	According to the CDC, community violence affects millions of people, and their families, schools, and communities every year. Community violence can cause significant physical injuries and mental health conditions such as depression, anxiety, and post-traumatic stress disorder. Successfully prosecuting major crime is an essential part of protecting life and building a healthy community.
▪	Environment	
X	Criminal Justice	Utilizing Electronic Location Tracking Device that provides location data remotely assists SFPD in safely apprehending suspects and/or evidence of a crime. Provides objective evidence to the prosecuting agencies.

- Jobs
- Housing
- Other

B. Civil Rights Impacts and Safeguards

SFPD strives to mitigate potential civil rights impacts by strictly adhering to the authorized uses and by listing prohibitions and restrictions in the policy as it relates to Electronic Location Tracking Device. SFPD has considered the potential impacts to individuals right to privacy, warrantless searches and equal protection of the law and has identified the administrative, technical, and physical protections as mitigating measures as detailed below:

Right to Privacy- SFPD affirms that individuals have the Right to Privacy and freedom of expression in conformance with and consistent with local, state, and federal laws. SFPD strives to mitigate all potential civil rights impacts through responsible technology and associated data use policies and procedures. SFPD intends to use Electronic Location Tracking Device and their associated data exclusively for the authorized uses listed in the surveillance technology policy and impact reports, and in conjunction with SFPD Department General Order 5.16 Search Warrants, which is overseen by the San Francisco Police Commission. Only data that is related to a criminal investigation will be shared with the appropriate parties as listed in the Data Sharing section of the policy. SFPD intends to use Electronic Location Tracking Device to track a person, vehicle, or property in compliance with a search/arrest warrant or recognized search warrant exception [i.e. consent to search, exigent circumstances] and to utilize as a vehicle pursuit option.

Warrantless Searches - In the United States, warrantless searches are restricted under the Fourth Amendment to the United States Constitution as part of the Bill of Rights: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." SFPD will not use Electronic Location Tracking Devices absent a search warrant, or recognized warrant exception (e.g. consent, exigent circumstances, etc.), or outside of the authorized uses listed in the policy.

Equal Protection of the Law- Under the 14th Amendment, people in similar situations shall be treated equally under the law. SFPD will not use electronic location tracking devices to monitor individuals or groups based on a protected category such as - race, gender, religion, or sexual orientation, ensuring enforcement is based only on addressing criminal conduct.

Administrative Safeguards-Each SFPD officer belongs to a chain of command. The Officer in Charge (OIC) of that chain of command is responsible for overseeing compliance with all SFPD rules and regulations. If allegations arise that an officer is not in compliance, the OIC will initiate an investigation

and will take the appropriate action which could include an investigation of misconduct by Internal Affairs and/or the Department of Police Accountability (DPA).

There is an understandable concern with law enforcement utilizing this technology without probable cause of a crime or identifiable law enforcement purposes. Maintaining a list of specific authorized uses for the Electronic Location Tracking Devices will mitigate the usage of data for purposes other than that for which the data was originally collected and ensure the public is aware of its restrictions.

Technical Safeguards-Electronic Location Tracking Devices currently in use, including interfaces, firmware, and operating systems, mitigate unauthorized access to the network and instead only allows necessary device functionality. The data from Electronic Location Tracking Devices used are securely stored by the service provider. Access to the footage is limited to SFPD officers and levels of access are based on role-based permissions. To safeguard evidence integrity, evidence contained within the cloud uses forensic fingerprint of each evidence file using industry standard Secure Hash Algorithms (SHA) hash function. Integrity is validated before and after upload to ensure no changes occur during transmission. Evidence data in transit is FIPS 140-2 validated, and the system is fully compliant with the FBI's Criminal Justice Information Services (CJIS) standards (NSA Suite B 256-bit AES encryption). Additionally, there are full tamper-proof audit records for each evidence file. These records cannot be edited or changed.

Physical Safeguards-Electronic Location Tracking Device access will be limited to SFPD officers who are authorized to use the Electronic Location Tracking Device. Data will be digitally stored into the SFPD's digital evidence storage or uploaded to a storage device and booked into evidence in accordance with evidence booking procedures. All digital evidence captured, recorded, or otherwise produced by the Electronic Location Tracking Device equipment is the sole property of the SFPD. All digital evidence shall be handled in accordance with existing policy on evidence management. SFPD officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute digital evidence in any manner without prior authorization from the appropriate designated personnel.

C. Fiscal Analysis of Costs and Benefits

The fiscal cost, such as initial purchase, personnel, and other ongoing costs, include:

Number of Budgeted FTE (new & existing) & Classification	No dedicated FTE (new & existing) for deployment of this tool. SFPD Officers will use the Electronic Location Tracking Device during regular or overtime operations during their regular assigned duties.	
	Annual Cost	One-Time Cost

Total Salary & Fringe		
Software	<u>\$44,405.48</u>	
Hardware/Equipment		\$30,660 <u>\$39,117.10</u>
Professional Services	<u>\$15,120</u>	
Training		
Other		
Total Cost	\$15,120 <u>\$59,525.48</u>	\$30,660 <u>\$39,117.10</u>

SFPD funds its use and maintenance of surveillance technology through its Operating Budget, Vehicle Theft Abatement Funds and/or grant funding.

COMPARISON TO OTHER JURISDICTIONS

Law Enforcement Agencies: The following law enforcement agencies currently have Electronic Location Tracking Device and have incorporated it in their department policies and procedures for authorized use specifically during vehicle pursuits:

- Pittsburg Police Department
- Fremont Police Department
- Oakland Police Department
- Redmond Police Department

Electronic Location Tracking Devices are currently utilized by other governmental entities for similar purposes.

For instance, 30+ police departments throughout the United States as well as agencies from every level of government domestically (local, county, state, and federal) and numerous countries worldwide are utilizing a newer GPS technology called StarChase. The technology can be described as an air pressure system attached to the front of a police vehicle that contains a GPS tag/dart. When activated, the tag is released from the police vehicle, affixes to the suspect vehicle, and reports GPS data of the suspect vehicle.

RELATED REMARKS

StarChase LLC: According to Cary Goldberg, who is the National Business Development Manager for StarChase company, law enforcement's use of their GPS tracking technology has currently resulted in

apprehension rates of 86%, which has contributed to significant decreases in injuries, fatalities, and property damage to police officers, suspects, and the public.

ACLU: Jay Stanley, a Senior Policy Analyst for the ACLU Speech, Privacy and Technology Project, made [comments](#) in response to numerous inquiries about the new GPS technology. Stanley stated the following: "I don't see any problem with this technology, assuming that it is used in the kind of way that everybody probably imagines it being used. In other words, that:

- It is used only in police chases that commence when a police officer has the equivalent of probable cause of wrongdoing (even if just fleeing a temporary detention like a traffic stop) and do not have time to get a warrant.
- The device is removed, and the location tracking ends the first time the police catch up to the person they are chasing.
- The police catch up to the suspect as soon as they can (in other words, no letting them wander around for extended periods of time without pursuing them, in order to learn things about them).

Any other uses of GPS tracking technology outside the heat of a chase should require a search warrant. And on the other side of the equation, this has the potential to obviate the need for high-speed pursuits by police cars through cities and towns, which are very dangerous and kill hundreds each year, with a third or more of those fatalities being innocent bystanders."