

Re: PSAB question about the right to privacy for guests in a home where SFPD requests historical footage relating to a crime occurring in or around the home:

SFPD may be dispatched in response to a crime occurring in or around a private residence that has a surveillance camera system. While a renter or homeowner has a reasonable expectation of privacy in their homes, SFPD may request a copy of footage relating to the criminal incident from the homeowner/renter. Absent a warrant, the homeowner or renter has the right to decide whether to provide historical video footage to SFPD relating to the criminal incident. Guests inside of that residence captured on video footage may not have the standing to deny SFPD's request for a copy of the homeowner/renters camera footage if/when SFPD receives the homeowner's/renter's consent.

Minnesota v. Carter, 525 U.S. 83, 119 S. Ct.469, 142 L. Ed. 2d373 (1998) found that while a homeowner has a reasonable expectation of privacy, a guest in a house has no reasonable expectation of privacy in that house. If the home owner or renter consents to allow police to search a house, the possessions of the guests in that house can be searched as well.

Please also review the SIR's "Civil Rights Impacts and Safeguards" section titled "**Warrantless Searches**". This may also address privacy concerns brought up during this past PSAB meeting. The department is agreeable to adding the above language to the Impact Report if there is a consensus view from PSAB panel.