



CHESA BOUDIN
DISTRICT ATTORNEY

August 19, 2021

Ben Rosenfield
City Controller
City Hall, Room 316
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Phone: (415) 554-7500
Fax: (415) 554-7466
E-mail: Ben.Rosenfield@sfgov.org

Re: Surveillance Technology Exemption Certification

Dear Controller Rosenfield,

I write pursuant to Section 19B.2(e) of the Administrative Code to certify that the acquisition and use of the following Surveillance Technology is necessary to perform our constitutionally protected investigative and prosecutorial functions. Pursuant to our exemption, I further write to certify that the requirements of Section 19B would inappropriately interfere with our investigative or prosecutorial functions.

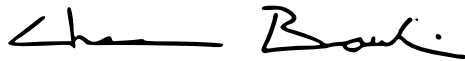
Our office uses the following technology defined by section 19B as “surveillance technology”:

- Automatic License Plate Readers
- Pole Cameras
- X1 Social Discovery
- Radio-Frequency IF (RFID) Scanners
- FTK
- Encase
- Blacklight
- CovertTrack
- Ensurity
- MailChimp
- Regroup
- RECON ITR (Lab & Carbon)
- MacQuisition
- Passware
- GrayKey
- CellHawk
- PenLink
- Cellebrite
- Vehicle Trackers
- CashTrack High Value Asset Tracking
- 3SI Trackers
- Soniya Trackers
- SurveyMonkey

Compliance with Chapter 19B would require us to disclose, among other things, the purpose for which we used the above surveillance technology, where we used it, and to submit this information to the Board of Supervisors for approval prior to using such technology. Investigative agencies do not identify the subjects or the locations of their investigations as doing so not only undermines the effectiveness of said investigations, it can also put those conducting the investigation in danger. What's more, if a public official were the subject of an investigation, this ordinance would effectively require the District Attorney's Office to ask the Board of Supervisors for permission to surveil them.

It is for these reasons and more that compliance with 19B imposes an inappropriate restriction on our constitutionally protected investigative and prosecutorial function, and our office invokes the relevant exemption articulated in Section 19B.2(e).

Sincerely,

A handwritten signature in black ink, appearing to read "Chesa Boudin". The signature is fluid and cursive, with a long horizontal stroke at the beginning and a distinct "B" at the end.

Chesa Boudin
San Francisco District Attorney

cc: Clerk of the San Francisco Board of Supervisors Angela Calvillo