

From: [Matt Cagle](#)
To: [REG - BSC Clerk](#)
Cc: [Yoel Y. Haile](#)
Subject: Request for reconsideration and ACLU edits
Date: Wednesday, November 29, 2023 3:59:14 PM
Attachments: [ACLU suggested edits - Approved Digest - Police Department Policies and Procedures.pdf](#)

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Ballot Simplification Committee,

The ACLU of Northern California requests reconsideration of the digest for the measure titled “Police Department Policies and Procedures.” We have also attached the ACLU’s suggested edits to the digest. Among other things, the ACLU’s suggested edits highlight multiple legal errors and inaccuracies in the current digest considered and approved on November 28, 2023.

Please let us know if you have any questions about our request for reconsideration and suggested edits.

Thank you,

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Suggested amendments of the American Civil Liberties Union of Northern California

Police Department Policies and Procedures*

Digest by the Ballot Simplification Committee

Status: Approved Digest

On: Tuesday, November 28, 2023

Members: Packard, Anderson, Unruh, Wong

Deadline to Request Reconsideration: 4:00pm Wednesday, November 29, 2023

The Way It Is Now: The Police Commission (Commission) oversees and adopts policies for the San Francisco Police Department (SFPD). The Chief of Police manages the SFPD's day-to-day operations. The Board of Supervisors (Board) may also adopt policies for the SFPD, by a majority vote.

A policy adopted by the Commission or the Board outlines and limits how police officers conduct law enforcement duties.

Under the Commission's current SFPD's use-of-force policy, officers must prepare a written report when they use a firearm, point a firearm at a person, force a resisting suspect into handcuffs, or use force likely to cause physical pain or injury. Officers must also record their use of force using body-worn cameras.

Under the Commission's current SFPD's vehicle-pursuit policy, an officer may use a vehicle to pursue a person fleeing in a vehicle only when the officer suspects the person committed a violent felony or when the officer believes the person poses an immediate risk to public safety.

The Board has previously adopted a policy/laws governing the acquisition and use of surveillance technology by the SFPD and other City departments. Under one law, The the City may install public surveillance cameras on streets, sidewalks and common areas of public housing upon approval of the Commission if it finds there is substantial crime occurring at the location. The Board may amend this law by a majority vote.—

Under another law, before City departments including the SFPD can use or acquire a new surveillance technology, the Board must approve its use the technology and a written safety policy that describes what the technology can do, how it can and cannot be used, and how people and collected information will be protected. The City departments and the SFPD may generally not acquire or use facial recognition technology except in limited circumstances. -

The Proposal: Proposition __ is an ordinance that would make these changes:

- Before the Commission changes SFPD policy, there would be a 90-day period for the SFPD to hold one community meeting at each district police station to solicit feedback. The Chief of Police could waive this process.
- The Commission and the SFPD would have to reduce recordkeeping and reporting to the extent allowed by law, with the goal that patrol officers spend no more than 20% of their work time on administrative tasks.
- Limit the requirement for written use-of-force reports would be required only if the officer's use of force physically injured a person or if the officer used a firearm or pointed it at a person.
- A vehicle pursuit would be allowed when an officer has reasonable suspicion that a person committed, is committing or is likely to commit a felony or violent misdemeanor.
- The Commission has until October 1, 2024, to adopt new policies consistent with this measure.
- The SFPD could use drones for vehicle pursuits and active criminal investigations.

Commented [YH1]: There is no category of crime designated as "violent misdemeanor" in the penal code. It would be a subjective determination by the officer. This is most accurately described as just a misdemeanor.

~~To improve public safety, after holding one community meeting, the Chief of Police could unilaterally authorize the installation and use of public surveillance cameras, without Commission approval or a finding that there is substantial crime occurring at the chosen location, after holding a community meeting.~~

~~The Board of Supervisors, until January 1, 2027, cannot make changes to the ordinance governing public surveillance cameras without a supermajority of at least eight votes.~~

~~The SFPD could acquire and use vehicle pursuit dDrones and public surveillance cameras installed under these rules could include facial recognition technology and would not require without Board approval or a written safety policy that describes the technology, how it can and cannot be used, and how people and collected information will be protected.~~

~~For other surveillance technology, the SFPD could acquire and use other that surveillance technology without a policy or Board approval as long as if it submits the a policy to the Board within one year. Once the policy is submitted, the Board could disapprove this policy. This change does not apply to facial recognition technology, which would remain prohibited.~~

• Until January 1, 2027, any changes to this new ordinance must be approved by a supermajority of the Board. After that date, the changes could be approved by a majority of the Board.

A "YES" Vote Means: If you vote "yes," you want to:

- Allow the SFPD to conduct community meetings before the Commission can change SFPD policies;
- Require the Commission and the SFPD to reduce recordkeeping and reporting for officers;
- Set new policies regarding use-of-force reporting and vehicle pursuit by SFPD officers and allow the Commission to modify other policies;
- Authorize the SFPD to unilaterally make decisions to acquire and use vehicular pursuit drones and install surveillance cameras without Commission or Board approval or the creation of safety policies, including those with facial recognition technology; and
- Authorize the SFPD to acquire and use new certain surveillance technology without safety policies, unless and until the Board disapproves.

A "NO" Vote Means: If you vote "no," you do not want to make these changes.