



Brooke Jenkins
District Attorney

November 29, 2023

Ben Rosenfield
City Controller
City Hall, Room 316
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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
- Constant Contact
- Event Brite
- Regroup
- RECON ITR (Lab & Carbon)
- MacQuisition
- Passware
- GrayKey
- CellHawk
- PenLink
- Cellebrite
- Vehicle Trackers
- CashTrack High Value Asset Tracking
- 3SI Trackers
- Soniya Trackers
- SurveyMonkey
- Flock
- Transaction Record Analysis Center (TRAC)

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

Surveillance Technology Exemption Certification

Page 2

November 29, 2023

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 blue ink, appearing to read 'Brooke Jenkins', with a long, sweeping flourish extending to the right.

Brooke Jenkins
San Francisco District Attorney

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