



July 14, 2022

Honorable London Breed
Mayor, San Francisco
1 Dr Carlton B Goodlett Pl #200
San Francisco, CA 94102

Dear Mayor Breed,

I am writing on behalf of the members of the California Retailers Association in strong support of your sponsored legislation that would give law enforcement limited, temporary authority to use video footage to help deter, investigate, and solve crimes. We view this as another tool in the toolbox for retailers and law enforcement to combat retail theft in San Francisco.

Currently, police are barred from accessing or monitoring, even temporarily, live video that is owned or operated by third parties unless there are "exigent circumstances" -- this is defined as circumstances that involve an imminent danger of serious physical injury or death and if this standard is not met, the police cannot access live video even on a temporary basis. This intentional blinding of law enforcement does not make sense and it does not make retail employees or customers safer. I am concerned that under current law, SFPD is barred from accessing any live video to solve or prevent retail crimes except if there is imminent danger of serious injury or death. This leaves neighborhoods across the city vulnerable to organized criminal activity, such as mass looting, gun violence, drug dealing, retail theft, and burglaries - many of the things we have witnessed in the city over the past several years. We encourage the Board of Supervisors to consider your sponsored legislation, that would give law enforcement limited, temporary authority to use video footage to help deter, investigate, and solve crimes.

I am aware of the discussions around possible amendments to this legislation to remove the ability to monitor private cameras as part of an active criminal investigations. CRA strongly supports the proposed legislation to move forward, as written, without amendments. The original language provides guardrails and transparency to ensure this information is not used for purposes not outlined in the legislation but will quickly become a valuable tool for retail and law enforcement to work together to protect retail employees and customers who live, work and shop in San Francisco.

Retailers have witness organized crime in San Francisco, whether it's mass looting in Union Square, drug dealing rings in the Tenderloin, retail theft in Chinatown or brazen home burglaries on the Westside -- these are all criminal activities that law enforcement can address more effectively if they have access to information that third parties, such as retailers, can provide to help deter and combat criminal activity.

Retailers support the strong guardrails, included in this legislation, to prevent the misuse of this technology including the right of the owner or operator to refuse any request for access, a mandate for written requests for access that are auditable upon demand, training for command level staff as well as any officer who would have access to video, and explicitly barring using video to target anyone for exercising their First Amendment rights.

In addition, we believe this legislation can also allow video footage to be used as evidence to exonerate individuals who may be wrongly accused and help police and prosecutors ensure that they are holding the correct persons responsible.

San Francisco retail employees and consumers want to be safe when shopping in stores, eating in restaurants or using the unique venues that San Francisco is famous for. The California Retailers Association is ready to collaborate with all individuals looking for solutions to retail theft/ORC and we applaud you for this bold step to protect the diverse communities in San Francisco.

Thank you for your leadership on this issue. I look forward to collaborating with you and members of the Board of Supervisors on innovative ways to combat retail theft so we can protect San Francisco's employees, customers and the communities they live and work in.

If you have any questions or would like to discuss in more detail, please do not hesitate to contact me directly at 916/443-1975.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rachel Michelin', with a stylized flourish at the end.

Rachel Michelin
President + CEO
California Retailers Association

CC: Members, San Francisco County Board of Supervisors