

Member, Board of Supervisors
District 5



City and County of San Francisco

DEAN PRESTON

December 4, 2022

Hon. London N. Breed
Office of the Mayor
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
Email: mayorlondonbreed@sfgov.org

Chief William Scott
San Francisco Police Department
1245 3rd Street
San Francisco, CA 94158
Email: william.scott@sfgov.org

Re: Robot Deadly Force Policy

Dear Mayor Breed and Chief Scott:

I am writing regarding File No. 220641, sponsored by Mayor Breed, which seeks approval of the proposed Funding, Acquisition, and Use of Certain Police Department Equipment policy for SFPD. As you know, the Ordinance was approved by an 8-3 vote of the Board of Supervisors on first reading last week, and it is scheduled for a second reading this Tuesday.

This letter does not seek to debate the merits of the policy. I believe, and have publicly stated, that our City should not authorize police to utilize robots to inflict deadly force. You obviously disagree, hence your proposed policy and Ordinance.

The reason for this letter is that in seeking approval for this policy, SFPD has not complied with AB 481. Specifically, California Gov Code 7071(b) provides:

“In seeking the approval of the governing body pursuant to subdivision (a), a law enforcement agency shall submit a proposed military equipment use policy to the governing body and make those documents available on the law enforcement agency's internet website **at least 30 days prior to any public hearing** concerning the military equipment at issue.” (emphasis added)

The use of deadly force by robot provision was added to the proposed policy on the SFPD website on Friday November 18, 2022. Three days later, on Monday, November 21, 2022, it was presented at a public hearing, the only opportunity for the public to provide testimony on the use of robots for deadly force. By failing to publish the policy more than thirty days before the Rules Committee hearing, SFPD violated AB 481. Neither the Committee hearing, nor the Board's November 29, 2022 vote, complied with the requirements of state law, as both occurred less than 30 days after the policy was posted on the SFPD website.

I note that a number of other jurisdictions have found that the 30 day period runs from the publication of revised policies, including [Los Angeles County](#) and [Santa Clara County](#).

It is of course up to the City Attorney to advise the Board and your offices of the appropriate next steps here, and it is up to the Board how we decide to vote on the Ordinance on Tuesday. But I wanted to alert you at the earliest opportunity of the apparent non-compliance with state law. As you are the sponsor of the legislation, it is my hope that you will publicly communicate your desire to see the policy sent back to the Rules Committee, so that the public will have the time required by AB 481 to review the policy and provide input.

I want to emphasize that this is not just a technicality. A primary purpose of AB 481, written by our City Attorney when he was in the Assembly, is to ensure transparency and give the public an opportunity to weigh in on these policies. Posting the policy on the SFPD website for three days, rather than 30 days, before hearing and voting on the proposal to allow deadly force by robots undermines the purposes of AB 481.

Finally, let me be clear that this letter does not purport to be legal advice. This is written in my capacity as a legislator who is very concerned, not just about the underlying policy here, but about the apparent

violation of a state law that is specifically designed to ensure transparency when it comes to policies involving military grade weapons for our local police force.

Thank you for your attention to this matter.

Sincerely,



Dean Preston
District 5 Supervisor

CC: David Chiu, City Attorney
Aaron Peskin, Rules Committee Chair
Shamann Walton, President of the Board of Supervisors