

**SAN DIEGO POLICE DEPARTMENT  
PROCEDURE**

**DATE:** NOVEMBER 13, 2023

**NUMBER:** 3.33 – INVESTIGATIONS

**SUBJECT:** SMART STREETLIGHT SYSTEM

**RELATED POLICY:** 3.02, [3.26](#)

**ORIGINATING DIVISION:** SPECIAL PROJECTS AND LEGISLATIVE AFFAIRS

**NEW PROCEDURE:**

**PROCEDURAL CHANGE:**

**SUPERSEDES:** DP 3.33 – 03/12/2019

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**I. PURPOSE**

This procedure provides guidance for the proper use of technology embedded within Smart Streetlights. It includes direction for accessing and reviewing video acquired from this equipment, as well as the storage and release of the captured video. This procedure does not apply to mobile audio/video systems, covert audio/video systems, or any other image-capturing devices used by the Department.

**II. SCOPE**

This procedure applies to all members of the Department.

**III. DEFINITIONS**

Smart Streetlights – refers to City streetlights that have been enhanced with embedded technology, including video cameras and Automated License Plate Recognition (ALPR).

**NOTE: ALPR are subject to Department Procedure 1.51 and its own Use Policy.**

**IV. PROCEDURES**

- A. The San Diego Police Department will use video evidence from Smart Streetlights to conduct investigations related to traffic offenses that result in significant injury or loss of life, felony property crime, internal personnel investigations, and the commission or attempted commission of a crime, including but not limited to the following:
1. Homicide
  2. Sexual Assault
  3. Robbery
  4. Felony Battery
  5. Burglary
  6. Assault with Deadly Weapon
  7. Motor Vehicle Theft
  8. Arson
  9. Human Trafficking
  10. Child Abuse
  11. Elder Abuse
  12. Kidnapping
- B. The San Diego Police Department will use video from Smart Streetlights to enhance and coordinate responses to active critical incidents and public threats (e.g., active shooter, terrorist incident), safeguard the lives of community members by using this technology to locate at-risk missing persons (including responding to Amber, Silver, and Feather Alerts) and to protect assets and resources of the City of San Diego.
- C. Video from public areas must be acquired and used in a legal and ethical manner, recognizing constitutional standards of privacy. This procedure provides details for addressing these priorities.
1. Smart Streetlight technology uses cameras to capture and store video from public spaces, where persons do not have a reasonable expectation of privacy.
  2. All videos downloaded from the Smart Streetlights and retained as evidence by the Department are considered investigative records and are for official use only.
- D. Smart Streetlights are installed in designated locations throughout the City of San Diego for the mutual benefit of the City and its communities.
1. Any future expansion of Smart Streetlights and their capabilities will be in compliance with the City of San Diego's Transparent and Responsible Use of Surveillance Technology (TRUST) Ordinance and all other applicable laws.

- E. The Smart Streetlights are not equipped or capable of Pan-Tilt-Zoom (PTZ) function.
- F. As Smart Streetlights are deployed, each camera view will have digital masking, as needed, to eliminate the recording of private property.
- G. Video from Smart Streetlights is recorded on a 24-hour basis and has a 13-day recording window before it is overwritten. The video may be accessed by authorized Department members utilizing specialized software programs. While Smart Streetlights continuously record video, they do not record audio conversations.
- H. The Department's decision to view video footage, regardless of source, is driven by many considerations including: severity of reported crimes, immediacy of threats to public safety, and information needed to position resources and personnel during critical incidents.

**V. DATA ACCESS**

- A. Personnel who are authorized to have access to the system shall be designated by Special Projects and Legislative Affairs (SPLA) Unit supervisor, and their designation shall ensure that their access to and use of the videos and data complies with federal, state, and local laws, including the TRUST Ordinance, as well as applicable Department procedures.
- B. Personnel authorized to use Smart Streetlights shall be specifically trained in such technology and authorized by Special Projects and Legislative Affairs Unit.
- C. Authorized users include select sworn and non-sworn personnel, such as Crime Analysts (backgrounded civilian non-sworn Department members) who enhance our investigations. The staff of the Special Projects and Legislative Affairs Unit shall be assigned as system administrators to ensure authorized users are in compliance.
  - 1. Authorized users under investigation for misconduct or criminal actions related to Smart Streetlights shall have their access revoked for the duration of the investigation and shall not have access restored until they have been cleared of wrongdoing.
  - 2. The Smart Streetlights system shall not be utilized for any personal purpose.
- D. All videos downloaded from Smart Streetlights and retained as evidence by the Department are considered investigative records for the Department and are for official use only.

1. Requests for downloaded video from the public or the media shall be processed in the same manner as requests for Department public records.
2. Recorded videos that are the subject of a court order or subpoena shall be processed in accordance with the established Department subpoena process.
3. Unless prohibited by applicable law, videos may be viewed in accordance with the following criteria and exceptions:
  - a. By a Department member conducting an official investigation;
  - b. By members of the City Attorney's Office or Risk Management in connection with pending litigation;
  - c. Pursuant to lawful process or by court personnel otherwise authorized to view evidence in a related case;
  - d. By a Department member reviewing a critical incident, internal administrative investigation, use of force review, or other internal review;
  - e. The Chief of Police, or designee, has the discretion to allow the viewing or release of downloaded videos if it is in the best interest of the Department. When appropriate, every effort is made to notify involved Department members prior to release;
  - f. As part of Department approved training;
  - g. An officer involved in the intentional discharge of a firearm or an in custody death **shall not** review downloaded footage from Smart Streetlights unless approved by the Chief of Police or the Executive Assistant Chief of Police;
  - h. Subject to the provisions of this Department Procedure, the Chief of Police or designee, has the discretion to prohibit the review of any recordings by Department employees if it is in the best interest of the Department or the City of San Diego.
4. Smart Streetlight data shall never be released to third parties, except the San Diego City Attorney and San Diego District Attorney in accordance with legal proceedings or law enforcement agencies for the express purpose of investigating crimes in accordance with this Department Procedure, until the adoption of a third-party data-sharing use policy by the San Diego City Council.

## VI. PROHIBITED USE

- A. The following uses of Smart Streetlights **shall be expressly prohibited**:
1. To invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.
  2. To be used in a discriminatory manner and to target protected individual characteristics, including race, color, ethnicity, religion, national origin, age, disability, gender (to include gender identity and gender expression), lifestyle, sexual orientation, or similar personal characteristics, in accordance with Department Policy 9.33.
  3. To harass, intimidate, or discriminate against any individual or group.
  4. To violate any Constitutional rights, federal, state, or local laws (e.g., California Values Act, FACE Act, etc.)
  5. To investigate parking violations and conduct traffic enforcement.
  6. To indiscriminately view video without investigative or administrative need.
  7. To be utilized for any personal purpose.
- B. Per Department Policy 1.01, all Department members shall comply with all Department Policies and Procedures and are subject to investigation and potential discipline for violations thereof.

## **VII. INTEGRATION WITH OTHER TECHNOLOGY**

Any additional technologies integrated with Smart Streetlights shall be presented to City Council for public review and approval, in accordance with the Transparent and Responsible Use of Surveillance Technology (TRUST) Ordinance, prior to integration of such systems.

## **VIII. DATA STORAGE AND RETENTION**

- A. All Smart Streetlights videos not downloaded and retained as evidence, pursuant to DP 3.02, or as part of an administrative/internal investigation, shall be purged no later than 13 days from the date it was recorded.
- B. All Smart Streetlight videos downloaded shall be stored in a secure area with access restricted to authorized persons.
- C. Utilization of video from Smart Streetlights shall be appropriately documented in a Case

Report or Investigator's Follow-up.

**IX. THIRD-PARTY DATA SHARING**

- A. All evidence collected from Smart Streetlights is considered an investigative record for the Department and is for official Department use only. The following limitations apply:
- B. Smart Streetlight's data shall never be voluntarily shared with Immigration and Customs Enforcement or Border Patrol, or any other law enforcement agency, for the purpose of enforcing immigration laws, in accordance with California Government Code 7284.6 – The California Values Act.
- C. Smart Streetlights data shall never be released to aid in the prosecution of an individual for providing, obtaining, or assisting in the provision or obtention of an abortion or any reproductive care, in accordance with California Penal Code 423.2, the California FACE Act and Penal Code 13778.2.
- D. Smart Streetlights data shall never be shared with any federal task forces that are involved in any manner in the investigation or prosecution of federal crimes for conduct that is permitted under California law.
- E. Nothing in this Department Procedure should be interpreted as limiting the use of collected data for legitimate purposes by prosecutors, judicial order, or other persons legally permitted to receive evidence under the law (See Public Access section above).

**X. DATA PROTECTION**

- A. The City's Department of Information Technology oversees the IT governance process and works with SDPD's Department of IT regarding project execution and risk assessment, selecting, and approving technology solutions.
- B. Videos collected by Smart Streetlights shall be stored in a secured law enforcement facility with multiple layers of physical security and security protection. Encryption, firewalls, authentication, and other reasonable security measures shall be utilized to protect digital evidence from Smart Streetlights.
- C. All Smart Streetlights videos downloaded from a video management solution to a mobile workstation or to digital evidence storage (e.g., Axon Evidence.com) shall be accessible only through a login/password-protected system capable of documenting access by name, date, and time.
- D. Authorized users shall complete annual training on this Department Procedure,

along with instruction on the constitutional protections and case law requirements associated with its lawful use (**See Section XV of this procedure**).

- E. The San Diego Police Department shall maintain robust security procedures and practices. These protections shall be in conjunction with those provided by the Smart Streetlight vendor. The Department contract administrator shall ensure that the Smart Streetlight vendor includes operational, administrative, digital information technology security features and physical safeguards to protect Smart Streetlights video data from unauthorized access, destruction, use, modification, or disclosure.

## **XI. AUDITING AND OVERSIGHT**

- A. A list of personnel who are authorized to have access to the system shall be maintained by the SPLA Unit. The authorization document shall ensure that their access to and use of the videos comply with federal, state, and local laws, the TRUST Ordinance, and applicable Department policies and procedures.
- B. If an authorized user accesses information obtained from the Smart Streetlight system, a log shall be maintained. The log shall include:
  - 1. The date and time the information is accessed.
  - 2. A record of what information was accessed
  - 3. The username or other identification of the person who accesses the information.
  - 4. The Case number or event number
  - 5. The purpose for accessing the information.
- D. Refer to the Technology Audit Operations Manual for further auditing details.

## **XII. VIOLATIONS**

- A. Supervisors of authorized users shall monitor and ensure compliance with this procedure.
- B. Unauthorized access to the system, misuse of the system, unauthorized reproduction of images, or unauthorized distribution of images shall result in an internal investigation and possible disciplinary or criminal action, consistent with

the Public Safety Officers Procedural Bill of Rights Act and the appropriate employee organization MOU.

- C. Any Department member who has knowledge concerning a violation of this procedure shall immediately report it for further investigation, in accordance with Department Policy 9.33.

### **XIII. TRAINING**

- A. All personnel designated as system users shall receive training in the operation of Smart Streetlights technology by Special Projects and Legislative Affairs personnel and subject matter experts approved by the Department.
- B. All employees who utilize Smart Streetlights shall be provided a copy of this Department Procedure, along with instructions on the Constitutional protections (e.g., Fourth Amendment, etc.) and case law requirements associated with its use.
- C. Training will include guidance on the use of cameras, and interaction with dispatch and patrol operations, along with a review of relevant policies and procedures. Training should also address applicable laws related to the use of video recording equipment and privacy.
- D. All authorized users shall also complete annual refresher training as long as they are authorized to use Smart Streetlights. If there is a lapse in training, the SPLA Unit will revoke their access until they are in compliance.
- E. The SPLA Unit shall keep records of all training provided to personnel authorized to use the Smart Streetlights.

### **XIV. SYSTEM ADMINISTRATOR ROLE AND RESPONSIBILITIES**

The Special Projects and Legislative Affairs Commanding Officer will oversee the Smart Streetlights program. **System Administrators shall be sworn members assigned to the Special Projects and Legislative Affairs Unit** and are responsible for performing the following duties:

- A. Ensuring personnel with access to the systems have the technical expertise, training, and necessary clearances to access law enforcement databases and information.
- B. Updating authorized users on any technological, legal, or other changes that affect the use of Smart Streetlight systems.



- C. Controlling Smart Streetlight utilization, data access, and sharing of data.
- D. Maintaining user records containing query information including the purpose, date/time of access, data accessed, and user identification in accordance with any applicable laws.
- E. Serving as the primary point of contact for system issues and notification of system or operational changes.
- F. Developing and delivering training for system use, including the initial training and any subsequent updates or revisions as necessary.