

DRAFT for PAB Consideration

MEMORANDUM

DATE: February 25, 2024

FROM: City of San Diego Privacy Advisory Board

TO: The Honorable Council President Elo-Rivera and Members of the San Diego City Council

RE: San Diego Police Department Use Policies for Berla

I. RECOMMENDATION

The PAB recommends that the City Council approve the proposal with modifications as indicated below.

II. REQUESTED MODIFICATIONS

The SDPD kindly provided comprehensive answers to PAB questions about this technology. The PAB recommends that content from these answers be incorporated into the Use Policy and Surveillance Impact Report as appropriate. Below we provide some more detailed guidelines, extracting information from the SDPC response and providing recommendations about placement of this information in the current documents.

Use Policy, DATA ACCESS Section, please add information along the following lines:

The “vehicle system” the Berla equipment accesses is the Infotainment/Telematics System. This is specifically addressed in the search warrant. No other “system” is accessed unless additionally requested in the search warrant.

Whenever a search warrant is applied for, the scope of the search has to be clearly defined. A search warrant for the use of Berla is no different. The search warrant explains the exact location/property to be searched and lists what items are to be seized from that location/property. The judge must approve this before the search warrant can be granted.

As with every search warrant, the officer/detective is responsible for ensuring they are searching within the scope of the warrant and the attorneys and Judge are there to be sure this is being adhered to.

For the above stated reasons, the Privacy Advisory Board respectfully recommends that the City Council **approve the proposal** with the recommendations above.

Cc: SDPD Chief Nisleit
CPT Jim Jordon

LT. Eric Portnoy
Chloe Madison