



# Surveillance Use Policy

## Covert Audiovisual Recording Devices San Diego Police Department

### PURPOSE

The San Diego Police Department utilizes covert audiovisual recording devices to create objective real-time recordings to develop and further investigations when overt audiovisual recording would hinder an investigation or compromise safety during an investigation.

### USE

Covert audiovisual recording devices are concealed pieces of equipment capable of simultaneously recording audio data and video images occurring within range of the microphone and the video camera. The device is housed in such a way that the identity of the device is not immediately recognizable or is hidden or otherwise concealed. Covert audiovisual devices capture valuable evidence by creating contemporaneous and objective records during undercover law enforcement operations. Covert audiovisual recording devices (record only) are not connected to any networked camera systems and cannot be viewed remotely from another location.

When a covert audiovisual recording device is requested by an SDPD member, a Special Equipment Technician of the Robbery Unit will be assigned the request. The technician will speak with the SDPD member to fully understand the mission and how the device will be used. The request will be evaluated for equipment suitability and legal standing. If equipment deployment is appropriate, a request form will be completed stating the crime being investigated. The request form will then be reviewed for approval by a Robbery Sergeant and the Robbery Lieutenant. The SDPD member assigned the equipment is required to download the necessary audiovisual recordings and be collected and categorized as per Department Procedure 3.02 - Impound, Release, and Disposal of Property Evidence and Department Procedure 3.26 - Media Evidence Recovery and Impounding / Preserving Procedures.

Once the SDPD member is completed with using the covert audiovisual device it will be returned to the Robbery Unit. However, covert audiovisual recording devices may be issued to a specific SDPD member on a permanent basis to facilitate logistical issues associated with needs arising during off-hour and short-notice deployments.

Department procedures associated with covert audiovisual recording devices are:

- 3.02 - Impound, Release, and Disposal of Property Evidence
- 3.26 - Media Evidence Recovery and Impounding/Preserving Procedures.

### DATA COLLECTION

The covert audiovisual recording devices are manually operated and record directly onto the audiovisual recording device. Once the recording and the investigative operation are complete, the audiovisual device's audiovisual files will be downloaded to an external media device for impound as per Department Procedure 3.02 - Impound, Release, and Disposal of Property Evidence and Department Procedure 3.26 - Media Evidence Recovery and Impounding / Preserving Procedures.

The audiovisual recording device will capture the full field of view of the camera and the audio of the surrounding area of the device. The devices will only be activated when needed in an investigation. The



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devices do not have any filtering capabilities and the audiovisual files are saved as complete and whole to provide to the District Attorney and used in the discovery process as detailed in the California Evidence Code. If an audiovisual file is created inadvertently the data will be deleted.

### **DATA ACCESS**

Personnel authorized to use covert audiovisual recording devices or access the data through the use of such equipment shall be specifically trained in such technology and authorized by the Chief of Police, or designee. Such personnel shall be limited to designated captains, lieutenants, sergeants, officers, detectives, and police department personnel unless otherwise authorized.

Those authorized to have access to the data can view it from the device or the impounded media evidence downloaded from the device. All such evidence is controlled and regulated per Department Procedure 3.02 - Impound, Release, and Disposal of Property Evidence and Department Procedure 3.26 - Media Evidence Recovery and Impounding / Preserving Procedures.

### **DATA PROTECTION**

The covert audiovisual recording devices have local memory and are in the possession of an authorized user during the use or deployment. After the use of the device, the audiovisual file that was created is downloaded onto an external media device by an authorized user to be impounded. All such evidence is controlled and regulated per Department Procedure 3.02 - Impound, Release, and Disposal of Property Evidence and Department Procedure 3.26 - Media Evidence Recovery and Impounding / Preserving Procedures.

### **DATA RETENTION**

Once the authorized user has impounded the audiovisual file physically, evidence retention is the responsibility of the SDPD Property Unit, and all such evidence is controlled and regulated by SDPD Procedure 3.02 – Impound, Release, and Disposal of Property Evidence. After the audiovisual file is impounded, the memory of the audiovisual recording device will be erased, and no audiovisual files will be on the device before it is returned to the Robbery Unit.

### **PUBLIC ACCESS**

The public has no access to the covert audiovisual recording devices or any audio data it may collect.

Once the authorized user has impounded the audiovisual file physically, evidence retention and access are the responsibility of the SDPD Property Unit and all such evidence is controlled and regulated by SDPD Procedure 3.02 – Impound, Release, and Disposal of Property, Evidence and Articles Missing Identification marks.

### **THIRD PARTY DATA SHARING**

Audiovisual files may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes, which includes criminal investigations and prosecution as allowed by law. The audiovisual files will not be used in immigration enforcement.



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## TRAINING

Individualized training is provided to new users by members of the Robbery Unit upon being issued their first device or when first granted access. Familiarity with operation and placement is provided along with an audiovisual file management tutorial.

## AUDITING AND OVERSIGHT

Personnel who are authorized to use the covert audiovisual recording device shall ensure that their access and use of the device comply with the Surveillance Use Policy.

The request forms shall be retained in the Robbery Unit and log who has access to the covert audiovisual recording device, who was issued a device, and for what purpose. The request forms shall be available for presentation for all required internal and external audits, and oversight will be maintained by the system Program Manager or their designee.

## MAINTENANCE

The San Diego Police Department shall maintain robust security procedures and practices, including operational, administrative, technical, and physical safeguards, to protect the covert audiovisual information from unauthorized access, destruction, use, modification, or disclosure.

The Robbery Unit shall maintain the covert audiovisual recording devices.