Surveillance Use Policy
Products Received from City Departments
San Diego City Attorney's Office

PURPOSE

The San Diego City Attorney's Office (SDCAO) Civil Divisions may receive information from other City departments collected through the use of Surveillance Technology (Products of Surveillance Technology). The purposes for the SDCAO Civil Divisions receiving Products of Surveillance Technology include the investigations of incidents posing the risk of City liability, responding to civil litigation statutory discovery demands, investigations in support of consumer or tenant protection actions, and investigations supporting actions for Gun Violence Restraining Orders and Workplace Violence Restraining Orders. One example of Products of Surveillance Technology received by the SDCAO Civil Divisions is the video/image files from the San Diego Police Department's Body Worn Cameras (BWC). For the same purposes, Unmanned Aircraft Systems (UAS) video/images/data, may also be received by the SDCAO Civil Divisions.

USE

This technology is used by the San Diego City Attorney's Office (SDCAO) Civil Divisions to obtain information regarding parties, witnesses, claims, defenses, and damages in active and anticipated litigation, especially those in which City personnel were present at an incident that led to legal action, regardless of whether they were parties named in the action. These Products of Surveillance Technology allow the SDCAO to fully evaluate claims and fulfill its obligations to the City.

DATA COLLECTION

The SDCAO does not collect the data from Products of Surveillance Technology received from City Departments as part of civil case investigation. The data is collected by City Departments using the various technologies and the SDCAO accesses or receives that data as needed to investigate civil matters, such as lawsuits and Gun Violence and Workplace Violence restraining orders, as well as to respond to civil litigation discovery obligations.

DATA ACCESS

Only authorized SDCAO personnel may access or receive Products of Surveillance Technology from City Departments on a "right to know, need to know" basis. All use must be for a legitimate work purpose. SDCAO Civil Divisions personnel access BWC and photographic media generated by SDPD via the SDPD DEMS through an individually assigned user account and download needed media to the SDCAO's secure network server.

DATA PROTECTION

Users are required to use their work computer in a secure, access-controlled facility when accessing Products of Surveillance Technology received from City Departments. Work computers require an individual user login for access. When working remotely, users are required to log in via the City's Virtual Private Network (VPN) using a work computer and multi-factor authentication; remote users connect to the SDCAO network through a secure connection.

City of San Diego Administrative Regulations associated with Data Protection include:

- A.R. 90.95 Telework Program

City of San Diego Policies associated with Data Protection include:

- Information Technology Policy - Information Security Standards and Guidelines
- Information Technology Policy - Data Loss Prevention System Guidelines and Standards

DATA RETENTION

When the SDCAO determines that Products of Surveillance Technology received from City Departments no longer have a legitimate case need, the information is destroyed in a manner preventing media from being accessed, e.g., deleting electronic records & clearing from computer "Trash" folders.

The SDCAO will follow its Records Retention Guidelines with regard to Products of Surveillance Technology received from City Departments as established by law and policy. The source department for the Products of Surveillance Technology has its own Records Retention Guidelines as established by law and/or policy.

Government Code associated with Products of Surveillance Technology received from City Departments data retention includes:

- Government Code 34090 – Records Retention Period

City of San Diego Administrative Regulation associated with Products of Surveillance Technology received from City Departments data retention includes:

- A.R. 85.10 – Records Management, Retention and Disposition

PUBLIC ACCESS

The public has no access to the SDCAO's Products of Surveillance Technology received from City Departments.

SDPD maintains a public website that allows citizens to access critical incident videos within 45 days of the critical incident.

Government Code associated with Products of Surveillance Technology received from City Departments Public Access includes:

- GC 7923.625 – Peace officers: video and audio recordings: disclosure

THIRD PARTY DATA SHARING

There is no third-party data sharing except when required by law or due process as part of the civil court restraining order process and civil litigation discovery processes.

The SDCAO may provide relevant Products of Surveillance Technology received from City Departments' information to outside counsel contracted with the SDCAO to handle select litigation cases and using a secure, approved file sharing method.

TRAINING

Users must have completed all required City of San Diego related to Information Technology before receiving access.

AUDITING AND OVERSIGHT

SDPD has designated BWC Program Administrators who assist in conducting system audits, when requested. Users who leave the SDCAO or transfer to an assignment not requiring DEMS use have their access removed.

Requests for other Products of Surveillance Technology retrieved from City Departments are generally made in writing and they require approval to receive the information.

MAINTENANCE

The City Department that collected the data is responsible for the maintenance of the system, equipment, or application that collected it.

The SDCAO maintains Products of Surveillance Technology it receives in its ProLaw system on a secure server, systems maintained by the SDCAO Information Technology staff.