

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: DRAFT

NUMBER: 3.33 – INVESTIGATIONS

SUBJECT: SMART STREETLIGHT SYSTEM

RELATED POLICY: 3.26

ORIGINATING DIVISION: CENTRALIZED INVESTIGATIONS

NEW PROCEDURE:

PROCEDURAL CHANGE: MODERATE CHANGES

SUPERSEDES: DP 3.33 – 03/12/2019

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 images. 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 other technologies such as automatic license plate recognition (ALPR).

IV. BACKGROUND

A. On December 13, 2016, San Diego decided to upgrade its infrastructure with “Smart Streetlights.” Cost benefits were anticipated through an LED retrofit of

NEW

8,000 lights and 4,200 “Smart Streetlight” sensors and data collection for City planning.

- B. This technology complements the Department’s goal of striving for continuous improvement in efficiency and effectiveness through the successful management of equipment and personnel during critical incidents. Camera footage from Smart Streetlights will allow the Department to detect and deter crime, help safeguard against potential threats to the public, manage emergency response situations, and enhance investigations.
- C. Video from public areas must be acquired and used in a legal and ethical manner, recognizing constitutional standards of privacy. The Department shall use this technology to safeguard and protect constitutional rights. This procedure provides details for addressing these priorities.
- D. The use of Smart Streetlights provides a unique opportunity to collect evidence of criminal activity in a very proficient manner, but the Department must weigh any associated intrusion into the privacy of the residents of the City of San Diego at every stage.

V. PROCEDURES

A. Technology Placement

- 1. Smart Streetlights are installed in designated locations throughout the City of San Diego for the mutual benefit of the City and its communities. It was envisioned the strategic placement of this technology would positively impact public safety by improving pedestrian safety, helping first responders during emergencies, and expanding gunshot detection capabilities.
- 2. Future expansion of Smart Streetlights and their capabilities into areas recommended by the Department shall be preceded by community outreach and input into potential locations and their impact, in compliance with all applicable laws.

B. Monitoring

- 1. Video from Smart Streetlights is recorded on a 24-hour basis. The video may be accessed by Department members utilizing specialized software programs. Access will be limited to individuals authorized by the Chief of Police who have been trained in the proper operation of the system, legal issues associated with it, and requirements to respect the privacy of members of the public.
- 2. Authorized users shall not permit any person who is not an authorized

user to access information collected by Smart Streetlights. Members of the Department, who are not authorized users, who need information from Smart Streetlights to enhance criminal investigations, shall submit a written request approved by their Commanding Officer to the program manager for consideration. If the request is approved, the program manager shall obtain and provide the recovered video to the requesting member in accordance with established Department evidence procedures.

NEW

3. While Smart Streetlights continuously record video, they do not record audio conversations.
4. The Department does not guarantee recorded footage from this technology, or video from any private sector entities, will be viewed. 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.
5. If an authorized user has any questions about the propriety or legality of using this technology, they shall review the issue with their supervisor and, if necessary, seek guidance from the program manager and Department's legal advisor.

C. Video Log

NEW

1. A log, whether completed manually or automated through the use of acquired software, will be maintained by the Department to document when data from Smart Streetlights was researched. The log will be provided by the system administrator upon public request, subject to certain exemptions.
2. The logs will, at a minimum, record general information about the incident that was investigated, along with the name of the investigator provided with the recorded images. A log entry that would reveal an on-going investigation, or jeopardize public safety, will be withheld until this information may be safely released at the direction of the Chief of Police.

D. Prohibited Use

NEW

1. Smart Streetlights shall not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.
2. Smart Streetlights shall not be used in a discriminatory manner and shall not 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.

3. Smart Streetlights shall not be used to harass, intimidate, or discriminate against any individual or group.
4. Wherever possible, Smart Streetlight technology will identify private property and obscure it from viewing by law enforcement officers, and criminal activity potentially recorded on private property by Smart Streetlights will only be viewed with the consent of property owners or by court order in matters involving felony crimes.

NEW

VI. **SB 54 COMPLIANCE**

No data shall be shared with any government agency, for the specific purpose of immigration enforcement, in accordance with California Government Code 7282.5.

NEW

VII. **INTEGRATION WITH OTHER TECHNOLOGY**

- A. The Department may elect to integrate Smart Streetlights with other technology to enhance public safety through additional available information. Systems such as automatic license plate recognition, gunshot detection, incident mapping, crime analysis, and other video-based analytical systems may be considered based upon availability, nature of department strategy, and seriousness of the crime investigated.
- B. To safeguard privacy, Smart Streetlights shall not be equipped with the following technology: Pan-Tilt-Zoom (PTZ) video magnification, or facial recognition.

VIII. **MEDIA STORAGE AND RETENTION**

- A. All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established Department evidence procedures (Reference Department Procedure 3.02). All actions taken with respect to retention of media shall be appropriately documented.
- B. Smart Streetlights allow recorded video to be viewed for up to fifteen (15) days before it is automatically deleted. Video can be viewed beyond this time frame under the following exceptions:
 1. If a recording is identified as evidence, the retention will follow the Evidence/Property Files retention schedule.

2. Recordings that become part of a citizen complaint or administrative/internal investigation will follow the retention time identified for the complaint/investigation.

IX. RELEASE OF VIDEO IMAGES

- A. All evidence collected from Smart Streetlights is considered an investigative record for the Department and is for official use only.
- B. Requests for recorded video images from the public or the media shall be processed in the same manner as requests for Department public records.
- C. Requests for recorded images from other law enforcement agencies, (e.g., San Diego County District Attorney's Office), shall be released in accordance with a specific and legitimate law enforcement purpose.
- D. Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established Department subpoena process.
- E. Unless prohibited by applicable law, recorded files may be reviewed in accordance with the following criteria and exceptions:
 1. By a Department employee conducting an official investigation;
 2. By members of the City Attorney's Office or Risk Management in connection with pending litigation;
 3. Pursuant to lawful process or by court personnel otherwise authorized to view evidence in a related case;
 4. With approval by the Chief of Police, members reviewing a critical incident, internal affairs investigation, use of force review, or other internal reviews (e.g. Commission on Police Practices);
 5. Internal Affairs shall provide subject employees the opportunity to view recordings relating to an Internal Affairs investigation prior to the administrative interview;
 6. The Chief of Police has the discretion to allow viewing or release of recorded files if they determine it is in the best interest of the Department. When appropriate, every effort will be made to notify involved employees prior to release;
 7. As part of Department approved training;

NEW

8. An officer involved in the intentional discharge of a firearm, an incident where any party sustains great bodily injury, or an in custody death shall not review recorded footage from Smart Streetlights unless approved by the Chief of Police or the Executive Assistant Chief of Police;
9. Subject to the provisions of this policy, the Chief of Police or the Executive Assistant Chief of Police has the discretion to prohibit the review of any recordings by Department employees if it is determined it is in the best interest of the Department or the City of San Diego.

NEW

- F. If an operator accesses or provides access to information obtained from the Smart Streetlight system, the operator shall do the following:
 1. Maintain a record of that access. At a minimum, the record shall include all of the following:
 - a. The date and time the information is accessed.
 - b. The username or other identification of the person who accesses the information, and, as applicable, the organization or entity with whom the person is affiliated.
 - c. The purpose for accessing the information.
 - d. Require that Smart Streetlights information only be used for the authorized purposes as set forth by law and/or procedure.

X. AUDIT

- A. The Chief of Police, designees, supervisors, or managers may conduct periodic reviews of the Department's use of Smart Streetlight technology. The review may include date of use, summary of the purpose, auditing to ensure adherence to this policy, and any proposed policy changes.
- B. The review may also include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy. Any concerns, recommendations for training or deviations from this policy will be promptly addressed.

NEW

XI. VIOLATIONS

- A. Supervisors 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 disciplinary action.
- 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.

XII. TRAINING

NEW

All personnel designated as system users shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations, along with a review regarding relevant policies and procedures, including this policy, and any relevant case law. Training should also address local, state, and federal law related to the use of video recording equipment and privacy.

NEW

XIII. SYSTEM ADMINISTRATOR ROLE AND RESPONSIBILITIES

The Special Projects Commanding Officer will oversee the Smart Streetlights program. **System Administrators shall be sworn members assigned to the Special Projects/Legislative Affairs Division within the Chief's Office** 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 operators 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 with other authorized agencies.
- D. Maintaining user records containing query information including the purpose, date/time of access, data queried, 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.

DRAFT