



Surveillance Use Policy

Smart Streetlight Camera
San Diego Police Department

PURPOSE

The purpose of Smart Streetlights is to help facilitate the investigation of violent crimes, traffic offenses that result in significant injury or the loss of life, and felony property crime, as well as enhance police accountability and increase the overall safety of the community.

USE

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:

- Homicide
- Sexual Assault
- Robbery
- Felony Battery
- Burglary
- Assault with Deadly Weapon
- Motor Vehicle Theft
- Arson
- Human Trafficking
- Child Abuse
- Elder Abuse
- Kidnapping

The San Diego Police Department will also 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.

Any additional technologies, such as facial recognition or gunshot detection, will not be used in conjunction with Smart Streetlights.

The following uses of Smart Streetlights shall be expressly prohibited:

- To invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.
- 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.
- To harass, intimidate, or discriminate against any individual or group.
- To violate any Constitutional rights, federal, state, or local laws (e.g., California Values Act, FACE Act, etc.)
- To be utilized for any personal purpose.



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- To investigate parking violations and conduct traffic enforcement.
- To indiscriminately view video without investigative or administrative need.

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.

Department Procedures specifically associated with the use of Smart Streetlights are:

- DP 1.49 Body Worn Camera/Evidence.com
- DP 1.51 Automated License Plate Recognition (ALPR)
- DP 3.02 Property and Evidence
- DP 3.33 Smart Streetlights

DATA COLLECTION

Smart Streetlight technology uses cameras to capture and store images from public spaces where persons do not have an expectation of privacy. All videos downloaded from the Smart Streetlights and retained as evidence by the Department are considered investigative records and are for official use only.

As Smart Streetlights are deployed, they will be positioned to optimize the collection of videos from public places and eliminate the collection of videos from private property. Each camera will have privacy masking to eliminate the recording of private property.

As Smart Streetlights are installed, a member from the Special Projects and Legislative Affairs (“SPLA”) Unit will be required to activate each camera before it becomes operational. Upon activation of a Smart Streetlight camera, the need for privacy masking will immediately be evaluated. If privacy masking is required, the masking will be applied by a member of the SPLA Unit and shall be approved by a SPLA supervisor.

Additional data points such as vehicle and pedestrian movement, bicycle counts, pedestrian counts, and their direction of travel, as well as stationary vehicle detection, will not be collected.

Any camera adjustments or movements will comply with the Transparent and Responsible Use of Surveillance Technology (“TRUST”) Ordinance.

DATA ACCESS

Personnel who are authorized to have access to the system shall be designated in writing, and the 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.

Personnel using Smart Streetlights shall be specifically trained in the technology and authorized by the Chief of Police, or their designee. Authorized users include personnel listed in Department Procedure 3.33. Access will also be granted to supervisory staff of authorized users (i.e., sergeants, lieutenants, captains) to ensure users are complying with the Use Policy and Department Procedure.



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Recorded videos may be reviewed in accordance with the following criteria:

- By a Department employee conducting an official investigation.
- By members of the City Attorney's Office or Risk Management in connection with pending litigation.
- Pursuant to a lawful process or by court personnel otherwise authorized to view evidence in a related case.
- With approval by the Chief of Police, members reviewing a critical incident, internal review investigation, use of force review, or other internal reviews (e.g., Commission on Police Practices, etc.)
- The Chief of Police has the discretion to allow the viewing or release of recorded files if they determine it is in the best interest of the Department. When appropriate, every effort is made to notify involved employees prior to release.
- As part of Department approved training.

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.

DATA PROTECTION

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. For additional details related to the IT governance processes, refer to the information at the following links:

- <https://www.sandiego.gov/sites/default/files/fy23-fy27-it-strategic-plan-sd.pdf>
- <https://www.sandiego.gov/sites/default/files/legacy/humanresources/pdf/ar/ar9062.pdf>
- <https://www.sandiego.gov/sites/default/files/ar9063.pdf>
- <https://www.sandiego.gov/sites/default/files/legacy/humanresources/pdf/ar/ar9066.pdf>
- <https://www.sandiego.gov/sites/default/files/ar9068.pdf>
- <https://www.sandiego.gov/sites/default/files/ar9074.pdf>

Department Procedure 3.33 mandates that videos collected by Smart Streetlights and retained as evidence shall be stored in a secured law enforcement facility with multiple layers of physical and digital security. Encryption, firewalls, authentication, and other reasonable security measures shall be utilized to protect video evidence.



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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.

DATA RETENTION

All Smart Streetlights videos collected and stored on this technology platform shall be purged no later than 13 days from the date it was collected unless the video was determined to be evidence, downloaded, and stored pursuant to DP 3.02.

Special Projects and Legislative Affairs will be responsible for conducting a monthly audit to ensure the Smart Streetlight operating system is functioning correctly and that all video data collected by the Smart Streetlight technology was appropriately purged.

PUBLIC ACCESS

DP 3.33 provides information related to the release of video from Smart Streetlights, including their availability to members of the public via the California Public Records Act (CPRA) process, and by criminal defendants utilizing the discovery process as prescribed by law. All videos downloaded from the Smart Streetlights and retained as evidence by the Department are considered investigative records and are for official use only. Discovery will be provided to criminal defendants as prescribed by law.

A log 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 exceptions.

The log 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 ongoing investigation, or jeopardize public safety, will be withheld until this information may be safely released at the direction of the Chief of Police.

THIRD-PARTY DATA SHARING

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:

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.

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.

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.



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Smart Streetlights data shall never be released to outside sources, 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 Use Policy, until the adoption of a third-party data-sharing use policy by the San Diego City Council.

Nothing in this Policy 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).

TRAINING

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.

All employees who utilize Smart Streetlights shall be provided a copy of this Surveillance Use Policy, along with instructions on the Constitutional protections (e.g., Fourth Amendment, etc.) and case law requirements associated with its use.

Training will include guidance on the use of cameras, and interaction with dispatch and patrol operations, along with a review regarding relevant policies and procedures. Training should also address applicable laws related to the use of video recording equipment and privacy.

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.

The SPLA Unit shall keep records of all training provided to personnel authorized to use the Smart Streetlights.

AUDITING AND OVERSIGHT

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.

A log shall be maintained that records when access to Smart Streetlight videos is requested, whether the request is internal or external to the San Diego Police Department. This shall include the date, time, data record accessed, staff member involved, case or event number, and purpose of the request. The log shall be available for presentation for all required internal and external audits, the annual report, and internal investigations. Oversight will be maintained by the SPLA Unit.

Subject to the provisions of this policy, the Chief of Police or their 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.



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MAINTENANCE

The San Diego Police Department shall maintain robust security procedures and practices, as noted in the Data Protection section above. These protections shall be in conjunction with those provided by the Smart Streetlight vendor. The vendor shall include operational, administrative, digital information technology security features and physical safeguards to protect Smart Streetlight's video data from unauthorized access, destruction, use, modification, or disclosure.

MODIFICATIONS TO THE USE POLICY

Prior to integration with other technologies, the requesting City department shall come to the City Council for public review and approval, in accordance with the Transparent and Responsible Use of Surveillance Technology (TRUST) Ordinance, section 210.0103.

Any modifications to this Policy must come to the City Council for public review and approval in accordance with the TRUST Ordinance, section 210.0103.