



The City of San Diego

Staff Report

DATE ISSUED: July 13, 2023

TO: Privacy Advisory Board

FROM: San Diego Police Department (SDPD)

SUBJECT: Presentation of Use Policies and Surveillance Impact Reports Associated with AXON Body Worn Camera's and Evidence.com

Primary Contact: Captain Scott Wahl Phone: (619) 531-2995

Secondary Contact: Lieutenant Steve Waldheim Phone: (619) 531-2149

Council District(s): Citywide

OVERVIEW:

On August 10, 2022, the City of San Diego's Surveillance Ordinance amended and added Chapter 2, Article 10, of the San Diego Municipal Code – the "Transparent and Responsible Use of Surveillance Technology" ("Surveillance Ordinance"). The ordinance is designed to provide greater transparency to City Council and the public when the City uses or acquires any technology that meets the City's definition of surveillance. The Surveillance Ordinance requires that for each technology that meets the criteria for surveillance, City Departments must:

- Hold at least one or more community meetings in each City Council district where the proposed surveillance technology is deployed, with an opportunity for public comment and written response.
- Prepare a Surveillance Use Policy that includes the purpose, use, data collection, data access, data protection, data retention, public access, third-party data sharing, training, auditing, oversight, and maintenance.
- Prepare a Surveillance Impact Report including description, purpose, location, impact assessment, mitigations, data types and sources, data security, fiscal cost, third-party dependence, alternatives, track record, public engagement, and comments.
- Present the item to the Privacy Advisory Board for review.
- Present the item to City Council for the acquisition and deployment of all new and currently used surveillance technologies.
- Provide annual reports on surveillance technology use, impact, and acquisitions.

PROPOSED ACTIONS:

In accordance with the Board Notification and Review Requirements outlined in §210.0102 of the Surveillance Ordinance, the Department is requesting approval for use, funding, acquisition and sharing of technology which falls within the definition of surveillance technology under the ordinance. Specifically, the items being requested are known as "Body Worn Cameras" and the video storage solution at "evidence.com" where all the video recordings are stored and shared with legal counsel for purposes of prosecution and defense.

DISCUSSION OF ITEM:

The San Diego Police Department's mission is to provide the highest quality police services to the communities it serves. The Police Department values transparency, public input and welcomes open dialogue about its practices and operations. The preservation and sustainability of public safety, officer safety and civil rights is paramount. The Police Department further recognizes the importance and value of public disclosure regarding the qualified surveillance technology we use. It is our intent to present to the Privacy Advisory Board our Body Worn Camera Program and use of Evidence.com for video and evidence management.

Body Worn Cameras (BWC) are small, front-facing cameras worn on the chest of sworn San Diego Police personnel. When activated by the officer, the camera will record audio and video of the incident, which is later uploaded to Evidence.com.

Law enforcement's use of body worn cameras has proven effective in reducing violent confrontations and complaints against officers. Cameras provide additional documentation of police/public encounters and are an important tool for collecting evidence and maintaining public trust. Body Worn Cameras are used to capture audio and visual evidence for investigations and enforcement encounters.

The specific use of Evidence.com is to store, impound, retrieve, and review all videos recorded by a body worn camera (BWC) and all photo evidence collected by Axon Capture/Axon Citizen. Video recordings of enforcement interactions between the police and members of the community are stored in a cloud. Evidence.com is the secured digital evidence management service contracted by the City and accessed by authorized SDPD personnel via two-factor authentication methods. The service stores digitally encrypted data obtained by Body Worn Cameras (BWC) and all photographic evidence collected with Axon Capture/Axon Citizen on a secured platform accessible to personnel with approved security clearance.

The passing of the Surveillance Ordinance created a Privacy Advisory Board ("PAB") and processes the Department must follow to acquire, use, fund, store and share information from surveillance technologies. The materials required under the Surveillance Ordinance accompany this Staff Report in compliance with the ordinance to provide information surrounding the proposed use of body

cameras and evidence.com and answer the many questions associated with their use and community impact.

David Nisleit

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Chief of Police