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08/01/2023

(R-2024-39)
REV.COPY

RESOLUTION NUMBER R- 315096

DATE OF FINAL PASSAGE AUG 09 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING SMART STREETLIGHT
TECHNOLOGY UNDER THE TRANSPARENT AND
RESPONSIBLE USE OF SURVEILLANCE TECHNOLOGY
ORDINANCE.

WHEREAS, the San Diego Police Department (Department) wishes to acquire, use, share, accept funding or donation for, or contract for Smart Streetlight technology, which falls within the definition of surveillance technology under San Diego Municipal Code (Municipal Code) section 210.0101, and requires approval by the Council of the City of San Diego (Council) under Municipal Code section 210.0103; and

WHEREAS, Smart Streetlight technology uses cameras affixed to City streetlights to collect video and data evidence for use in serious criminal investigations, traffic offenses resulting in loss of life, and significant destruction of property cases, to enhance responses to critical incidents and public threats, to locate at-risk missing persons, and to protect the assets and resources of the City; and

WHEREAS, Smart Streetlight technology will benefit the City and the community by increasing public safety, offering an additional tool to solve serious crimes, saving and maximizing investigative resources, and increasing accountability of police officers; and

WHEREAS, Smart Streetlight technology encrypts its data and provides additional protection of civil rights and civil liberties through configuration to capture video only in public places; and

WHEREAS, any wide-angle view of the Smart Streetlight cameras potentially capturing private property, including homes, curtilage, and places of worship, will be digitally masked and not recorded; and

WHEREAS, the Department's proposal for Smart Streetlight technology does not include use of facial recognition technology or gunshot detection technology, further protecting civil rights and civil liberties; and

WHEREAS, consistent with state law, the Department will not share Smart Streetlight technology data with federal authorities for immigration enforcement; and

WHEREAS, the Department estimates the cost of Smart Streetlight technology to be approximately \$3,500,000 for an initial purchase of 500 cameras, including installation, in addition to a potential annual fee of approximately \$4,000 per installed camera; and

WHEREAS, the Department explored other technologies and non-technology options, such as hiring additional police officers, and determined that there was no alternative with a lesser economic cost or potential impact on civil rights or liberties that would be as effective as Smart Streetlight technology; and

WHEREAS, Smart Streetlight technology will be used Citywide in all City Council Districts, with the specific locations having been made available to the public and the City Council; and

WHEREAS, the Department held community meetings discussing Smart Streetlight technology in all Council Districts between March 6, 2023 and March 10, 2023, received public comment, and incorporated the public comments and responses into the Surveillance Impact Report; and

WHEREAS, the Department prepared and publicly released and posted a Surveillance Use Policy and a Surveillance Impact Report for Smart Streetlights, on file with the City Clerk as document numbers RR- 315096 - 1 and RR- 315096 - 2; and

WHEREAS, Smart Streetlight technology, including the proposed Surveillance Use Policy and the Surveillance Impact Report, was reviewed by the Privacy Advisory Board (Board) on May 31, 2023, and June 22, 2023, at publicly noticed meetings; and

WHEREAS, during the Board's review, the Department received written questions from the Board and responded in writing; and

WHEREAS, on June 22, 2023, the Board recommended that the Council disapprove use of Smart Streetlight technology; and

WHEREAS, the Department received and reviewed the recommendation of the Board, provided a written response, and has submitted the Smart Streetlight technology to the Council for review; and

WHEREAS, the Council has considered the Surveillance Impact Report and Surveillance Use Policy for Smart Streetlight technology; and

WHEREAS, the Council has considered the recommendation of the Board; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego (Council) that the benefits to the community of Smart Streetlight technology outweigh the costs.

BE IT FURTHER RESOLVED, that the Council determines the Department's proposal for Smart Streetlight technology will safeguard civil liberties and civil rights.

BE IT FURTHER RESOLVED, that the Council determines no alternative with a lesser economic cost or lesser impact on civil rights or civil liberties would be as effective as Smart Streetlight technology.

BE IT FURTHER RESOLVED, that Smart Streetlight technology is hereby approved by the Council pursuant to San Diego Municipal Code section 210.0103.

BE IT FURTHER RESOLVED, the Council requests that the Mayor's Office, in consultation with any relevant departments, as well as the Privacy Advisory Board, further develop language within the Surveillance Use Policy to address the following items:

- A process to review and adjust camera placements based on data feedback and community needs;
- Additional procedures to protect private property;
- Additional information regarding security practices for data protection;
- Restrictions on third-party data sharing, including through shared multi-agency databases;
- A regular schedule for updating trainings and refresher trainings as needed;
- Audit procedures to ensure adherence to use policies and procedures; and
- Any additional changes as deemed necessary to follow best practices, to account for any changes in law, and/or to further transparent and responsible use.

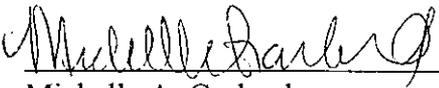
BE IT FURTHER RESOLVED, the Council requests that the Mayor's Office return the revised Surveillance Use Policy to Council for future review.

BE IT FURTHER RESOLVED, the Council requests that the Mayor's Office provide an initial report on Smart Streetlight technology to Council within six months following contract approvals.

BE IT FURTHER RESOLVED, that this approval is not intended to and shall not supersede existing processes to seek approval for the appropriation and expenditure of specific funds through the annual budget process, or existing processes for the approval and execution of contracts, donations, and grants.

BE IT FURTHER RESOLVED, that the Council shall review this approval annually as required by San Diego Municipal Code section 210.0105.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Michelle A. Garland
Chief Deputy City Attorney

MAG:hm
July 7, 2023
REV.COPY
August 2, 2023
Or.Dept: PSE
Doc. No. 3351185_5

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____ **AUG 01 2023** _____

DIANA J.S. FUENTES
City Clerk

By  for Connie P.
Deputy City Clerk

Approved: 8/0/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on AUG 01 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 09 2023

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **315096**