

109 5-14-24

(R-2024-474)

RESOLUTION NUMBER R- 315524

DATE OF FINAL PASSAGE MAY 24 2024

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

WHEREAS, the San Diego Police Department (SDPD) possesses Nighthawk LEOVision (Nighthawk) which falls within the definition of surveillance technology under San Diego Municipal Code Chapter 2, Article 10, Division 1, the Transparent and Responsible Use of Technology Ordinance (TRUST Ordinance); and

WHEREAS, approval of the Council of the City of San Diego (Council) is required under the TRUST Ordinance; and

WHEREAS, Nighthawk is an analytic tool that allows SDPD to visually analyze data returns from a variety of sources including social media platforms, search histories, and cellular device data into one searchable database; and

WHEREAS, Nighthawk benefits the community by providing both incriminating or exculpatory evidence in the investigation and prosecution of crimes; and

WHEREAS, Nighthawk will be used Citywide and SDPD held community meetings discussing Nighthawk in all Council Districts on December 7, 2023, received public comment, and incorporated the public comments and written responses into the Surveillance Impact Report; and

WHEREAS, SDPD has prepared and publicly released and posted a Surveillance Use Policy and a Surveillance Impact Report for Nighthawk, on file with the City Clerk as document numbers RR-315524-1 and RR-315524-2; and

WHEREAS, Nighthawk, including the proposed Surveillance Use Policy and the Surveillance Impact Report, was reviewed by the Privacy Advisory Board (Board) on January 18, 2024, at a publicly noticed meeting; and

WHEREAS, the Board recommended approval of the technology with seven recommendations; and

WHEREAS, SDPD received and reviewed the recommendations of the Board and, in response, has made modifications to the Surveillance Use Policy; and

WHEREAS, the Council has considered the Surveillance Impact Report and Surveillance Use Policy for Nighthawk; and

WHEREAS, the Council has considered the recommendations 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, that the benefits to the community of Nighthawk outweigh the costs.

BE IT FURTHER RESOLVED, that the Council determines the City's proposal for Nighthawk will safeguard civil liberties and civil rights.

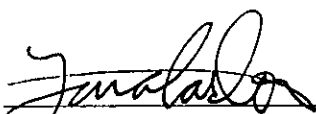
BE IT FURTHER RESOLVED, that the Council determines that no alternative with a lesser economic cost or lesser impact on civil rights or civil liberties would be as effective as Nighthawk.

BE IT FURTHER RESOLVED, that Nighthawk is hereby approved by the Council under the TRUST Ordinance.

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 the TRUST Ordinance.

APPROVED: MARA W. ELLIOTT, City Attorney

By  \_\_\_\_\_  
Lara E. Easton  
Deputy City Attorney

LEE:hm  
March 27, 2024  
Or.Dept: PSE  
CC No.: N/A  
Doc. No. 3606697

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 14 2024.

DIANA J.S. FUENTES  
City Clerk

By  \_\_\_\_\_  
Deputy City Clerk

Approved: 5/24/24  
\_\_\_\_\_  
(date)

 \_\_\_\_\_  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on MAY 14 2024, 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"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 24 2024.

**(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 *Kristell Medina*, Deputy

Office of the City Clerk, San Diego, California  
**315524**  
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