

RESOLUTION NUMBER R- 315525

DATE OF FINAL PASSAGE MAY 24 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING MOBILE DEVICE FORENSIC  
TECHNOLOGIES PURSUANT TO THE TRANSPARENT AND  
RESPONSIBLE USE OF SURVEILLANCE TECHNOLOGY  
ORDINANCE.

WHEREAS, the San Diego Police Department (SDPD) uses Mobile Device Forensic Technologies (MDFT), which fall 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, SDPD utilizes the MDFT to extract cell phone data from cell phones when proper legal authority, such as a search warrant or consent authorization form, is obtained. MDFT is designed to complete extraction without altering or adding data to the phone; and

WHEREAS, MDFT provide crucial insights into the nature of the crime being investigated. These technologies are an invaluable tool that SDPD has used countless times to help victims of serious crimes including homicides and violent sexual assaults; and

WHEREAS, MDFT benefit the City and the community by furthering SDPD's ability to provide critical information and evidence collection for crimes; and

WHEREAS, MDFT are not shared with the vendors or third parties, and are only accessed by trained and authorized SDPD personnel; and

WHEREAS, SDPD complies with the California Electronic Communications Privacy Act, under Penal Code section 1546.1 to safeguard the information contained on a person's cell

phone. Extracted data is considered confidential. Copies of the data can only be obtained with a court order or other legal proceeding; and

WHEREAS, MDFT will be used Citywide and SDPD held community meetings discussing these technologies 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 MDFT, on file with the City Clerk as document number RR-315525-1 and RR-315525-2; and

WHEREAS, MDFT, including the proposed Surveillance Use Policies and the Surveillance Impact Reports, were reviewed by the Privacy Advisory Board (Board) on January 18, 2024, at a publicly noticed meeting; and

WHEREAS, the Board recommended the Council approve the MDFT proposal, with recommended modifications; and

WHEREAS, SDPD received and reviewed the recommendations of the Board and responded to the Board's recommendation in three separate memorandums dated March 18, 2024; and

WHEREAS, the Council has considered the Surveillance Impact Reports and Surveillance Use Policies for MDFT; 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 MDFT outweigh the costs.

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

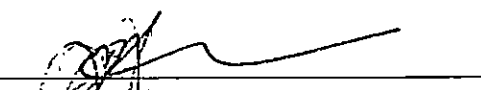
BE IT FURTHER RESOLVED, that the Council determines that no alternative with a lesser economic cost or lesser impact on civil rights or civil liberties would be as effective as MDFT.

BE IT FURTHER RESOLVED, that MDFT are hereby approved by the Council pursuant to 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   
\_\_\_\_\_  
Jill S. Cristich  
Deputy City Attorney

JSC:hm  
April 5, 2024  
Or.Dept: PSE  
CC No. N/A  
Doc. No. 3614007

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

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