

RESOLUTION NUMBER R- 315696

DATE OF FINAL PASSAGE JUL 30 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING COVERT CLOUD BASED MOBILE
APPLICATIONS UNDER THE TRANSPARENT AND
RESPONSIBLE USE OF SURVEILLANCE TECHNOLOGY
ORDINANCE.

WHEREAS, the San Diego Police Department (SDPD) uses Covert Cloud Based Mobile Applications (CBMA) technology, 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, SDPD utilizes CBMA technology for audiovisual recording, audio recording, GPS location, and recording of text or multimedia messages. CBMA is designed to create objective real-time recordings and documentation to develop and further investigations, and to protect undercover operators at risk during sensitive investigations; and

WHEREAS, CBMA technology increases transparency and accuracy in investigations by creating a digital recording of the conversations and interactions which do not require that investigators take notes or rely on memory to document details; and

WHEREAS, the California Penal Code restricts the covert recording of individuals, but provides exemptions for law enforcement acting in the scope of their employment; and

WHEREAS, there is no alternative with lesser economic cost or impact on civil liberties or rights. The cost per fiscal year is \$23,147.80 for 116 licenses; and

WHEREAS, the CBMA technology will be used Citywide and SDPD held community meetings discussing CBMA technology in all Council Districts on January 11, 2024, 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 CBMA technology, on file with the City Clerk as document numbers RR-315696-1 and RR-315696-2; and

WHEREAS, SDPD notified the Chair of the Privacy Advisory Board (Board) of the CBMA technology and provided a Surveillance Use Policy and Surveillance Impact Report on January 16, 2024; and

WHEREAS, although draft recommendations were posted by the Board, the Board did not adopt a recommendation on the proposed surveillance technology within 90 days of notice to the Board Chair, and SDPD now seeks Council approval of the CBMA technology; and

WHEREAS, the Council has considered the Surveillance Use Policy and Surveillance Impact Report for CBMA technology; 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 CBMA technology outweigh the costs.

BE IT FURTHER RESOLVED, that the Council determines the City's proposal for CBMA technology 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 CBMA technology.


BE IT FURTHER RESOLVED, that CBMA technology 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 Easton
Deputy City Attorney

LEE:hm
May 21, 2024
Or.Dept: SDPD
CC No. N/A
Doc. No. 3636672

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 23 2024.

DIANA J.S. FUENTES
City Clerk

By *Cornie Patterson*
Deputy City Clerk

Approved: 7/25/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUL 23 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 JUL 23 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 Diana Dravin, Deputy
For Connie Patterson

Office of the City Clerk, San Diego, California

Resolution Number R- 915696