

RESOLUTION NUMBER R- 315774

DATE OF FINAL PASSAGE OCT 03 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE 836 CINT COMMANDER
AND THE TACTICAL THROW PHONE TECHNOLOGIES
UNDER THE TRANSPARENT AND RESPONSIBLE USE OF
SURVEILLANCE TECHNOLOGY ORDINANCE.

WHEREAS, the San Diego Police Department (SDPD) uses the 836 CINT Commander (836 Commander) and the Tactical Throw Phone (Throw Phone) technologies (collectively, "836 Technologies") 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, 836 Technologies are utilized by the SDPD Emergency Negotiations Team (ENT) during critical crisis incidents involving life-threatening behavior; and

WHEREAS, the 836 Commander allows negotiators to call and communicate with involved parties and includes software that allows the negotiations team to monitor ongoing communications; and

WHEREAS, the Throw Phone allows tactical law enforcement personnel to deploy a hardwired phone into a barricade/hostage scenario; and

WHEREAS, when combined, 836 Technologies result in a negotiation recording and control system that includes hardware and software that facilitates communication between landline and/or cellular telephones; and

WHEREAS, 836 Technologies allow negotiators to call and communicate with involved parties, suspects and hostages and includes software that allows the negotiations team to monitor ongoing communications in attempting to bring the event to a peaceful resolution; and

WHEREAS, in events requiring a court order under California Penal Code 633.8, data recorded by 836 Technologies would be entered into evidence, documented, and submitted to the authorizing court; and

WHEREAS, access to 836 Technologies is restricted to trained ENT members and SWAT personnel; and

WHEREAS, 836 Technologies were grant funded and do not incur associated continued costs; and

WHEREAS, 836 Technologies are used Citywide and SDPD held community meetings discussing 836 Technologies in all Council Districts on February 22, 204, 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 the 836 Commander, on file with the City Clerk as document numbers RR-315774-1 and RR-315774-2, and

WHEREAS, SDPD has prepared and publicly released and posted Surveillance Use Policies and Surveillance Impact Reports for the Throw Phone, on file with the City Clerk as document numbers RR-315774-3 and RR-315774-4, and

WHEREAS, 836 Technologies, including the proposed Surveillance Use Policies and the Surveillance Impact Reports, were reviewed by the Privacy Advisory Board (Board) on March 7, 2024, at a publicly noticed meeting; and

WHEREAS, the Board recommended to approve 836 Technologies with modifications; and

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

WHEREAS, the Council has considered the Surveillance Use Policies and Surveillance Impact Reports for 836 Technologies; 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 836 Technologies outweigh the costs.

BE IT FURTHER RESOLVED, that the Council determines the City's proposal for 836 Technologies 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 836 Technologies.

BE IT FURTHER RESOLVED, that 836 Technologies 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 
Laura M. DePoister
Deputy City Attorney

LMD:hm
July 11, 2024
Or.Dept: PSE
CC No. N/A
Doc. No. 3717409

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 24 2024

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 10/3/24
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on SEP 24 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 OCT 03 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 Gilda Aruen, Deputy
For Connie Patterson

Office of the City Clerk, San Diego, California
Resolution Number R- 315774