

RESOLUTION NUMBER R- 315432

DATE OF FINAL PASSAGE MAR 22 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE USE OF THE AVALEX DVR
AND FLIR 380 HDC CAMERA UNDER THE TRANSPARENT
AND RESPONSIBLE USE OF SURVEILLANCE
TECHNOLOGY ORDINANCE.

WHEREAS, the San Diego Police Department (SDPD) uses or possesses the Avalex DVR (Avalex) and the FLIR 380 HDc camera (FLIR) 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 by the TRUST Ordinance; and

WHEREAS, FLIR is an externally mounted camera that is attached to SDPD's helicopters. FLIR produces video images in color, low-light, as well as in infrared and Avalex is the DVR that records and stores these images; and

WHEREAS, video of incidents that are of possible evidentiary value in criminal cases are impounded on a secure external drive and assigned an Air Borne Law Enforcement Unit (ABLE) video recording number or are uploaded to SDPD's evidence management system; and

WHEREAS, SDPD's use of Avalex and FLIR benefits the City and the community by furthering the Department's ability to investigate crimes, deter or solve crime, and enhance public safety; and

WHEREAS, Avalex and FLIR will be used Citywide and SDPD held community meetings discussing these technologies in all Council Districts on November 8, 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 Avalex and FLIR November 9, 2023, on file with the City Clerk as document numbers RR-315432-1 and RR-315432-2; and

WHEREAS, Avalex and FLIR, including the proposed Surveillance Use Policy and the Surveillance Impact Report, was reviewed by the Privacy Advisory Board (Board) on November 16, 2023, at a publicly noticed meeting; and

WHEREAS, the Board recommended to approve these technologies as modified to improve their controls, processes, and monitoring; and

WHEREAS, SDPD received and reviewed the recommendations of the Board and responded to the Board's recommendations in a memorandum dated February 2, 2024; and

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

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

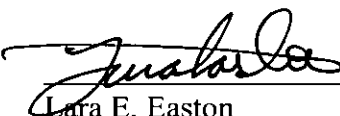
BE IT FURTHER RESOLVED, that the Council determines that no alternative with a lesser economic cost or lesser impact on civil rights or civil liberties would be as effective as Avalex and FLIR.

BE IT FURTHER RESOLVED, that Avalex and FLIR is 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  _____
Lara E. Easton
Deputy City Attorney

LEE:hm
February 16, 2024
Or.Dept: PSE
CC No. N/A
Doc. No. 3566538

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 19 2024.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 3/22/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on MAR 19 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"/>
District 4 - vacant	<input 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 MAR 22 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 Connie Patterson Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 315432