

RESOLUTION NUMBER R- 315602
DATE OF FINAL PASSAGE JUN 18 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE BERLA iVe TOOLKIT
UNDER THE TRANSPARENT AND RESPONSIBLE USE OF
SURVEILLANCE TECHNOLOGY ORDINANCE.

WHEREAS, the San Diego Police Department (SDPD) uses Berla iVe Toolkit technology (Berla iVe Toolkit) 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, the Berla iVe Toolkit consists of hardware and software utilized to obtain and analyze data from a supported vehicle’s Infotainment and Telematics System; and

WHEREAS, examples of data obtained from supported vehicles include user data such as connected devices, bluetooth and wi-fi connections, call logs and contact lists; navigational data such as recent destinations, saved locations, tracklogs and track points; and vehicle event data such as door openings and closings, gear shifts, ignition starts, odometer readings and speed logs; and

WHEREAS, the Berla iVe Toolkit benefits the community by providing SDPD analysis of what happened, where it occurred and who was involved, thus providing both incriminating and/or exculpatory evidence in the investigation and prosecution of crimes; and

WHEREAS, the Berla iVe Toolkit is only utilized upon the issuance of a valid search warrant or written consent from the vehicle’s owner; and

WHEREAS, the Berla iVe Toolkit costs approximately \$3,250 per fiscal year; and

WHEREAS, the Berla iVe Toolkit will be used Citywide and SDPD held community meetings discussing the Berla iVe Toolkit 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 the Berla iVe Toolkit, on file with the City Clerk as document numbers RR-315602-1 and RR-315602-2; and

WHEREAS, the Berla iVe Toolkit, 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 Berla iVe Toolkit with modifications; and

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

WHEREAS, the Council has considered the Surveillance Impact Report and Surveillance Use Policy for the Berla iVe Toolkit; 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 the Berla iVe Toolkit outweigh the costs.

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

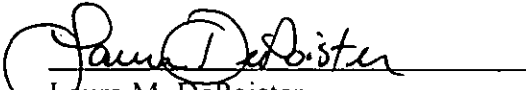
BE IT FURTHER RESOLVED, that the Council determines that no alternative with a lesser economic cost or lesser impact on civil rights or civil liberties would be as effective as the Berla iVe Toolkit.

BE IT FURTHER RESOLVED, that the Berla iVe Toolkit 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:jdf
02/14/2024
Or.Dept: PSE
CC No.: N/A
Doc. No. 3564360

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 11 2024

DIANA J.S. FUENTES
City Clerk

By Kristhell Medina
Deputy City Clerk

Approved: 6/17/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 11 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 JUN 18 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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