

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: MARCH 12, 2019

NUMBER: 3.33 – INVESTIGATIONS

SUBJECT: INTELLIGENT STREETLIGHTS

RELATED POLICY: 3.26

ORIGINATING DIVISION: CENTRALIZED INVESTIGATIONS

NEW PROCEDURE:

PROCEDURAL CHANGE:

SUPERSEDES: NEW PROCEDURE

I. PURPOSE

This procedure provides guidance for the proper use of technology embedded within Intelligent Streetlights. It includes direction for accessing and reviewing video acquired from this equipment, as well as the storage and release of the captured images. This procedure does not apply to mobile audio/video systems, covert audio/video systems, or any other image-capturing devices used by the Department.

II. SCOPE

This procedure applies to all members of the Department.

III. DEFINITIONS

Intelligent Streetlights (ISL) – refers to City streetlights that have been enhanced with embedded technology, including CityIQ sensor nodes and cameras, which were deployed as part of the City’s significant efforts to update its infrastructure.

IV. BACKGROUND

- A. On December 13, 2016, the City of San Diego approved an agreement with General Electric to upgrade its infrastructure with “Intelligent Streetlights” from GE in approximately 14,000 of its 60,100 streetlights.

- B. The City's partnership with GE is expected to significantly reduce its energy consumption by adopting Adaptive Control LED lighting systems, and the data collected from the deployment of over 4,000 Intelligent Streetlights will allow the City to transform this equipment into a "connected digital network to optimize parking and traffic, enhance public safety, and track air quality."
- C. This technology complements the Department's goal of striving for continuous improvement in efficiency and effectiveness through the successful management of equipment and personnel during critical incidents. Camera footage from Intelligent Streetlights will allow the Department to detect and deter crime, help safeguard against potential threats to the public, manage emergency response situations, and enhance investigations.
- D. Video from public areas must be acquired and used in a legal and ethical manner, recognizing constitutional standards of privacy. The Department shall use this technology to safeguard and protect citizens' constitutional rights, especially those related to freedom of speech. This procedure provides details for addressing these priorities.
- E. The use of Intelligent Streetlights provides a unique opportunity to collect evidence of criminal activity in a very proficient manner, but utilization costs associated with this technology must be carefully managed to sustain the viability of this technology within the Department. A program manager, determined by the Chief of Police, will ensure evidence requests are appropriate and weighed against costs that may inhibit continued evidence collection from Intelligent Streetlights.

V. PROCEDURES

A. Technology Placement

Intelligent Streetlights were installed in designated locations throughout the City of San Diego as directed by the Environmental Services Department for the mutual benefit of the City and its communities. It was envisioned the strategic placement of this technology would positively impact public safety by improving pedestrian safety, helping first responders during emergencies, and expanding gunshot detection capabilities.

Future expansion of Intelligent Streetlights and their capabilities into areas recommended by the Department should be preceded by community outreach and input into potential locations and their impact.

B. Monitoring

Video from Intelligent Streetlights is recorded on a 24-hour basis. Access to the video may be achieved by Department members utilizing specialized software programs and will be limited to individuals authorized by the Chief of Police who have been trained in the proper operation of the system, legal issues associated with it, and requirements to respect the privacy of members of the public.

1. Authorized users shall not permit any person who is not an authorized user to access information collected by Intelligent Streetlights. Members of the Department, who are not authorized users, who need information from Intelligent Streetlights to enhance criminal investigations, shall submit a written request approved by their Commanding Officer to the program manager for consideration. If the request is approved, the program manager shall obtain and provide the recovered video to the requesting member in accordance with established Department evidence procedures.

While Intelligent Streetlights continuously record video, they do not record audio conversations.

2. The Department does not guarantee recorded footage from this technology, or video from any private sector entities, will be viewed. The Department's decision to view video footage, regardless of source, is primarily driven by many considerations including: severity of reported crimes, immediacy of threats to public safety, and information needed to position resources and personnel during critical incidents.

If an authorized user has any questions about the propriety or legality of using this technology, they shall review the issue with their supervisor and, if necessary, seek guidance from the program manager and Department's legal advisor.

C. Video Log

A log, whether completed manually or automated through the use of acquired software, will be maintained by the Department and provided upon public request by the program manager to document when data from Intelligent Streetlights was researched. The logs will, at a minimum, record general information about the incident that was investigated, along with the name of the person that was provided recorded images. A log entry that would reveal an on-going investigation, or jeopardize public safety, would be withheld until this information could be safely released at the direction of the Chief of Police.

D. Prohibited Use

Intelligent Streetlights will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

1. They shall also not be used in a discriminatory manner and shall not target protected individual characteristics including, age, skin color, race, ethnicity, national origin, pregnancy, citizenship, immigration status, religion, disability, gender or sexual orientation.

This equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

2. Wherever possible, this technology will identify private property and obscure it from viewing by law enforcement officers, and criminal activity potentially recorded on private property by Intelligent Streetlights will only be viewed with the consent of property owners or by court order in matters involving felony crimes.

VI. INTEGRATION WITH OTHER TECHNOLOGY

- A. The Department may elect to integrate Intelligent Streetlights with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, and other video-based analytical systems may be considered based upon availability, nature of department strategy and seriousness of the crime investigated.
- B. To safeguard privacy, Intelligent Streetlights shall not be equipped with the following technology: Pan-Tilt-Zoom (PTZ) video magnification, facial recognition, and/or automatic license-plate readers (ALPR).
- C. The Department will continue to evaluate the availability and appropriateness of collaborating with other public and private sector entities that may share access to recorded video from their camera systems with the Department. When accessing third party or other government agency camera footage, the Department should evaluate whether their use of camera technology, such as pan-tilt-zoom systems and or other analytical tools, requires additional safeguards that meets the Department's commitment to safeguarding privacy.
- D. In the event the Department decides to enter into an agreement or Memorandum of Understanding (MOU) with a private entity or government agency allowing access to video from cameras operated by those parties under terms more restrictive than this procedure, Department members will adhere to the more restrictive agreement.

VII. MEDIA STORAGE AND RETENTION

- A. All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established Department evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.
- B. Intelligent Streetlights allow recorded video to be viewed for up to five (5) days before it is automatically deleted. Video can be viewed beyond this time frame under the following exceptions:
 - 1. If a recording is identified as evidence, the retention will follow the Evidence/Property Files retention schedule.
 - 2. Recordings that become part of a citizen complaint or administrative/internal investigation will follow the retention time identified for the complaint/investigation.
 - 3. Authorized users shall keep all information obtained from Intelligent Streetlights strictly confidential and disclose it only to further law enforcement purposes.

VIII. RELEASE OF VIDEO IMAGES

- A. All evidence collected from Intelligent Streetlights is considered an investigative record for the Department and is for official use only.
- B. Requests for recorded video images from the public or the media shall be processed in the same manner as requests for Department public records.
- C. Requests for recorded images from other law enforcement agencies, (e.g., San Diego County District Attorney's Office), shall be released in accordance with a specific and legitimate law enforcement purpose.
- D. Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established Department subpoena process.
- E. Unless prohibited by applicable law, recorded files may be reviewed in accordance with the following criteria and exceptions:
 - 1. By a Department employee conducting an official investigation.

2. By members of the City Attorney's Office or Risk Management in connection with pending litigation;
3. Pursuant to lawful process or by court personnel otherwise authorized to view evidence in a related case;
4. With approval by the Chief of Police, members reviewing a critical incident, internal affairs investigation, use of force review, or other internal reviews;
5. Internal Affairs shall provide subject employees the opportunity to view recordings relating to an Internal Affairs investigation prior to the administrative interview;
6. The Chief of Police has the discretion to allow viewing or release of recorded files if he/she determines it is in the best interest of the Department. When appropriate, every effort will be made to notify involved employees prior to release;
7. As part of Department approved training;
8. An officer involved in the intentional discharge of a firearm, an incident where any party sustains great bodily injury, or an in custody death shall not review recorded footage from this technology unless approved by the Chief of Police or the Executive Assistant Chief of Police;
9. Subject to the provisions of this policy, the Chief of Police or the Executive Assistant Chief of Police has the discretion to prohibit the review of any recordings by Department employees if it is determined it is in the best interest of the Department or the City of San Diego.

IX. AUDIT

- A. The Chief of Police, his/her designee, supervisors, or managers may conduct periodic reviews of the Department's use of Intelligent Streetlight technology. The review may include date of use, summary of the purpose, auditing to ensure adherence to this policy, and any proposed policy changes. The review may also include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy. Any concerns, recommendations for training or deviations from this policy will be promptly addressed.

X. VIOLATIONS

- A. Supervisors shall inspect their personnel's compliance with this procedure for potential violations.
- B. Unauthorized access to the system, misuse of the system, unauthorized reproduction of images, or unauthorized distribution of images may result in disciplinary action.
- C. Any Department member who has knowledge concerning a violation of this procedure shall immediately report it for further investigation.

XI. TRAINING

- A. All personnel designated as system users shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations, along with a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video recording equipment and privacy.

