



Surveillance Use Policy

BERLA

San Diego Police Department

PURPOSE

The purpose of BERLA is to improve public safety by providing an effective method of investigating criminal activity. The BERLA equipment is used to acquire and analyze data stored within a vehicle's Infotainment/Telematics System. The data can include vehicle events, location data and connected devices. The analysis of the vehicle data can help determine what happened, where it occurred and who was involved.

USE

The BERLA equipment is used after a crime has been committed and an involved vehicle has been located and recovered. An authorized user will attempt to acquire and then analyze data from the involved vehicle. The equipment is used by sworn peace officers who have been trained and/or certified by BERLA.

DATA COLLECTION

The most common data acquired by the BERLA equipment consists of vehicle events, location data and connected devices. The vehicle events are events such as door openings, ignition activity and seatbelt usage. These events are typically recorded along with a date/time stamp and the GPS location of the vehicle at the time of the event. Some location data is included in the vehicle events and others in what are called Track Logs. The software parses location data into what it believes are vehicle trips (tracks) to show where a vehicle was located (based on GPS coordinates) at a given date/time. Connected devices show what devices have been paired with the vehicle system. These can include some cellular phone data, such as contacts and call logs. There is a chance a vehicle may contain devices connected to the vehicle that are unrelated to the specific criminal case. When this occurs, the analyzing officer will need to make this determination and then not further analyze that specific device. This is also restricted by the scope of the search warrant obtained to acquire and analyze the data.

DATA ACCESS

The BERLA equipment is kept in a locked cabinet at SDPD Traffic Division and access is limited to authorized sworn personnel. The computer storing the BERLA software is password protected and only authorized users may access it.

The BERLA equipment is used with either a search warrant or written consent from the vehicle's owner.

The "vehicle system" the Berla equipment accesses is the Infotainment/Telematics System. This is specifically addressed in the search warrant. No other "system" is accessed unless additionally requested in the search warrant.

Whenever a search warrant is applied for, the scope of the search has to be clearly defined. A search warrant for the use of Berla is no different. The search warrant explains the exact location/property to be searched and lists what items are to be seized from that location/property. The judge must approve this before the search warrant can be granted.



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As with every search warrant, the officer/detective is responsible for ensuring they are searching within the scope of the warrant and the attorneys and Judge are there to be sure this is being adhered to.

The information obtained during the search is typically related to a criminal case and is therefore included as evidence. The information can be accessed by the prosecuting attorney and provided to the defense attorney through the discovery process.

DATA PROTECTION

Only sworn SDPD personnel with current passwords can access and operate the BERLA equipment. Authorized users should only access the data in connection with an active investigation and when there is a need to know, right to know.

DATA RETENTION

Data is attached to criminal investigations. BERLA is not used for non-investigative reasons. Records related to criminal investigations are kept for statutorily varying periods depending on the type of record, whether a person has been prosecuted and/or whether the record was lawfully sealed. Records will be destroyed in accordance with laws relating to the destruction of evidence when it is no longer needed or as required by court order.

PUBLIC ACCESS

All data recovered is for the official use of the San Diego Police Department. Members of the public do not have access to this information when it is gathered as part of a criminal investigation and the information is exempt from public disclosure pursuant to a public records request. Data that is the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process. Criminal defendants have access to information pursuant to state and federal laws relating to discovery or as otherwise required by law. Discovery is overseen by the courts.

THIRD PARTY DATA SHARING

Data is generally only used by the San Diego Police Department. However, data may be shared with other law enforcement agencies who are involved in a joint criminal investigation, or who are conducting their own criminal investigation. Data can also be shared with various prosecutors' offices, including District Attorney, the State Attorney or the United States Attorney, as well as with criminal defendants and their attorneys through the criminal discovery process, or as otherwise required by law.

TRAINING

Sworn officers must successfully complete a BERLA-certified training course to have "certified access" or a non-certified training course to have "non-certified" access prior to use. Users will be made aware of this Use Policy.



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AUDITING AND OVERSIGHT

The use of the BERLA equipment is documented in a criminal police report. In addition, an information log is utilized to document each usage of BERLA equipment. The log consists of case identification information, the type of vehicle accessed and the date/time of the acquisition.

MAINTENANCE

All equipment maintenance is done in coordination with BERLA. Hardware assistance typically involves shipping the defective part to BERLA and having the repaired or a replacement part shipped back to the San Diego Police Department.

Software updates are conducted every few months at the direction of BERLA on a secured computer that is not connected to the City's network.