Automated License Plate Recognition (ALPR)

Community Questions and CVPD Responses

Over the past few months, members of the public have presented a number of questions and concerns to the Chula Vista Police Department and other City officials regarding the Police Department's ALPR program. Many of these questions and concerns have focused on ALPR program data sharing with certain Federal Agencies (ICE, USBP and HSI).

To date, there have been limited opportunities for the public to get their questions answered directly. The purpose of this document is to attempt to remedy that, at least partially, by providing direct answers to many, if not all, of the questions we have received. Many of the questions answered here were submitted directly to the Police Department over the past few months. Others were submitted to the City during the March 23 City Council meeting and the subsequent April 7 Community Forum.

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1. **When and how did the Chula Vista Police Department (CVPD) begin to collect and provide license plate data to other agencies?**

   The Chula Vista Police Department began obtaining license plate data through an ALPR system in 2007, a few months after City Council approval of the program.

   The Chula Vista Police Department does not itself send ALPR data to other law enforcement agencies. However, in 2017, when the Department switched ALPR vendors to Vigilant Solutions it began subscribing to their Law Enforcement Archival Reporting Network (LEARN) database. The subscription to the LEARN database included the capability for Chula Vista's ALPR data to be included in searches by other law enforcement agencies across the country, commonly referred to as "Data Sharing."

2. **Describe the exact number and types of equipment, software, training, number of staff involved, as well as any changes over time.**

   When it was originally approved by the City Council in 2007, the ALPR program consisted of three ALPR camera systems. Each camera system was (and still is) mounted atop three marked patrol cars that are a part of the Police Department's normal fleet of patrol vehicles. The program was expanded to add a fourth patrol car after City Council approval in 2011. The Police Department has continued to operate four ALPR camera systems ever since. Additional changes to the program included 2017, when the ALPR vendor changed from 3M/PIPS to Vigilant Solutions, and 2020, when grant funding was accepted which included replacing existing ALPR equipment.

   The Police Department operates four marked patrol cars equipped with ALPR camera systems that operate while the vehicles are in use. Patrol cars are assigned to patrol officers on an available basis and are not assigned based on geography. Due to shift

overlaps, patrol cars may not be used on some shifts (i.e., a day shift officer drives one, making it unavailable for the next shift, but available for an officer on the overnight shift to drive).

The ALPR system operates as an ongoing service and does not have any dedicated full-time staff. But management and oversight of the system is the responsibility of one Police Captain, who is supported by a Police Lieutenant, Sergeant, and Information Technology Manager.

Police Department policy outlines restrictions and requirements related to ALPR program access, administration, operation, data sharing and retention and accountability. Access to ALPR data is restricted to authorized users from among authorized department personnel. All authorized users are required to complete department training before being granted access. Each user is provided a unique log-in credential and is prohibited from sharing credentials with others or from using someone else's credentials. Users who violate this are subject to discipline under department policy and could also face criminal prosecution under data security and protection laws. Users who have not accessed the system for 90 days are automatically suspended from access until they request access be restored. A system administrator must approve their request to restore access. In these cases, the user is also provided training materials as a refresher.

Use of the ALPR system is restricted to official law enforcement use only. Any authorized user conducting an inquiry into the system must log in using their secure log in credentials and must provide a reason for the inquiry (such as a criminal investigation case number, etc.)

3. **Does CVPD currently operate or have access to any ALPR devices other than the four vehicle devices mentioned in the SD-UT article of 12/6/20?**

   The Police Department does not operate any other ALPR cameras or systems beyond those mentioned herein. As part of the sharing agreement with Vigilant, the Department does have the ability to search the ALPR data from other agencies and from commercial (non-government) organizations that have elected to share with law enforcement.

4. **Are there any fixed ALPR devices currently in use and sharing data to Vigilant Solutions, LLC? If so, what are their general locations and purpose? (If security is a concern, give an approximate location such as census block or policy area.)**

   The Police Department does not operate any fixed ALPR devices or systems.

5. **What is the purpose, stated goals of the ALPR system and how is success judged?**

   According to a 2012 International Association of Chiefs of Police (IACP) study 3, Automated License Plate Reader (ALPR) technology was invented in 1976 in the United Kingdom to prevent terrorist bombings in London. ALPR technology has been in-use by law enforcement agencies around the world since at least 2001 and uses cameras and

illumination to photograph a license plate and scan the image by image-processing software that extracts the necessary data (such as license plate number and state). That data is then compared against police databases such as lists of stolen and wanted vehicles. ALPR data can also be manually searched by police investigators.

Because of their relatively low cost and effectiveness ALPR systems are now used by hundreds of law enforcement agencies across the country. A January 2012 Police Executive Research Forum (PERF) Technology Summit in Washington D.C. showed 71% of surveyed police departments in the United States employed ALPR systems to some extent and 85% planned to acquire or expand their use of ALPR systems in the next five years. Agencies across the country utilize ALPR systems to locate missing persons or people with warrants or those wanted in connection to crimes, locate stolen cars and assist with ongoing criminal investigations. Compared to collection of this data by hand, ALPR systems save countless hours of investigation. Most of the County Municipal Agencies use ALPRs in some manner. Several operate both mobile and fixed ALPR systems and several utilize ALPR systems for parking enforcement.

In 2007, the Chula Vista Police Department requested the acquisition of ALPR systems as a tool help address an increase in crime. Then, as now, the ALPR is a tool that can provide timely alerts to vehicles wanted in connection to an investigation that may have otherwise escaped the officers vision when operating an ALPR equipped patrol car. The search function provides detectives with a method for narrowing the search locations for people suspected of or wanted for committing crimes.

Like many other technologies such as police radios, public safety use of smartphones, criminal justice system databases, the 911 system and more, calculating the success of any specific technology is extremely difficult to quantify. There are numerous studies and reports about ALPR programs in general and their utility and application to enhance public safety services. Those general reports are supported by ample anecdotal evidence from our own experiences. Numerous examples of this evidence were provided in the March 23, 2021 staff report to the City Council. This anecdotal evidence suggests that the ALPR program has real-world value to solve crimes, locate and apprehend offenders, and help to maintain public safety in Chula Vista.

6. What purposes were considered, even if not implemented?

Other than the purposes detailed in Question #5, we are not aware of any other purposes that were considered for the ALPR system.

7. From its inception, who has approved the program (exact dates and city officials)?

October 9, 2007: The City Council approved the Police Department's proposal to fund the purchase of an ALPR camera system. The proposal included the purchase of camera systems mounted to three marked, routine police vehicles used by uniformed patrol

officers. The proposal was listed in the council agenda, and the Council approved the purchase in Council Resolution #2007-249.

February 1, 2011: The City Council approved the Police Department's proposal to fund a fourth ALPR camera system. The proposal was listed in the council agenda, and the Council approved the purchase in Council Resolution #2011-012.

July 1, 2016: Chief of Police David Bejarano signed the SANDAG-ARJIS Memorandum of Understanding (MOU). This MOU included a data sharing agreement for ALPR data and cited a 2008 Privacy Impact Assessment (PIA) led by the International Association of Chiefs of Police, which reviewed existing local state and federal laws and included American Civil Liberties Union (ACLU) privacy concerns. The resulting 2009 PIA provided the background of this Policy. The policy also cited California Department of Justice Law Enforcement Telecommunications System (CLETS) policies regarding official access and use of CLETS data. As a matter of record, CLETS data does not contain immigration information (CLETS data contains DMV data, stolen vehicle data, wanted persons, missing persons etc.).

In 2017, the Department switched ALPR vendors from 3M/PIPS to Vigilant Solutions. The original equipment purchased in 2007 and 2011 had reached the end of its service life, and new cameras were needed. Vigilant Solutions was selected as the new vendor. The Police Department opted to share ALPR data with all other law enforcement agencies also using Vigilant Solutions through Vigilant's Law Enforcement Archival Reporting Network (LEARN). This change was made within an existing and budgeted program and did not involve City Council approval.

April 9, 2020: The ACLU submitted a Public Records Act Request (PRA) regarding the Department's subscription to Vigilant's Law Enforcement Archival Reporting Network (LEARN). They sought the names of agencies that both share with and receive data from CVPD, and the names of agencies that both share and receive "hot list" notifications with CVPD. The LEARN service provides one subscribing law enforcement agency the ability to allow other authorized entities the limited ability to search that agency's ALPR data. The LEARN service also provides entities with the capability of creating proactive alerts (sometimes known as "hot list" notifications) for wanted vehicles, should a wanted license plate be scanned by a subscribing ALPR system. The Department researched its Vigilant ALPR system and provided the list of Vigilant LEARN agencies the Department both shared and received data from. Included on the list were Immigration and Customs Enforcement (ICE) and the United States Border Patrol (USBP). Meanwhile, the Department sought legal guidance from the City Attorney's office to ensure that data sharing was compliant with SB54. Because ALPR data does not include Personally Identifiable Information (PII), nor does it contain any immigration-related information, data sharing with these agencies was determined to be compliant with SB54.

July 28, 2020: The City Council approved the Police Department's proposal to accept $200,800 in U.S. Department of Homeland Security grant funding. This funding was to be

used for overtime operations, purchase of night vision monoculars and license plates reader systems for patrol vehicles. The proposal was listed in the council agenda and was approved by City Council in Council Resolution #2020-177. These ALPRs have not yet been purchased by the department.

December 8, 2020: Recently published media articles suggested the Police Department's ALPR system violated two California laws; the California Values Act of 2018 (SB54), and 2015 California State Senate Bill 34, which required law enforcement agencies to seek public input and City Council approval prior to starting or operating an ALPR system. The City Council requested a Staff Report on the Police Department's ALPR program.

8. When and what evaluations have been made of the program/contracts?

Due to the length of time the program has been in existence, some records no longer exist. Some details about prior evaluations and reports are contained in the answers to Questions #5 and #7. In addition, audits have occurred regularly since 2017 when the Police Department switched ALPR vendors to Vigilant Solutions. With a program that has been operating since 2007, the Department has recognized the value of having an ALPR system to solve crimes. Over time, the costs of the ALPR program become a part of the department's budget. This is similar to other programs like the Mobile Data Computers, Computer Aided Dispatch and many others.

9. What alternatives to ALPR were considered to achieve the stated purpose?

We are unaware of what options may have been discussed leading up to the 2007 proposal. We are unaware of another tool that does what ALPRs do.

10. What are total annual costs for all ALPR-related technologies combined?

When we switched vendors in 2018, the total initial cost to replace the old cameras was approximately $73,000. That included the 4 camera systems, and a one-year subscription to LEARN. Annually the subscription is $10,390.

11. What are the exact sources of all funding for the various aspects of the ALPR program?

All of the initial ALPR purchases were made with grant funding. Subsequent subscription or maintenance costs are paid from the police department budget.

12. When was the first contract funded and what were the exact terms of that contract?

What records remain from 2007 show that the initial purchase was being worked on in first quarter 2008. We do not have records for anything from then until 2015. In 2015, the annual cost for service and the cost was $4,600. In 2016, the cost was about $1,600 for the year (this appears to be because fewer cameras were covered, possible due to

obsolescence or repair). The next contract isn't until FY18 with Vigilant, the costs of which are answered in Question #10.

13. What subsequent contracts have been signed and by whom?

- 2007- Records purged per City records retention schedule
- 2011 – Records purged per City records retention schedule
- 2015 & 2016 renewal of the prior vendor was approved by the Purchasing Agent
- 2018 purchase of new Vigilant cameras and LEARN was signed by the Finance Director with attached standard terms and conditions approved as to form by the City Attorney
- 2019 1 year LEARN renewal was signed by the Finance Director
- 2020 1 year LEARN renewal was signed by the Finance Director

14. What are the terms of each contract?

One year

15. When is the current contract with Vigilant Solutions due for renewal?

May 21, 2021

16. Are there any plans or have there been discussions to increase the number and locations of CVPD ALPR devices? In particular, has there been discussion or consideration of expanding CVPD's ALPR program as part of "Smart City Chula Vista" planning, such as including ALPR devices in traffic lights? Who has been engaged in these discussions and what is the status of any plans?

The Department regularly explores and evaluates its operations and operational needs. This can include and has included technology programs, to include ALPR. Specific to the recent discussions with the community about ALPR, there have been questions and discussion about equitable distribution of ALPRs throughout the city, which would potentially involve adding fixed ALPRs to strategic part of the city. The Department will continue to bring proposed programs to the City Council for approval in a public forum. It should be noted that the existing traffic management cameras mounted on traffic signals are not managed by the Police Department and do not have ALPR capabilities. Fixed ALPR cameras operated by the Department would be new cameras and expansion of the program which would be presented to the community and to City Council for consideration.

17. CVPD's ALPR policy (Policy 460, dated 2020/6/18) specifies procedures for sharing ALPR data with other law enforcement agencies upon written request. The procedures state that each request is individually reviewed and approved before ALPR data is shared, and that a record is kept of all approved requests. Is this the case with data requests and searches performed by other agencies within Vigilant Solutions' database?

No. As part of the LEARN agreement, those agencies whom we share with can see Chula Vista Police ALPR data when it matches search criteria. Agencies with access to LEARN can request sharing access to Chula Vista data, and we frequently receive those requests. Since this review process has been underway, every one of those requests have not been considered due to the review of the program. Additionally, an agency that does not have access to ALPR data through LEARN could request assistance from CVPD with an ongoing case. Any request for information or data sharing is considered at the Command level which are Captains and above.

18. Is CVPD notified when its ALPR data are shared with another agency in response to a database search, and is there a record of any information being accessed by ICE or CBP before data sharing was paused?

No. The system does not have the capability to see who viewed Department ALPR data as a result of a search.

As of April 16, 2021, we have learned that Vigilant recently developed an audit capability for agencies that would allow them to see what other agencies have viewed their ALPR data, and why. This was recently developed by Vigilant due to concerns expressed by other communities and agencies. When able, the Department will ask for this capability and will include this new feature in future audits.

19. How does CVPD currently communicate to Vigilant Solutions whether and with which agencies its ALPR data may be shared?

Department administrators can access the data sharing screen and view a check box for every agency that has access to LEARN. By checking or unchecking the box next to the agency name, data sharing is enabled or suspended. The system will send sharing requests when they are made, as mentioned in Question #17. The choice is to accept or ignore for those requests.

20. How often are these permissions reviewed and updated?

As needed. Since all data sharing requests are now approved by Command level staff, several changes were made recently.

Having suspended sharing with ICE and USBP, a review of the entire remaining list of agencies shared with was conducted as part of this report process, to ensure sharing was based on informed decision making.

The CA DOJ report highlighted two agencies that raised concerns, (the Missouri Police Chief's Association and the Honolulu Police Department). These same two agencies were also listed as being shared with by the department. While the Honolulu PD is a recognized police department, there are limited instances of vehicles travelling between Chula Vista and Hawaii. The Missouri Police Chief's Association, while clearly named, is a professional Police Chief's organization that does not engage in criminal investigations. Both agencies were removed from the department's sharing list as a result.

Additionally, while most of the agencies listed were easily identifiable as police departments, sheriff's offices or other public law enforcement agencies, there were a small number that were not clearly identified and needed further examination. Most of these were found to be legitimate law enforcement agencies or task forces and had a clearly identified agency contact listed in the system. However, two of these agencies could not be further identified and we were unable to check as they had no contact information listed.

These two entities were listed as HTU and SOSINK and were removed from data sharing for the reasons listed above.

21. Are there any benefits or incentives from Vigilant for sharing data more widely, or disincentives for restricting access?

No. Each agency may share or not share as they choose.

22. Is CVPD's access to other agencies' ALPR data limited by restricting access to its own?

It is possible. The process is not automatic or reciprocal. When Chula Vista PD stops sharing with another agency, the system administrators for that agency receive a notification that we have stopped sharing. If they are sharing with us, they have the option of not sharing with us. That decision is left to each specific agency.

23. What agencies are receiving or have ever received Chula Vista data?

No other agencies actually "receive" or have ever received Chula Vista ALPR data directly.

Instead, as a result of CVPD's participation in the LEARN data sharing feature under its contract with Vigilant Solutions, other participating law enforcement agencies that CVPD has approved get access to CVPD ALPR data through their searches in the overall Vigilant Solutions data base. Such searches, by their nature, are license plate specific, as part of investigations, not through scans of overall data or any agencies particular data base.

Vigilant provides the data storage for all participating agencies' ALPR system. The Police Department does not store its own copy of ALPR data on local systems. All ALPR data including images and license plate data are transmitted to Vigilant Solutions.

In addition, Chula Vista is part of a 2016 SANDAG-ARJIS Memorandum of Understanding (MOU) that included a data sharing agreement for ALPR data. Pursuant to that MOU, Chula Vista along with other law enforcement agencies in San Diego County share ALPR data with each other.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 4.

24. Does CVPD access and share ALPR data from any other entities (e.g., City of Chula Vista, private businesses, parking lots) into Vigilant Solutions' database?

No. Only ALPR information obtained from the cameras mounted on the 4 CVPD patrol cars upload data into the Vigilant Solutions data base.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, pages 4-8.

25. Is there anything in place that would prevent a law enforcement agency with permissions from accessing CVPD ALPR data in the Vigilant Solutions database and sharing it (formally or informally) with a third party that doesn't have direct access permission?

Yes. There are a number of federal and state laws, coupled with regulations, that help govern and protect a variety of criminal justice data, including ALPR data. Chief among them, for example, are the Federal and State laws governing when and why officers may access confidential information about a person and who they may share it with. State law and Department Policy prohibit sharing information about a person that is not available to the public and require official law enforcement reasons for access. Violations for misuse or abuse of these laws include termination and criminal prosecution. Every person authorized access to confidential information is required to attend bi-annual training pursuant to FBI regulations and pass a recertification test in order to use these systems. Additionally, these systems are audited on a regular basis by both the state and federal government. The audits are also conducted on entire departments as well.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 2, page 6 and elsewhere.

26. How many CVPD department personnel currently have access to ALPR data, and who is responsible for oversight and training?

Access to ALPR data is restricted to authorized users from among Department personnel, and it is restricted to official law enforcement use only. All authorized users are required to complete department training before being granted access.

Currently users include sworn personnel, police dispatchers, and crime analysts. As of April 17, 2021, 166 of the Department's personnel have access. 88 additional personnel

are authorized access but due to inactivity beyond 90 days have had their access suspended.

The ALPR system, including controls of data collection and storage and training programs, is currently overseen by the Investigative Divisions Captain, and two administrators, an investigative Sergeant and the Information Technology (IT) manager. (Note: The Investigations Division Captain was added to this supervisory team as a part of this ALPR program review process.) The Department intends to assign a fourth administrator, an investigative division lieutenant, in the near future.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, pages 6-7, et al.

27. How often and for what specific purposes does CVPD staff use the Vigilant Solutions database?

The department's ALPR system has two primary functions. While the ALPR-equipped car is in use, the system compares license plate numbers to one or more existing databases of vehicles of interest to law enforcement agencies, and alerts the officer operating an ALPR-equipped car when a vehicle of interest has been observed.

The second function is the ability for officers to manually search the database for a specific vehicle related to an official investigation (crimes, missing person,s etc.).

Access to ALPR data is restricted to authorized users from among Department personnel, and is restricted to official law enforcement use only. All authorized users are required to complete department training before being granted access.

For additional details please refer to the City Council Staff Report on ALPR 3-23-21, page 6.

28. How many times has CVPD used the Vigilant Solutions database to look for out-of-state information?

ALPR data does not include a license plate's relationship to any specific state or locality. ALPR data also does not contain any information about the registered address of the vehicle. As a result, we do not have a means to determine the number of times the Department has searched the database for out-of-state information.

29. How many times has it been used to look for local SD County data?

This cannot be determined. See answer #28, above.

30. How many times for other California data?

This cannot be determined. See answer #28, above.

31. How much data (number of images, license plate numbers, or however the data are counted) have been transmitted to Vigilant Solutions?

Below are a representative sample of the amount of license plate detections transmitted to Vigilant Solutions over the past three years:

2020: 438,531
2019: 149,018
2018: 523,581

32. How many of these individually captured data were actually tied to a crime at the time the data were captured?

The Department does not engage in mass analytics of ALPR data and does not have any system capable of a broad comparison between ALPR data and the time, date, and specific location of thousands of crimes reported each year. As a result, we are unable to evaluate how many of individually captured ALPR data were tied to a crime at the time the data were captured.

For additional details please refer to the City Council Staff Report on ALPR 3-23-21, page 6.

33. Are there guidelines on when and how license plate data may be collected in association with events or incidents?

Chula Vista Police Department policy includes a number of guidelines and restrictions for the use of ALPR systems. They include guidelines for the use of ALPR in general, as well as guidelines for its use to capture license plates in association with criminal investigations.

34. Might police vehicles intentionally or unintentionally capture and share license plate data from all cars parked near a First Amendment-protected march or gathering, for example?

Much like body-worn cameras, traffic engineering cameras and most other types of electronic camera technology, there is always a possibility that ALPR cameras mounted atop patrol vehicles and activated while in-use may capture license plate data from cars parked at any location, including those near a march or gathering. However, Chula Vista

Police Department policy includes a number of guidelines and restrictions for the use of any images or data captured by ALPR systems. They include guidelines for the use of ALPR in general, as well as guidelines for its use to capture license plates in association with criminal investigations.

35. Does CVPD store its own locally retrieved ALPR data?

The Police Department does not store its own copy of ALPR data on local systems. All such data uploads automatically to the Vigilant Solutions data base.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 6.

36. For how long are these data stored by CVPD?

Chula Vista Police Department policy requires all Department ALPR data be purged after one year. The department's ALPR system is configured to automatically delete images one year from the date the image was taken. This process occurs daily. As a result, Chula Vista ALPR data in the Vigilant Solutions data base will only contain images taken less than one year prior.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 6.

37. Who manages CVPD's data collection and storage?

See response to #26.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 6-7.

38. How far back do agencies have access to the data?

One year. As indicated in response to Question #36, Chula Vista Police Department policy requires all Department ALPR data be purged after one year. The department's ALPR system is configured to automatically delete images one year from the date the image was taken. This process occurs daily. As a result, Chula Vista ALPR data will only contain images taken less than one year prior.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 6.

39. What is the current retention period for CVPD ALPR data in Vigilant Solutions' database?

See answer to Question # 36, above.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 6.

40. What are the procedures for deleting or destroying the data and how is compliance verified?

The department's ALPR system is configured to automatically delete images one year from the date the image was taken. This process occurs daily and is automated.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 6.

41. What factors were considered in determining the retention period?

A number of factors were considered in determining the one-year retention period. They include, but are not necessarily limited to factors such as local, state and federal laws and regulations relating to retention of ALPR data, PII data, Criminal Justice data and more, city retention policies and practices, reasonable investigative value of efficiently and effectively solving crimes, apprehending offenders, and keeping the community safe, balancing the Police Department's duty to protect the human and constitutional rights of every person including their rights to privacy, statutes of limitations for a variety of criminal offenses, and professional experience about the average length of the criminal reporting, investigative and prosecution process.

42. Vigilant Solutions mentions that its database tracks "associations" between vehicles over time. How is this feature currently used and how is CVPD dealing with concerns about its misuse?

The "associations" feature is used when conducting criminal investigations that involve more than one offender or when investigating an offender who is actively evading law enforcement. The feature can help investigators by identifying other offenders as well as other vehicles that may be linked to the offender.

Misuse of ALPR data, including the associations feature, is protected by number of federal and state laws, coupled with regulations, that help govern and protect the information. Chief among them, for example, are the Federal and State laws governing when and why officers may access confidential information about a person and who they may share it with. State law and Department Policy prohibit sharing information about a

person that is not available to the public and require official law enforcement reasons for access. Violations for misuse or abuse of these laws include termination and criminal prosecution. Every officer, every person authorized access to confidential information is required to attend bi-annual training and pass a recertification test in order to use these systems. Additionally, these systems are audited on a regular basis by both the state and federal government. The audits are also conducted on entire departments as well. These systems require secure log in and a valid reason for the inquiry.

In addition, the Chula Vista Police Department maintains a number of policies and practices that help protect the privacy and civil liberties of our community. We maintain strict policies that control all types of electronic of physical media containing Criminal Justice Information, protect its information while in storage or in-use, prohibit unlawful or inappropriate exposure or release, and require sanitization and destruction of purged data. Existing policies require that all employees adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination, and release of protected information, including information contained in ALPR systems.

More specifically, Chula Vista Police Policy #460 is specific to the Department's ALPR program. It outlines access, administration, operation, data sharing and retention and accountability. Access to ALPR data is restricted to authorized users from among Department personnel. All authorized users are required to complete department training before being granted access and access is controlled by system administrators.

The Chula Vista Police Department entire policy manual is publicly available at https://www.chulavistaca.gov/departments/police-department/department-policies.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 2, page 6 and elsewhere.

43. When was CVPD's ALPR policy last updated?

As of April 2021, the ALPR policy was last updated in March of 2021.

Policy review is a continuous process that considers best practices, emerging technology, community concerns and industry standards. Often this process involves input from entities such as both Federal and California Departments of Justice (DOJ), IACP, PERF, American Civil Liberties Union (ALCU) and others where appropriate as they are respected national entities on this and other topics. This allows us to operate transparently and responsibly while making Chula Vista one of the safest cities in the county and nationwide.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 2, et al.

44. What policies are in place to protect privacy and civil liberties?

There are a number of federal and state laws, coupled with regulations, that also help govern and protect personal information. Chief among them, for example, are the Federal and State laws governing when and why officers may access confidential information about a person and who they may share it with. State law and Department Policy prohibit sharing information about a person that is not available to the public and require official law enforcement reasons for access. Violations for misuse or abuse of these laws include termination and criminal prosecution. Every officer, every person authorized access to confidential information is required to attend bi-annual training and pass a recertification test in order to use these systems. Additionally, these systems are audited on a regular basis by both the state and federal government. The audits are also conducted on entire departments as well. These systems require secure log in and a valid reason for the inquiry.

In addition, the Chula Vista Police Department maintains a number of policies and practices that help protect the privacy and civil liberties of our community. We maintain strict policies that control all types of electronic of physical media containing Criminal Justice Information, protect its information while in storage or in-use, prohibit unlawful or inappropriate exposure or release, and require sanitization and destruction of purged data. Existing policies require that all employees adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information, including information contained in ALPR systems.

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This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 2, page 6 and elsewhere.

45. Who has oversight of the CVPD program?

The ALPR system is overseen by Chula Vista Police Department Command Staff, police lieutenant and police sergeant with the support of an IT Manager.

The ALPR program is currently under review by the Police Department Community Advisory Committee (CAC). In order to provide more direct City Administration oversight, the City Manager or a designee will be assigned to the CAC going forward.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 6-7.

46. How often are ALPR system audits performed and by whom?

Current policy requires an ALPR system administrator to monitor the system to ensure security of the information and that they conduct regular audits of the system. Audits have been conducted on an annual basis, and as needed. Moving forward, audits will be conducted at least quarterly or more often if needed. To assist with this, the number of system administrators is being doubled.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 13.

47. Have any security or data breaches, unauthorized searches, or other ISSUES been discovered?

To date, the Chula Vista Police Department is not aware of any security or data breaches, unauthorized searches, or other issues suggesting abuse or misuse of the ALPR system.

48. How many times and on what dates have ICE and CBP searched or used data collected by CVPD?

Like many computerized systems within the national criminal justice and public safety infrastructure, the Chula Vista Police Department does not have the means to audit the activities or operations of other entities including ICE and CBP.

Of note, as part of this review process, and ongoing discussions with Vigilant, we learned on April 16, 2021 that they have developed a feature that will allow an agency to see what other agencies viewed their data. Preliminary discussion is that this will allow an agency to see which agency viewed data, and the reasons, much like they can for internal users. This is in the preliminary stages, but the Department plans on requesting this feature when it becomes available. This is also discussed in Question #18.

49. What were the outcomes of those searches?

See answer to Question # 48, above.

50. How many people have been targeted by federal immigration authorities as a result of ALPR data collection and sharing by CVPD?

The Chula Vista Police Department does not have the means to audit the activities or operations of other entities including ICE and CBP.

Due to the community concerns about the use of information by immigration law enforcement agencies, CVPD has stopped "sharing" with these agencies and is recommending that this change be permanent.

51. What incidents of security or data breach or unauthorized access have occurred with CV's ALPR data?

To date, the Chula Vista Police Department is not aware of any security or data breaches, of evidence of unauthorized access that have occurred with the Department's ALPR data.

52. What actions were taken in response to such events?

See answer to Question #51.

53. How much will [ALPR] cost and what will be the acceptable range of uses?

Under the terms of the current agreement for ALPR services provided to the Chula Vista Police Department by Vigilant Solutions, the fiscal costs of the ALPR program total are $10,390 per year for the LEARN subscription.

The department's ALPR system has two primary functions. While the ALPR-equipped car is in use, the system compares license plate numbers to one or more existing databases of vehicles of interest to law enforcement agencies, and alerts the officer operating an ALPR-equipped car when a vehicle of interest has been observed.

The second function is the ability for officers to manually search the database for a specific vehicle related to an official investigation (crimes, missing persons, etc.).

For additional details please refer to the City Council Staff Report on ALPR 3-23-21, page 6.

54. How will violation of basic human rights and discriminatory practices be prevented?

With respect to ALPR data there are a number of federal and state laws, coupled with regulations, that help govern and protect personal information and human rights, and prevent discriminatory practices. Chief among them, for example, are the Federal and State laws governing when and why officers may access confidential information about a person and who they may share it with. State law and Department Policy prohibit sharing information about a person that is not available to the public and require official law enforcement reasons for access. Violations for misuse or abuse of these laws include termination and criminal prosecution. Every officer, every person authorized access to confidential information is required to attend bi-annual training and pass a recertification test in order to use these systems. Additionally, these systems are audited on a regular basis by both the state and federal government. The audits are also conducted on entire departments as well. These systems require secure log in and a valid reason for the inquiry.

In addition, the Chula Vista Police Department maintains a number of policies and practices that help protect the privacy and civil liberties of our community. We maintain strict policies that control all types of electronic of physical media containing Criminal Justice Information, protect its information while in storage or in-use, prohibit unlawful or inappropriate exposure or release, and require sanitization and destruction of purged data. Existing policies require that all employees adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information, including information contained in ALPR systems.

More specifically, Chula Vista Police Policy #460 is specific to the Department's ALPR program. It outlines access, administration, operation, data sharing and retention and accountability. Access to ALPR data is restricted to authorized users from among Department personnel. All authorized users are required to complete department training before being granted access and access is controlled by system administrators.

Police Department's entire policy manual is publicly available online at https://www.chulavistaca.gov/departments/police-department/department-policies.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 2, page 6 and elsewhere.

55. What exactly are the aims of this technology, and if those aims are acceptable from a public safety perspective, what oversight procedures are in place to ensure that the technologies will only be applied for those specific uses?

The Police Department's ALPR system is intended to assist in the investigation of specific crimes after they occur, and also assist in the location of specific vehicles wanted in connection to a crime or official investigation.

The department's ALPR system has two primary functions. While the ALPR-equipped car is in use, the system compares license plate numbers to one or more existing databases of

vehicles of interest to law enforcement agencies, and alerts the officer operating an ALPR-equipped car when a vehicle of interest has been observed.

The second function is the ability for officers to manually search the database for a specific vehicle related to an official investigation (crimes, missing persons, etc.).

For additional details please refer to the City Council Staff Report on ALPR 3-23-21, page 6.

56. What are the limits to police uses of surveillance technologies?

The Police Department recognizes that evolving technologies create both new opportunities and privacy rights concerns. The Chula Vista Police Department continually works to assess and evaluate new technology and to develop and implement responsible and transparent policies and protocols that maximize crimefighting and crime reduction in a manner that is respectful of and cognizant of individual rights and privacy concerns. The "limits" on use of these technologies will and should be determined by an ongoing process of evaluating what uses of technology are effective, what policies can be put in place to assure applicable laws and people's civil rights are respected, and what the community at large is comfortable with.

While the Police Department is not able to predict the unknown future of technologies available to the global law enforcement profession, we remain committed to providing public safety services that are effective and meet the needs and expectations of our community. To that aim we continue to listen to the needs of those we serve. As new technologies evolve in the future, we will continue to modify our training, policies, and practices in the best interests of our community.

For additional details please refer to the City Council Staff Report on ALPR 3-23-21, page 2.

57. Have these technologies proven to be worth the expense, and in fact a better use of funds than other programs to help communities?

See response to question #5.

For additional details please refer to the City Council Staff Report on ALPR 3-23-21, page 1-5.

58. Who exactly is receiving financial benefits from the purchase of these new [ALPR] technologies?

The City has a contract with Vigilant Solutions. See response to question #10.

59. How will this new program be audited, and how will its effectiveness and harms be evaluated?

See response to question # 25.

60. How it is [ALPR] used and where?

See response to question #2.

61. How many other cities are beginning to use surveillance like ALPR and has it gone well?

Nearly all municipal law enforcement agencies in San Diego County operate and use ALPR systems. Agencies across the country utilize ALPR systems to locate missing persons or people with warrants or those wanted in connection to crimes, locate stolen cars and assist with ongoing criminal investigations. Compared to collection of this data by hand, ALPR systems save countless hours of investigation.

The following list details each agency's ALPR program capability:

- Carlsbad Police Department: Eighty-six fixed ALPR systems, six patrol car mounted systems and one parking enforcement system.
- Chula Vista Police Department: Four patrol car mounted systems.
- Coronado Police Department: Eight patrol car mounted systems, two parking enforcement mobile systems.
- El Cajon Police Department: Three patrol car mounted systems.
- Escondido Police Department: Three fixed systems, one patrol car mounted system, and 2 mobile parking enforcement systems.
- Harbor Police Department: Three fixed systems and six patrol car mounted systems.
- La Mesa Police Department: Four patrol car mounted systems.
- National City Police Department: None.
- Oceanside Police Department: Five patrol car mounted systems.
- San Diego Police Department: Thirty-five mobile units, most of which are mounted on Senior Volunteer vehicles.
- San Diego Sheriff's Department: Thirty-one patrol car mounted systems.
- University of San Diego Police Department: four patrol car mounted systems.

For additional details please refer to the City Council Staff Report on ALPR 3-23-21, page 5.

62. What is the history [of ALPR]?

See response to question #5.

For additional details and a comprehensive history of Chula Vista's ALPR systems, please refer to the City Council Staff Report on ALPR 3-23-21, pages 3-5.

63. What are the pros and cons and how does it help law enforcement and what is the danger it might infringe on any rights of privacy?

The combination of staff reports relating to ALPR, community input, and Q&A represented in this document provide a variety of considerations on the relative pros and cons of ALPR system. They also detail the benefits of ALPR, how it helps law enforcement, and how it helps the community. The Chula Vista Police Department continually works to assess and evaluate new technology and to develop and implement responsible and transparent policies and protocols that maximize crimefighting and crime reduction in a manner that is respectful of and cognizant of individual rights and privacy concerns.

64. If we do have surveillance, what kinds of oversight need to be in place?

Responsible and effective use of technology is the third of six pillars as noted by President Obama's 2014 Task Force on 21st Century Policing. Technology provides agencies opportunities to better serve their communities and enable them to solve crimes more quickly and prevent further victimization, as well as create new pathways and connections with the community. Technology can change or adapt rapidly. The Police Department recognizes that evolving technologies create both new opportunities and privacy rights concerns. The Chula Vista Police Department continually works to assess and evaluate new technology and to develop and implement responsible and transparent policies and protocols that maximize crimefighting and crime reduction in a manner that is respectful of and cognizant of individual rights and privacy concerns.

Management and oversight of the ALPR system is the responsibility of one Police Captain, who is supported by a Police Lieutenant, Sergeant, and Information Technology Manager.

Police Department policy is informed by a combination of professional expertise, best practices, legal and regulatory requirements and restrictions, judicial review and opinions, community review and community input. Department policy outlines restrictions and requirements related to ALPR program access, administration, operation, data sharing and retention and accountability.

In addition, Federal and State laws govern when and why officers may access confidential information such as ALPR systems. State law and Department Policy prohibit sharing information about a person that is not available to the public and require official law enforcement reasons for access. Violations for misuse or abuse of these laws include termination and criminal prosecution. Every officer, every person authorized access to confidential information is required to attend bi-annual training and pass a recertification test in order to use these systems. Additionally, these systems are audited on a regular basis by both the state and federal government. The audits are also conducted on entire departments as well.

For additional details please refer to the City Council Staff Report on ALPR 3-23-21, page 2-13.

65. Is the information that is being gathered using ALPR being used by private companies?

Neither Vigilant Solutions nor any other commercial entity are authorized to view or search law enforcement ALPR data.

66. Who made the determination in April 2020 to continue knowingly sharing CVPD ALPR data with ICE and CBP? Why did this decision remain unknown (apparently) to the Chief of Police, the Mayor, City Council and community members until the U-T article in December 2020? Why is CVPS *still* sharing data with DHS-HSI, ARJIS, and other ICE-inclusive agencies? Who is making the surveillance technology decisions for Chula Vista, and on what criteria, values, and priorities?

In April of 2020 the ACLU submitted a Public Records Act Request (PRA), (Attachment F) regarding the Department's subscription to Vigilant's Law Enforcement Archival Reporting Network (LEARN). The Department researched its Vigilant ALPR system and provided the list of Vigilant LEARN agencies the Department both shared and received data from. Included on the list were Immigration and Customs Enforcement (ICE) and the United States Border Patrol (USBP). Meanwhile, the Department sought legal guidance to ensure that data sharing was compliant with SB54. This was a cooperative review process involving the Police Department and the City Attorney's Office. Because ALPR data does not include Personally Identifiable Information (PII), nor does it contain any immigration-related information, data sharing with these agencies was determined to be compliant with SB54.

As detailed herein, the Police Department has historically authorized a variety of law enforcement agencies to search its ALPR data, commonly referred to as "data sharing." During the course of this review and community input period the Police Department is in the process of evaluating all aspects of the ALPR system, including this sharing process, so that it could make recommendations for changes. As a result of this process the Police Department's recommendations to the City Council include significant limitations on data sharing agreements. If adopted by the City Council, the Police Department's recommendations would prohibit the department of Homeland Security Investigations (HSI) or any other federal entity from searching Chula Vista's ALPR data.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 4.

67. What percentage of all license plates (collected through ALPRs) are tied to an actual crime?

The Department does not engage in mass analytics of ALPR data and does not have any system capable of a broad comparison between ALPR data and the time, date, and specific location of thousands of crimes reported each year. As a result, we are unable to evaluate how many of individually captured ALPR data were tied to a crime at the time the data were captured.

68. The presentation mentioned a Vigilant Solutions platform. What is the purpose of the platform, and how does data sharing occur through it?

The department subscribes to Vigilant Solutions, which provides data storage for the Police Department's ALPR system. The Police Department does not store its own copy of ALPR data on local systems. All ALPR data including images and license plate data are transmitted to Vigilant Solutions.

In 2017, the department switched vendors to Vigilant Solutions and began subscribing to their Law Enforcement Archival Reporting Network (LEARN) database. This also included the capability for Chula Vista's ALPR data to be included in searches by other law enforcement agencies across the country, commonly referred to as "data sharing."

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 4.

69. Is Chula Vista Police Department prepared to enforce new regulations under SB 210, which requires deletion of ALPR data after the license plate is 24 hours old?

The Chula Vista Police Department complies, and will continue to comply, with all legal requirements and regulations.

70. Are we still sharing information with HSI?

Yes, but as a result of this ALPR program review process the Police Department's recommendations going forward would prohibit the department of Homeland Security Investigations (HSI) or any other federal entity from searching Chula Vista's ALPR data.

71. Why hasn't CVPD stopped the use of the ALPR technology?

The Department continues to use ALPR technology because it is an effective crime-fighting tool.

For additional details please refer to the City Council Staff Report on ALPR 3-23-21, page 1-5.

72. Data Security is paramount. How is the CVPD ensuring data is safely stored, transmitted and protected at every node, within the CVPD, its network and with the vendor Vigilant Solutions?

See response to question #44.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 2, page 6 and elsewhere.

73. In December 2020, media reports informed the CVPD the ALPR program may be violating two CA laws requiring public input. What will CVPD do to ensure this program no longer comes close to violating CA laws?

The City of Chula Vista values transparency, and abides by all laws and regulations relating to public disclosure and public input. This is true of the ALPR program, which has been brought before the public with the opportunity for input on multiple occasions since 2007.

Based upon its understanding of the program and how it is administered, City Attorney's office believes that the City is in compliance with all applicable state and federal laws with respect to its ALPR program. Department and City Attorney review of the program's legal compliance will be ongoing.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, pages 3-4.

74. Where does this [ALPR] data go?

The department subscribes to Vigilant Solutions, which provides data storage for the Police Department's ALPR system. The Police Department does not store its own copy of ALPR data on local systems. All ALPR data including images and license plate data are transmitted to Vigilant Solutions.

In addition, Chula Vista is part of a 2016 SANDAG-ARJIS Memorandum of Understanding (MOU) that included a data sharing agreement for ALPR data. Pursuant to that MOU, Chula Vista along with other law enforcement agencies in San Diego County share ALPR data with each other.

No other agencies receive or have ever received Chula Vista data.

This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 4.

75. Who is able to access [ALPR] data?

With respect to ALPR data there are a number of federal and state laws, coupled with regulations, that help govern access to protect personal information and human rights, and prevent discriminatory practices. Chief among them, for example, are the Federal and State laws governing when and why officers may access confidential information about a person and who they may share it with. State law and Department Policy prohibit sharing information about a person that is not available to the public and require official law enforcement reasons for access. Violations for misuse or abuse of these laws include termination and criminal prosecution. Every officer, every person authorized access to confidential information is required to attend bi-annual training and pass a recertification test in order to use these

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This and additional details can be found in the City Council Staff Report on ALPR 3-23-21, page 2, page 6 and elsewhere.

76. Who is in charge of oversight [of ALPR] besides CVPD?

The City Council sets policy and the Police Department implements as overseen by the City Manager.