CITY COUNCIL AGENDA STATEMENT

CITY OF CHULA VISTA

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TITLE

STAFF REPORT REGARDING THE POLICE DEPARTMENT'S OPERATION OF AUTOMATED LICENSE PLATE RECOGNITION (ALPR OR LPR) SYSTEMS AND DATA SHARING AGREEMENT THROUGH VIGILANT/MOTOROLA**.**

RECOMMENDED ACTION

Council hear the report.

SUMMARY

At the December 8, 2020 City Council meeting, the Police Department was asked to prepare a report about the Department's Automated License Plate Reader (ALPR) program through its contracted vendor Vigilant Solutions, in response to a recent Public Records Request, media coverage and public concerns. [Note: ALPR systems are sometimes referred to as License Plate Recognition systems (LPRs)]

ENVIRONMENTAL REVIEW

The Development Services Director has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is required.

STAFF REPORT

The Police Department has operated an ALPR system since first authorized by the City Council in 2007. The original system included three ALPR cameras but was expanded to four ALPR cameras after City Council approval in 2011. The Police Department has continued to operate the four ALPR camera systems ever since. This report will focus on the following areas;

- ALPR community concerns
- ALPR Program Timeline
- ALPR system overview
- Moving forward with ALPR

ALPR COMMUNITY CONCERNS

ALPRs are one of the most valuable tools available for the department to solve crimes and keep the community safe. The Department's goal is developing policy and guidelines that balance community safety with privacy rights that respects community concerns. Some of those concerns are;

- Data sharing, especially with immigration authorities
- Privacy rights
- Misuse or abuse of technology by law enforcement
- Data retention
- Over policing communities of color and concerns about systemic or personal bias affecting people of color
- Law enforcement's ability to track or surveil people using this type of technology

The Police Department recognizes that these concerns and others evolve over time. 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.

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[1]. 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 and create both new opportunities and privacy rights concerns. Agencies must work 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 Police Department employs multiple safeguards designed to prevent, identify and address many of the community's concerns.

Chief among them 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.

Policy review is an ongoing process. Every year, the Department updates policy to ensure compliance with new laws or mandates and conducts department-wide training on these new laws. The policy review process includes consultation with City Attorney staff, and members of the Community Advisory Committee (CAC) to ensure our policies are in legal compliance and reflect the needs and expectations of our community.

[1] President's Task Force on 21st Century Policing. 2015. Final Report of the President's Task Force on 21st Century Policing. Washington, DC: Office of Community Oriented Policing Services.

The Police Department also complies with the 2016 California Electronic Communications Privacy Act (ECPA), which is the one of the strongest privacy laws in the nation. Among other requirements, this law requires a Judge's consent before searching a person's phone or other electronic device except in emergency situations.

Additionally, the department reviewed the February 2020 State of California Department of Justice Audit report on Automated License Plate Readers [2]. Though only four California Agencies were audited (Los Angeles Police Department, Fresno Police Department, Marin County Sheriff's Office and Sacramento County Sheriff's Office), the report highlighted several strategies for law enforcement agencies to follow. The suggestions are;

- Implement or Improve their ALPR policies.
- Implement needed ALPR data security.
- Update vendor contracts with necessary data safeguards.
- Ensure that sharing of ALPR images is done appropriately.
- Evaluate and reestablish data retention periods.
- Develop and implement procedures for granting and managing user accounts.
- Develop and implement ALPR system oversight.

The report also suggested some legislative actions as well, which included creating a DOJ template for ALPR programs for agencies to build upon, establishing a maximum retention period of ALPR images and specification on how frequently audits must be completed and include user search assessments.

ALPR PROGRAM TIMELINE

- **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 (Attachment A), and the Council approved the purchase in Council Resolution #2007-249 (Attachment B).

- **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 (Attachment C), and the Council approved the purchase in Council Resolution #2011-012 (Attachment D).

- **July 1, 2016:** Chief of Police David Bejarano signed the SANDAG-ARJIS Memorandum of Understanding (MOU) (Attachment E). 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

[2] Automated License Plate Readers To Better Protect Individuals' Privacy, Law Enforcement Must Increase Its Safeguards for the Data It Collects (ca.gov)

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), (Attachment F) 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 who 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 (Attachment G). 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. 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 (Attachment H) and was approved by city council in Council Resolution #2020-177 (Attachment I). 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.

ALPR SYSTEM OVERVIEW

According to a 2012 International Association of Chiefs of Police (IACP) study [3], Automated License Plate Reader (ALPR) technology was invented in 1976 in United Kingdom to prevent terrorist bombings in London.

[3] David J. Roberts and Meghann Casanova, Automated License Plate Recognition (ALPR) Systems: Policy and Operational Guidance for Law Enforcement, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2012.

ALPR technology has been in-use by law enforcement agencies around the world since at least 2001[4] 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.

ALPR systems have become an accepted and proven tool for hundreds of law enforcement agencies across the country. A January 2012 Police Executive Research Forum (PERF) Technology Summit in Washington D.C. [5], 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. 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.

ALPR systems function to automatically take a photographic image of the vehicle's license plate, transform that image into alphanumeric characters using optical character recognition or similar software. The images

[4] Cohen, I. M., Plecas, D., & McCormick, A. V. (2007). A Report on the Utility of the Automated License Plate Recognition System in British Columbia. Retrieved from http://cebcp.org/wp-content/lpr/BritishColumbiaLPRreport.pdf

[5] how are innovations in technology transforming policing 2012.pdf (policeforum.org)

taken often include the license plate as well as enough of the car to allow for identification of the make and model.

Chula Vista Police Department ALPR Program

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 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. This process typically occurs within seconds. At this point, the "automated" part of the process ends and officers must then independently validate that the ALPR system has accurately interpreted the license plate, validate that the license plate matches the vehicle of interest, verify that the alert is valid (e.g. not expired or otherwise deemed invalid), and make an informed decision as to what action to take, if any. The ALPR system refreshes the comparison list every four hours to obtain the most current information. An alert alone does not justify a traffic stop or detention. The officer must conduct these verification steps prior to any enforcement action.

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.). The department subscribes to Vigilant Solutions, which provides data storage for CVPD ALPR images and allows officers to search for images from the department's images. Those collected by other law enforcement agencies and those from commercial entities, which is willingly shared with law enforcement. Commercial systems are widely used by non-public entities such as shopping malls, apartment complexes, home-owners associations, amusement parks, and parking garages. Commercial systems greatly outnumber law enforcement systems.

This manual search function is the part of the system that is most invaluable to the department as it used in almost every investigation conducted. There are hundreds of instances where cases would not be solved without the use of the ALPR system through Vigilant.

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 1 year prior.

ALPR System Access

CVPD 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, who are at least at a

supervisory level. ALPR system administration consisted of two administrators, an investigative sergeant and the Information Technology (IT) manager. As a part of this review process, the Investigations Division Captain was also assigned as an administrator. There is a plan to assign a fourth administrator, an investigative division lieutenant, in the near future.

Users are provided unique log-in credentials and are prohibited from sharing these 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. 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 (case number etc.)

Authorized users can search the ALPR system using the following criteria;

- License plate (complete or partial)
- Vehicle description (make, model)
- Images scanned at or near a specific location and a specified time frame (crime location/time crime occurred). This function allows the user to set a radius search for a specific address, such as a crime location.

The system does not have the ability to identify the issuing state or country of the license plate, so the officer must verify any potential matches before taking enforcement action. Similarly, when examining search results, the user must manually look through the results to determine if a potential vehicle of interest exists.

The following are common examples of how an officer will search the system based on the information they are looking for. These are real examples of successful investigations that relied upon the ALPR system. There are hundreds of examples like these.

- **Locate a missing person**: If the person has access to or was last seen in a specific vehicle, then the system can be searched to see if there are any relevant ALPR images which can provide tips on places to look. For example, in one case involving an at-risk missing elderly person who was last seen in their car, officers utilized the ALPR system to search for any images of the person's car. They continued to conduct periodic searches in the hopes of finding the car after they went missing. Officers were able to find a recent ALPR image in a neighboring city that was outside the area where the family thought their loved one might be. Officers were able to drive to that location and ultimately found both the car and the missing person, who was safely reunited with their family.
- **Locating a wanted person:** If the identity of the offender is known, then officers can search the ALPR system for the offender's license plate in order to narrow the locations the suspect may be frequenting and locate and arrest the offender. For example, detectives were actively looking for a person wanted for child molestation. In this case the offender was aware they were wanted and was actively switching cars to avoid being found. Detectives received a tip about the offender's newest

car and searched the ALPR system. The search showed that car had been photographed several times on a specific roadway. Detectives went to that area, waited for that car to pass by. When it did, they recognized the offender was driving it and safely made a traffic stop and were able to arrest a dangerous offender.

- **Identifying criminal offenders:** A common and historically effective investigative technique involves searching the area around a crime scene for vehicles connected to the crime. In circumstances where a crime occurred and there is minimal information about the offender, investigators can search the area surrounding the crime scene for leads around the time the crime occurred. For example, in a case involving a fatal hit and run of a teenage jogger, the investigators canvassed the nearby business owners for any video evidence that was captured by business security camera systems. They found footage of the crime, which provided the make, model and color of the truck that struck the victim, but the images were too poor to see the license plate. The images did show a distinctive traffic cone in the bed of the offending truck. Using the ALPR system, they checked for similar trucks in the surrounding area to see if there were any matches. The search results showed a similar truck, with a similar traffic cone in the bed, and they could see the license plate. Detectives then logged into the Department of Motor Vehicles (DMV) database to find the name and address of the registered owner. With that information they were able to locate the truck at the registered owner's address and saw some damage consistent with a collision. They then obtained a search warrant which revealed forensic evidence linking the truck to the victim. The offender was then identified and later arrested for this crime.
- **Linking an offender to crime locations:** In the case of crime series, officers can use the ALPR system to see if there are images of known license plates or vehicle descriptions in the areas near crime scenes. There are many examples of these types of cases. In one example, detectives had a potential vehicle description and a description of the unidentified offender. By searching the ALPR database for that specific type of vehicle, they found a potential match. They ran the license plate in the DMV system to determine the registered owner's address, then they accessed another DMV database and saw the owner matched the description of the offender. Detectives also learned of several other similar crimes that may have been committed by the same offender. Using the ALPR system, they checked to see if the system contained any images of that car in or around any of the other crime scenes. When the Detectives saw that the car was at or near several crime scenes at the time of the crimes, they put together a photo lineup with the owner's photo. Victims and witnesses from each of the crime scenes positively identified the owner as the offender. Detectives then began watching this offender and were able to choose the place and time to safely arrest him and obtain search warrants to look for victim's property. Detectives recovered property that had been stolen in many of these cases.

Vigilant Solutions

Since 2017, the Police Department has subscribed to Vigilant Solutions and has uploaded license plate images to their database, which is certified for law enforcement usage and meets all security requirements specified by the Federal Government, specifically the Criminal Justice Information System (CJIS) and is only accessible to other law enforcement agencies. One of the advantages of subscribing to Vigilant's LEARN database for law enforcement is access to Vigilant's commercial ALPR database. Commercial entities with ALPR systems are not authorized to view law enforcement data and commercial ALPR systems outnumber law enforcement

systems many times over. Commercial operators of ALPR systems with Vigilant willingly share their data with law enforcement.

ALPR images do not contain any links to Personally Identifiable Information (PII). PII consists of information such as a name, address, drivers' licenses record, vehicle registration record, social security number etc. Identification of the owner, driver or passengers of vehicles whose images are contained in the ALPR system cannot be accomplished using the ALPR system alone. An officer must access a separate existing law enforcement system to identify an individual. Access to these databases are restricted to law enforcement personnel and they are monitored and audited by the Department of Justice. Viewing an ALPR image requires an officer conduct further investigation. ALPRs are force multipliers that allow for multiple license plates to be scanned where a single officer working with a dispatcher are limited to one plate at a time. These systems provide our officers an opportunity to leverage technology to more quickly identify offenders, solve crimes and recover victim's property. Additionally, the ability to more rapidly determine the identity of an offender allows officers to focus attention on the most likely offender and leads to a quicker resolution.

The ALPR system does not allow for real-time or near real-time tracking of a person or vehicle. The system is dependent on a vehicle being photographed by an ALPR camera system. Annually, on average, the four Chula Vista Police Department ALPR-equipped patrol cars collect roughly 450,000 images when all of them are in use. Officers can search the system to inquire whether a vehicle was photographed by an ALPR camera. An inquiry can only provide responses from photos already taken. It does not provide real-time information about each license plate being photographed, only the prior times the vehicle was photographed.

Data Sharing

Data sharing of ALPR images refers to whether an agency shares its ALPR images with other law enforcement agencies. A department can decide to share or not, and can control how many agencies are shared with, if any. There is no requirement to share data with other agencies. If an agency shares its data, then other law enforcement searches will include any matching data from that agency that owns the data. If there is no sharing, then search results will not include that agencies data. Sharing of data is restricted to specific search results, rather than the ability to see and analyze all of an agency's data.

Data is only shared when

a) the agency allows their data to be included in searches by outside law enforcement users, and;

b) there are images that match the search parameters. No information is shared without a specific search being conducted. The user will not know whether any other data exists other than what was supplied by their query. Shared images consist of digital photographs of matching vehicles or locations along with the date, time and location the image was taken.

In San Diego County, law enforcement ALPR data is shared regionally through the Automated Regional Justice Information system (ARJIS) with other county agencies per MOU agreement. Through the LEARN database, the department has chosen to share data with agencies across the country (Attachment G). As advertised by Vigilant, the department owns the ALPR data. Vigilant does not have access to Chula Vista's

ALPR data. They cannot view the images or share the data, nor can they view or share any other agency's data either.

There is no direct connection between an agency sharing data and being able to view data from other agencies. An agency may elect not to share its data, or to restrict data sharing to select agencies, but may still view data from other agencies. It is possible that the decision not to share may cause a reciprocal change in data viewed from other departments, however there is no data available to determine how often this has occurred. Some agencies do not operate ALPR cameras but are subscribers to Vigilant's LEARN database. Vigilant does not require an agency to share data, nor are there incentives or penalties for not sharing.

The Police Department shared data with all other subscribing agencies in LEARN, until December 9, 2020, when sharing of data with ICE and USBP was suspended.

Data sharing is important because crimes and offenders do not necessarily stay within the borders of each individual jurisdiction and the frequency that crime trends in one community are related to those of other communities. It is also common that offenders committing crimes in one community are connected to crimes in other communities. Vehicles associated with criminal activity travel across jurisdictional boundaries on a frequent basis. This is especially true in a metropolitan area like the San Diego County Region but is also true throughout the nation.

As cited above, there too many success stories associated with the Department's ALPR system to list. The following are a representative sample.

- An offender in multiple identity theft and fraud cases was using victims' IDs around the county. Witnesses provided a description of the offender to officers in one of the cases and a vehicle description. Detectives were able to use the ALPR system, to see if any matching images existed. They found a similar vehicle and were able to see additional images of the same car near the other crime scenes. They used the DMV database to identify the registered owner, who was a match for the offender. Witnessed picked the offender out of photo lines up and detectives were able to take the offender into custody. When arrested, the offender was in possession of items obtained through fraud and paperwork belonging to other potential victims of identity theft.
- Detectives working a county-wide theft series with more than 15 separate cases were able to use the ALPR system to look for a potential offender vehicle, and then place the car at several of the crime scenes, which led to the offenders eventual arrest and conviction.
- Detectives working a gang-related homicide and series of violent assaults, used the ALPR system once they identified the offender and a potential vehicle to see if there were any ALPR images. Detectives then went to the area where the most recent ALPR image was taken, and once there, saw the offender in that vehicle. They then safely made an arrest and recovered evidence in several of the cases.
- On a separate homicide investigation, the offender's vehicle was described. The ALPR system was used to check for any images of the offender's vehicle in the area of the murder and helped detectives locate the car and recover evidence.

- Detectives investigating a group of offenders who were affixing large quantities of fentanyl to the undersides of cars being driven across the border by unsuspecting members of the community, were provided the color and make of a potential suspect vehicle. Using the ALPR system, they were able to identify a possible offender and begin watching him. The offender was seen following a victim and removing a package of fentanyl from a victim's car after the victim parked it and walked away. The offender was arrested, and a large amount of fentanyl was recovered.
- Homicide detectives working a murder investigation were provided with the make and color of the offender vehicle. Detectives used the ALPR system to find similar cars in the area. The registered owner of the car matched the physical description of the offender and was subsequently identified by several witnesses. The vehicle was located and processed for evidence pursuant to a search warrant.
- Officers investigating a carjacking case were able to use the ALPR system to guide them to where the victim's care was left. Evidence recovered led to the identity of the offender, who was also implicated in several other armed carjacking incidents and allowed police to recover a ghost gun.

Chula Vista's proximity to the border and along two major interstates provide for a vibrant, unique, and diverse community, but also present increased risks associated with cross border crime and violence that effect everyone.

Data from the San Diego County Human Trafficking Task Force (SDCHTTF) reports a 100% rise in juvenile sex trafficking victim recoveries from 2019 to 2020. The age of these victims has fallen into the 14-15-year-old range and forced labor trafficking remains a significant problem in the south bay and has considerable cross border connections. Chula Vista sits astride a major human trafficking corridor and the Task Force uses ALPR systems to detect travel patterns of trafficking offenders, leading to more frequent victim rescues. Many of the victims of exploited labor crime are members of the immigrant community and suffer tremendously at the hands of those who would exploit them.
Countywide, the occurrence of accidental fentanyl-related deaths has almost doubled from 2018 to 2019. The 2020 numbers are going to be even higher according to The San Diego County Prescription Drug Abuse Task Force (SDPDATF) 2020 report card. Police Department staff are consistently encountering large quantities of fentanyl that is coming across the border. Fentanyl in even minute particles is extremely dangerous. Law enforcement is increasingly finding fentanyl present in other street drugs that are being ingested unknowingly by those self-medicating or those caught in the disease of addiction with often fatal results.

MOVING FORWARD WITH ALPR

This report is a compilation of current Department ALPR program and policy and includes community input received to date, and recent best practices or recommendations from the CA DOJ.

Many of the CA Department of Justice 2020 ALPR audit recommendations are already part of the Department's ALPR program. There is agency policy, which addresses training, access, data retention, system administration, data security.

- **Data Sharing:** 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.

- **Security and Access control:** The CA Department of Justice audit recommended several key areas involving system access and security.
  - System administrators should be supervisors
  - Allowing user access should be handled by a supervisor
  - Users access should be shut off after certain periods of inactivity

The department's policy contained each of these components. At the beginning of this review process, the Department had two assigned ALPR system administrators, an investigative supervisor and the Information Technology manager. A third, the Investigative Captain has been added and a fourth is planned as soon they can be trained as an administrator. The supervisor conducts all ALPR system training for employees and controls user access. These additions were made to enhance program oversight and provide additional layers of supervision and management.

Another adjustment that was added as a result of this review is the addition of a pop-up security message upon log in that contains a reminder message about access for official use only.

For decades, the Chula Vista Police Department has maintained a culture of community-based policing, innovative problem solving, community engagement and accountability. The need to provide public safety services to our community with fairness, equity and justice is not new to our organization. It is deeply engrained into our history and our shared culture. We uphold the highest ideals for our profession, and we are proud that our officers serve our residents according to our community's expectations and needs

- **System audits**: Regular system audits offer another layer of security to the ALPR program. Current policy requires the system administrator to monitor the system to ensure security of the information and that they conduct regular audits of the system. Audits have conducted on an annual basis, and as needed. Moving forward, audits will be conducted quarterly and as needed. To assist with this, the number of system administrators is being doubled. It should be noted that the Investigative Sergeant ALPR administrator has been conducting monthly audits on user access, and data sharing. The ALPR system automatically sends emails about all data sharing requests to system administrators. Since any new sharing requests have been monitored by the sergeant-level administrator, and must now be approved by the System Administrator (Investigation Division Captain), the Department's data sharing has been monitored and will continue to be monitored closely.

These changes came about as the collective examination of the Department's ALPR system. They are intended to improve oversight and better monitor and secure ALPR data. They also represent the importance of community engagement, willingness to listen to feedback, and conduct critical policy review that follow all legal requirements, include or model best practices and represent transparent and responsive community policing.

Additionally, to improve transparency, a link to our ALPR program will be added to the Department website. This link will provide much of the information contained in this report, along with any future policy or program changes, and current success stories involving the use of the ALPR system.

There are too many occasions where ALPR data was used to successfully solve a crime or locate a missing person to list. The following are a representative sample.

- An offender in multiple identity theft and fraud cases was using victims' IDs around the county. Witnesses provided a description of the offender to officers in one of the cases and a vehicle description. Detectives were able to use the ALPR system, to see if any matching images existed. They found a similar vehicle and were able to see additional images of the same car near the other crime scenes. They used the DMV database to identify the registered owner, who was a match for the offender. Witnessed picked the offender out of photo lines up and detectives were able to take the offender into custody. When arrested, the offender was in possession of items obtained through fraud and paperwork belonging to other potential victims of identity theft.
- Detectives working a county-wide theft series with more than 15 separate cases were able to use the ALPR system to look for a potential offender vehicle, and then place the car at several of the crime scenes, which led to the offenders eventual arrest and conviction.
- Detectives working a gang-related homicide and series of violent assaults, used the ALPR system once they identified the offender and a potential vehicle to see if there were any ALPR images. Detectives then went to the area where the most recent ALPR image was taken, and once there, saw the offender in that vehicle. They then safely made an arrest and recovered evidence in several of the cases.

- On a separate homicide investigation, the offender's vehicle was described. The ALPR system was used to check for any images of the offender's vehicle in the area of the murder and helped detectives locate the car and recover evidence.
- Detectives investigating a group of offenders who were affixing large quantities of fentanyl to the undersides of cars being driven across the border by unsuspecting members of the community, were provided the color and make of a potential suspect vehicle. Using the ALPR system, they were able to identify a possible offender and begin watching him. The offender was seen following a victim and removing a package of fentanyl from a victim's car after the victim parked it and walked away. The offender was arrested, and a large amount of fentanyl was recovered.
- Homicide detectives working a murder investigation were provided with the make and color of the offender vehicle. Detectives used the ALPR system to find similar cars in the area. The registered owner of the car matched the physical description of the offender and was subsequently identified by several witnesses. The vehicle was located and processed for evidence pursuant to a search warrant.
- Officers investigating a carjacking case were able to use the ALPR system to guide them to where the victim's care was left. Evidence recovered led to the identity of the offender, who was also implicated in several other armed carjacking incidents and allowed police to recover a ghost gun.

Chula Vista's proximity to the border and along two major interstates provide for a vibrant, unique, and diverse community, but also present increased risks associated with cross border crime and violence that effect everyone.

Data from the San Diego County Human Trafficking Task Force (SDCHTTF) reports a 100% rise in juvenile sex trafficking victim recoveries from 2019 to 2020. The age of these victims has fallen into the 14-15-year-old range and forced labor trafficking remains a significant problem in the south bay and has considerable cross border connections. Chula Vista sits astride a major human trafficking corridor and the Task Force uses ALPR systems to detect travel patterns of trafficking offenders, leading to more frequent victim rescues. Many of the victims of exploited labor crime are members of the immigrant community and suffer tremendously at the hands of those who would exploit them.

Countywide, the occurrence of accidental fentanyl-related deaths has almost doubled from 2018 to 2019. The 2020 numbers are going to be even higher according to The San Diego County Prescription Drug Abuse Task Force (SDPDATF) 2020 report card. Police Department staff are consistently encountering large quantities of fentanyl that is coming across the border. Fentanyl in even minute particles is extremely dangerous. Law enforcement is increasingly finding fentanyl present in other street drugs that are being ingested unknowingly by those self-medicating or those caught in the disease of addiction with often fatal results.

As explained in the preceding sections, the Police Department's ALPR system provides a valuable tool for our officers to solve crimes. The Department acknowledges the importance active oversight and management have upon the program and to have the willingness to adjust as necessary. The department began requiring command staff approval of all outside agency requests for ALPR data, allowing us to better control and manage our ALPR data in early 2020 and has made additional changes to its data sharing agreement.

The Chula Vista Police Department is one of the most innovative and progressive agencies in the nation, and is seen as a benchmark for pioneering, developing and implementing new technology into policing. Collaboration in the development of programs like Drone as First Responder (DFR) and Live 911 have garnered national attention and are recognized as important tools that provide decision quality data to our first responders while also reducing the time it takes for officers to arrive to calls. Providing better, more accurate data helps officers slow things down and employ de-escalation strategies, which leads to better, safer overall resolutions. A large part of the success of these programs is the collaboration with community groups, privacy advocates and other stakeholders to develop responsible policy and protocols for implementation and transparent and informative information sharing with the Chula Vista community.

As a leader in innovation and the use of technology to keep our community safe, the Police Department is consistently evaluating critical infrastructure protection and public safety technologies. Proven tools like ALPR systems, can be responsibly operated and intelligently implemented to balance individual privacy with efficient and effective public safety strategies that keep our community safe. ALPR systems,
whether mounted to fixed locations or on patrol cars or in combination, offer continued opportunities to leverage technology for good.

Chula Vista is consistently one of the safest cities in the country due in large part to the positive working relationships enjoyed between all the police department, city government and the community. Chula Vista Police Officers provide fair, courteous and compassionate service every day.