



HYBRID-MEETING

www.cityofvallejo.net

AGENDA

SURVEILLANCE ADVISORY BOARD REGULAR MEETING 6:00 P.M.

**(Council Chambers)
555 Santa Clara
Street
Vallejo, CA 94590**

January 19, 2023

Naomi Yun
(Chair)
Andrea Sorce
(Vice Chair)
Michael McMillan
Philip Balbuena
Brooke Reddell
Adam Bregenzar
Lisa Chen

IMPORTANT NOTICE

This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the Surveillance Advisory Board without prior notice for an item not listed on the AGENDA, no specific answers or responses should be expected at this meeting per State law.

Pursuant to Government Code Section 54954.3 of the Brown Act, members of the public shall be afforded the opportunity to speak on any agenda item of interest to them after being recognized by the presiding officer. Members of the public wishing to be so recognized are requested to submit a completed speaker card to the Secretary of the Surveillance Advisory Board prior to the consideration of the item or raise their hand via ZOOM: <https://ZoomRegular.Cityofvallejo.net> (669) 900-6833. Enter Meeting ID: 914 0075 0676#. Press * 9 to digitally raise your hand from the phone. For additional instructions on how to speak remotely during public comment, please visit www.cityofvallejo.net/publiccomment. In person speakers will be recognized first.

Notice of Availability of Public Records: All public records relating to an open session item, which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to a majority of the Surveillance Advisory Board will be available on the City of Vallejo website at www.cityofvallejo.net subject to staff's ability to post the documents prior to the meeting.

NOTICE: Members of the Public will be able to participate in-person or remotely via Zoom. Meeting Location listed above will be open to members of the public 30 minutes prior to the start of the meeting.

PUBLIC COMMENT: Members of the Public may provide public comments during the board Meeting in person or via ZOOM (<https://ZoomRegular.Cityofvallejo.net>), or via phone, by dialing (669) 900-6833. Meeting ID 914 0075 0676#

For additional instructions on how to speak remotely during public comment, please visit, www.cityofvallejo.net/publiccomment

VIEW THE MEETING:

There are four different ways you can view this public meeting:

- In Person
- Watch Comcast local channel 28 & AT&T Channel 99
- Stream from the City website: www.cityofvallejo.net/Streaming
- Join the Zoom webinar: <https://ZoomRegular.Cityofvallejo.net>

If you have any questions regarding any of the following agenda items, please call the Surveillance Advisory Board Secretary at (707) 648-5200.



The Council Chambers in City Hall is ADA compliant. Devices for the hearing impaired are available from the City Clerk. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. COMMUNITY FORUM

*Any interested members of the public desiring to communicate with the Surveillance Advisory Board for which another opportunity to speak is not provided on the agenda and which is in the jurisdiction of the Surveillance Advisory Board to resolve may do so in person by submitting a completed speaker's card to the Secretary. OR Via ZOOM: (<https://ZoomRegular.Cityofvallejo.net>), or by phone: Dial (669) 900-6833. Enter Meeting ID: 914 0075 0676#. Press * 9 to digitally raise your hand from the phone.*

For additional instructions on how to speak remotely during public comment, please visit, www.cityofvallejo.net/publiccomment. In person speakers will be recognized first. When called upon, each speaker should step to the podium, state his/her name for the record. The conduct of the community forum shall be limited to a maximum of fifteen (15) minutes, with each speaker limited to a maximum of three minutes pursuant to Vallejo Municipal Code Section 2.02.300.

5. CONSENT CALENDAR AND APPROVAL OF THE AGENDA

*Members of the public wishing to address the Surveillance Advisory Board on Consent Calendar items may do so in person by submitting a completed speaker's card to the Secretary or via ZOOM: (<https://ZoomRegular.Cityofvallejo.net>), or by phone: Dial (669) 900-6833. Enter Meeting ID: 914 0075 0676#. Press * 9 to digitally raise your hand from the phone.*

For additional instructions on how to speak remotely during public comment, please visit, www.cityofvallejo.net/publiccomment. In person speakers will be recognized first. Each speaker is limited to three minutes pursuant to Vallejo Municipal Code Section 2.02.310. Requests for removal of Consent Items received from the public are subject to approval by a majority vote of the Surveillance Advisory Board. Items removed from the Consent Calendar will be heard immediately after approval of the Consent Calendar and Agenda.

A. APPROVAL OF MINUTES November 17, 2022

6. REPORT OF THE BOARD SECRETARY

7. CITY ATTORNEY REPORT

8. REPORT OF THE CITY COUNCIL LIAISON

9. REPORT OF THE CHAIRPERSON AND MEMBERS OF THE BOARD

10. ACTION ITEM

A. Presentation from the Vallejo Police Department (in-person) and comments from the Board on the Department's Flock Data Sharing Policies and Practices; Possible Recommendation from the Board

B. Presentation from the Vallejo Police Department (in-person) and comments from the Board on the Department's Key Cell Site Simulator Usage in the City of Vallejo; Possible Recommendation from the Board.

11. INFORMATION ITEM

12. FUTURE AGENDA ITEMS

13. ADJOURNMENT

I, Naveed Ashraf, Surveillance Advisory Board Executive Secretary, do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to each of the members of the Surveillance Advisory Board, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 5:00 p.m., Thursday January 12, 2023.

Dated: January 12, 2023



Chief Innovation Officer & IT Director



HYBRID-MEETING

www.cityofvallejo.net

DRAFT MINUTES

SURVEILLANCE ADVISORY BOARD REGULAR MEETING 6:00 P.M.

**(Council Chambers)
555 Santa Clara
Street
Vallejo, CA 94590**

November 17, 2022

Naomi Yun
(Chair)
Andrea Sorce
(Vice Chair)
Michael McMillan
Philip Balbuena
Brooke Reddell
Adam Bregenzar
Lisa Chen

IMPORTANT NOTICE

This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the Surveillance Advisory Board without prior notice for an item not listed on the AGENDA, no specific answers or responses should be expected at this meeting per State law.

Pursuant to Government Code Section 54954.3 of the Brown Act, members of the public shall be afforded the opportunity to speak on any agenda item of interest to them after being recognized by the presiding officer. Members of the public wishing to be so recognized are requested to submit a completed speaker card to the Secretary of the Surveillance Advisory Board prior to the consideration of the item or raise their hand via ZOOM: <https://ZoomRegular.Cityofvallejo.net> (669) 900-6833. Enter Meeting ID: 914 0075 0676#. Press * 9 to digitally raise your hand from the phone. For additional instructions on how to speak remotely during public comment, please visit www.cityofvallejo.net/publiccomment. In person speakers will be recognized first.

Notice of Availability of Public Records: All public records relating to an open session item, which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to a majority of the Surveillance Advisory Board will be available on the City of Vallejo website at www.cityofvallejo.net subject to staff's ability to post the documents prior to the meeting.

NOTICE: Members of the Public will be able to participate in-person or remotely via Zoom. Meeting Location listed above will be open to members of the public 30 minutes prior to the start of the meeting.

PUBLIC COMMENT: Members of the Public may provide public comments during the board Meeting in person or via ZOOM (<https://ZoomRegular.Cityofvallejo.net>), or via phone, by dialing (669) 900-6833. Meeting ID 914 0075 0676#

For additional instructions on how to speak remotely during public comment, please visit, www.cityofvallejo.net/publiccomment

VIEW THE MEETING:

There are four different ways you can view this public meeting:

- In Person
- Watch Comcast local channel 28 & AT&T Channel 99
- Stream from the City website: www.cityofvallejo.net/Streaming
- Join the Zoom webinar: <https://ZoomRegular.Cityofvallejo.net>

If you have any questions regarding any of the following agenda items, please call the Surveillance Advisory Board Secretary at (707) 648-5200.



The Council Chambers in City Hall is ADA compliant. Devices for the hearing impaired are available from the City Clerk. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.

**MEETING AGENDA
SURVEILLANCE ADVISORY BOARD**

09-17, 2022

1. CALL TO ORDER (Meeting called to order at 6:00 p.m. by Chair Yun)

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL All present. Board member Brooke Reddell was absent due to illness. E-mailed in advance.

4. COMMUNITY FORUM (No virtual, nor in person comments)

*Any interested members of the public desiring to communicate with the Surveillance Advisory Board for which another opportunity to speak is not provided on the agenda and which is in the jurisdiction of the Surveillance Advisory Board to resolve may do so in person by submitting a completed speaker's card to the Secretary. OR Via ZOOM: (<https://ZoomRegular.Cityofvallejo.net>), or by phone: Dial (669) 900-6833. Enter Meeting ID: 914 0075 0676#. Press * 9 to digitally raise your hand from the phone.*

For additional instructions on how to speak remotely during public comment, please visit, www.cityofvallejo.net/publiccomment. In person speakers will be recognized first. When called upon, each speaker should step to the podium, state his/her name for the record. The conduct of the community forum shall be limited to a maximum of fifteen (15) minutes, with each speaker limited to a maximum of three minutes pursuant to Vallejo Municipal Code Section 2.02.300. (No comments)

5. CONSENT CALENDAR AND APPROVAL OF THE AGENDA (No virtual nor in person comments)

*Members of the public wishing to address the Surveillance Advisory Board on Consent Calendar items may do so in person by submitting a completed speaker's card to the Secretary or via ZOOM: (<https://ZoomRegular.Cityofvallejo.net>), or by phone: Dial (669) 900-6833. Enter Meeting ID: 914 0075 0676#. Press * 9 to digitally raise your hand from the phone.*

For additional instructions on how to speak remotely during public comment, please visit, www.cityofvallejo.net/publiccomment. In person speakers will be recognized first. Each speaker is limited to three minutes pursuant to Vallejo Municipal Code Section 2.02.310. Requests for removal of Consent Items received from the public are subject to approval by a majority vote of the Surveillance Advisory Board. Items removed from the Consent Calendar will be heard immediately after approval of the Consent Calendar and Agenda.

The agenda was switched around. The information item (#11) was presented before the action item (#10)

The agenda for November 11, 2022, had an error on an Action item. Draft language was not removed.

Motion to approve the agenda and the meeting minutes for September 15, 2022

Motioned by: Bergenzar

Seconded by: McMillian

Vote: unanimous with board member Reddell absent

A. APPROVAL OF MINUTES September 15, 2022

**MEETING AGENDA
SURVEILLANCE ADVISORY BOARD**

09-17, 2022

6. **REPORT OF THE BOARD SECRETARY** Reported that POM process is getting close and distributed the certificates of appreciation from the boards and commission appreciation dinner to board members Sorce, McMillian, and Balbuena.
7. **CITY ATTORNEY REPORT** Assistant City Attorney Katelyn Knight covering for Randy had nothing to report. She did indicate that she had a hard stop at 8:10 p.m.
8. **REPORT OF THE CITY COUNCIL LIAISON** Not Present due to a conflict.
9. **REPORT OF THE CHAIRPERSON AND MEMBERS OF THE BOARD** None
10. **ACTION ITEM** (Secretary Ashraf gave an overview of this item as to why this item is being discussed today. The Board's action was to select members of the board to be present at the upcoming council meeting when Interim Police Chief takes the beta test for the gun hot detection item for approval from the city council. On August 3, 2022, the SAB, after lengthy discussion had decided to not recommend the use of the flock gunshot detection beta technology. The SAB codified this decision in resolution 002-2022. The SAB board members felt that when this item is presented to the City Council, they should be able to give their reasoning as to why they made a recommendation against the use of this beta technology. Attorney Knight advised the board that they should only be able to say what is stated in the resolution. They should not add more content to the resolution and have a debate with the council. They are to present a collective decision of the board to the council. The board felt that the resolution needed to be explained further. Attorney Knight advised the board to craft a collective statement in this meeting and then have representatives from the board read that collective statement at the city council meeting. The following three motions were approved:
 - 1) The first motion was to select two board members to be present at the city council meeting when the gunshot detection item is presented by the police chief.
 - a. Motioned by: Sorce
 - b. Seconded by: Balbuena
 - c. VOTE: Ayes---Bergenzar, Balbuena, Sorce, and McMillian
 - d. VOTE: Nays—Chen, and Yun
 - e. VOTE: Reddell absent
 - 2) The second motion was to select only those members that voted against the use of the technology. The motion was that Bergenzar and Sorce will present on behalf of the board and Balbuena will be an alternative. Bergenzar will present remotely, since he will be out of the country.
 - a. The motion was moved SORCE and seconded by McMillian
 - b. VOTE: AYES----Unanimous with Board Member Reddell absent
 - 3) The third motion was to craft a collective statement by the board that would be read out by the selected members above. The board deliberated and crafted a collective statement. The statement is attached.
 - a. Moved by: McMillian

b. Seconded by: Bergenzar

c. VOTE: Unanimous with Board Member Reddell absent

- A. Discuss who will represent the SAB board on upcoming City Council meeting regarding the gun shot detection item (Randy I need proper language here)

11. INFORMATION ITEM (Interim Police Chief Jason Ta and Police Captain Drew Ramsey presented the surveillance technology matrix and gave an overview of the department.) Board Members asked a few questions. (No public comments)

- A. Presentation from the Vallejo Police Department (in-person) on the following items:

- i. New Technologies and Policies
- ii. New proposed Police Department surveillance items, data, and analysis

12. FUTURE AGENDA ITEMS

- A. List of current deployed technologies, cost, length of deployment, and impact of technology. (To be provided to the board before the next meeting) **This deliverable was provided to the board via email and discussed by the Interim Police Chief Ta.**
- B. Discuss Flock data sharing practices and policies **This item is to be brought back for the next board meeting in January. Staff will work on getting the proper material ready for this item.**
- C. **Board requested to place Key Cell site simulator item to be placed on the future agenda items list.**
- **Motioned by: Sorce**
 - **Seconded by: Bergenzar**
 - **Vote: Unanimous with Board Member Reddell absent**

13. ADJOURNMENT Meeting adjourned at 8:10 p.m.

I, Naveed Ashraf, Surveillance Advisory Board Executive Secretary, do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to each of the members of the Surveillance Advisory Board, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 5:00 p.m., Thursday October 27, 2022.

Dated: October 27, 2022



Chief Innovation Officer & IT Director

Hard metrics definition

- a. The technology is beta and flock has not released detailed metrics on the false positive and false negative rates. False positives for this system are detection of a gunshot when there was not a gunshot. False negatives for this system are not detecting a gunshot when there was a gunshot. The metric that was given was a soft metric, it was that the system can differentiate between a gun firing a bullet and firing a blank. This is not indicative of the nuance of Machine Learning. Machine learning frequently fails to miss large differences between things while catching small differences. Google's image recognition is a public example of this. It initially recognized the differences between siblings and failed to distinguish black people from gorillas. Lastly, other similar technologies we can look at failed to work and have largely been removed for this reason.
- b. We do not have a defined understanding what success or failure means in the context of the beta period or a baseline to measure success or failure. The city has not put forth in the policy or elsewhere in any of our meetings a false positive and false negative rate that would be considered a minimum standard. There is no measure the city has employed specifically to determine the success or failure of that system.

We have no other cities to compare to, because the cities currently piloting the technology do not yet have data that can be made available. The one example that was provided was Flint, Michigan, and the information for that city wouldn't be provided for at least 18 months, which would mean we would need to make the decision about whether to continue with the technology before seeing other cities' information.

- c. The Board felt that this particular technology would place additional demands on on-duty staff, in terms of training officers and on the additional calls for service and additional responsibilities on dispatchers. It may cause officers to have to respond unnecessarily, since they would be called on to the scene every time a hit happens. It adds additional burden on already strained VPD staff. The current proposed policy has PD response as Priority 1 without understanding the success of the system, which could likely result in wasted officer time. With a clear definition of success the department could structure a policy to escalate from priority 2 to priority 1 in order to not waste additional resources.
- d. This technology would lead officers to scenes in which they are expecting a live shooter or prepared for a live shooter, and in which the residents on the scene are not expecting the police to show up, which could lead to escalations and use of force. VPD will be responding with heightened threat on every single one of these calls.
- e. The city's policy for the gunshot detection system requires an officer to review the audio recording and confirm that the system's detection was accurate (ie. not a false positive).

As a result there is not a need to retain the audio recording past 24 hours. The policy states they will be retained for a month. There is no need for the audio recording once confirmed by an officer and if the recording contains people speaking it could present a legal risk to the city. For this reason other cities and states have required limiting storage of the recordings to as little as a few minutes.



DATE: January 19, 2023
TO: Surveillance Advisory Board
FROM: Jason Ta, Interim Chief of Police
SUBJECT: **FLOCK DATA SHARING POLICIES AND PRACTICES**

RECOMMENDATION

Presentation from the Vallejo Police Department (in-person) and comments from the Board on the Department's Flock Data Sharing Policies and Practices; Possible Recommendation from the Board.

REASONS FOR RECOMMENDATION

SAB Board requested this item to be brought forth for discussion.

BACKGROUND AND DISCUSSION

Police Chief and or its representative to talk about the Flock ALPR data sharing policies and practices in the City of Vallejo.

ATTACHMENTS

1. ALPR Policy #426 Dated 4-26-2021
2. Flock Safety Vallejo California PD Transparency Portal

CONTACT

Jason Ta, Interim Police Chief
Jason.Ta@cityofvallejo.net

Automated License Plate Readers (ALPRs)

426.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

426.2 DEFINITIONS

- (a) Automated License Plate Reader (ALPR): A device that uses cameras and computer technology to compare digital images to lists of known information of interest.
- (b) ALPR Operator: Trained Department members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the Department, and the ALPR Administrator may order the deployment of the ALPR systems for use in various efforts.
- (c) ALPR Administrator: The Investigations Bureau Captain or the Chief's designee, serves as the ALPR Administrator for the Department.
- (d) Hot List: A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, NCIC, CA DMV, Local BOLO's, etc.
- (e) Vehicles of Interest: Including, but not limited to vehicles which are reported as stolen; display stolen license plates or tags; vehicles linked to missing and/or wanted persons and vehicles flagged by the Department of Motor Vehicle Administration or law enforcement agencies.
- (f) Detection: Data obtained by an ALPR of an image (such as a license plate) within public view that was read by the device, including potential images (such as the plate and description of vehicle on which it was displayed), and information regarding the location of the ALPR system at the time of the ALPR's read.
- (g) Hit: Alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order or terrorist-related activity.

426.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates along with the vehicle make, model, color and unique identifiers through the Vallejo Police Department's ALPR's system and the vendor's vehicle identification technology. The technology is used by the Vallejo Police Department to convert data associated with vehicle license plates and vehicle descriptions for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, suspect interdiction and stolen property recovery.

Automated License Plate Readers (ALPRs)

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Department Information Technology Manager. The Department Information Technology Manager will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

426.3.1 ALPR ADMINISTRATOR

The Investigations Bureau Captain shall be responsible for compliance with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) Only properly trained sworn officers, crime analysts, communication operators, records clerks and police assistants are allowed access to the ALPR system or to collect ALPR information.
- (b) Ensuring that training requirements are completed for authorized users.
- (c) ALPR system monitoring to ensure the security of the information and compliance with applicable privacy laws.
- (d) Ensuring that procedures are followed for system operators and to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation is maintained. Continually working with the Custodian of Records on the retention and destruction of ALPR data.
- (f) Ensuring this policy and related procedures are conspicuously posted on the department's website.

426.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation; reasonable suspicion or probable cause is not required before using an ALPR.
- (c) Partial license plates and unique vehicle descriptions reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert. Once an alert is received, the operator should confirm

Vallejo Police Department

Vallejo PD Policy Manual

Automated License Plate Readers (ALPRs)

that the observed license plate from the system matches the license plate of the observed vehicle. Before any law enforcement action is taken because of an ALPR alert, the alert will be verified through a CLETS inquiry via MDC or through Dispatch. Members will not take any police action that restricts the freedom of any individual based solely on an ALPR alert unless it has been validated. Because the ALPR alert may relate to a vehicle and may not relate to the person operating the vehicle, officers are reminded that they need to have reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle. (For example, if a vehicle is entered into the system because of its association with a wanted individual, Officers should attempt to visually match the driver to the description of the wanted subject prior to making the stop or should have another legal basis for making the stop.)

(f) Hot Lists. Designation of hot lists to be utilized by the ALPR system shall be made by the ALPR Administrator or his/her designee. Hot lists shall be obtained or compiled from sources as may be consistent with the purposes of the ALPR system set forth in this Policy. Hot lists utilized by the Department's LPR system may be updated by agency sources more frequently than the Department may be uploading them and thus the Department's LPR system will not have access to real time data. Occasionally, there may be errors in the LPR system's read of a license plate. Therefore, an alert alone shall not be a basis for police action (other than following the vehicle of interest). Prior to initiation of a stop of a vehicle or other intervention based on an alert, Department members shall undertake the following:

- (1) Verification of status on a Hot List. An officer must receive confirmation, from a Vallejo Police Department Communications Dispatcher or other department computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).
- (2) Visual verification of license plate number. Officers shall visually verify that the license plate of interest matches identically with the image of the license plate number captured (read) by the LPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors before proceeding. Department members alerted to the fact that an observed motor vehicle's license plate is entered as a Hot Plate (hit) in a specific BOLO (be on the lookout) list are required to make a reasonable effort to confirm that a wanted person is actually in the vehicle and/or that a reasonable basis exists before a Department member would have a lawful basis to stop the vehicle.
- (3) Department members will clear all stops from hot list alerts by indicating the positive ALPR Hit, i.e., with an arrest or other enforcement action. If it is not obvious in the text of the call as to the correlation of the ALPR Hit and the arrest, then the Department member shall update with the Communications Dispatcher and original person and/or a crime analyst inputting the vehicle in the hot list (hit).
- (4) General Hot Lists (SVS, SFR, and SLR) will be automatically downloaded into the ALPR system a minimum of once a day with the most current data overwriting the old data.

Vallejo Police Department

Vallejo PD Policy Manual

Automated License Plate Readers (ALPRs)

(5) All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting Department member within the appropriate general offense report. As such, specific Hot Lists shall be approved by the ALPR.

Administrator (or his/her designee) before initial entry within the ALPR system. The updating of such a list within the ALPR system shall thereafter be accomplished pursuant to the approval of the Department member's immediate supervisor. The hits from these data sources should be viewed as informational; created solely to bring the officers attention to specific vehicles that have been associated with criminal activity.

All Hot Plates and suspect information entered into the ALPR system will contain the following information as a minimum:

- Entering Department member's name
- Related case number.
- Short synopsis describing the nature of the originating call

(g) Training. No member of this Department shall operate ALPR equipment or access ALPR data without first completing Department-approved training.

(h) Login/Log-Out Procedure. To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be fully audited.

Permitted/Impermissible Uses. The ALPR system, and all data collected, is the property of the Vallejo Police Department. Department personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this Policy. The following uses of the ALPR system are specifically prohibited:

(1) Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, is a violation of this Policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).

(2) Harassment or Intimidation: It is a violation of this Policy to use the ALPR system to harass and/or intimidate any individual or group.

(3) Use Based on a Protected Characteristic. It is a violation of this policy to use the LPR system or associated scan files or hot lists solely because of a person's, or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.

(4) Personal Use: It is a violation of this Policy to use the ALPR system or associated scan files or hot lists for any personal purpose.

Vallejo Police Department

Vallejo PD Policy Manual

Automated License Plate Readers (ALPRs)

(5)First Amendment Rights. It is a violation of this policy to use the LPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.

Anyone who engages in an impermissible use of the ALPR system or associated scan files or hot lists may be subject to:

- criminal prosecution,
- civil liability, and/or
- administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and Department policies.

426.5 DATA COLLECTION AND RETENTION

The Investigations Bureau Captain is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for no longer than one year, and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

ALPR vendor, Flock Safety will store the data (data hosting) and ensure proper maintenance and security of data stored in their data towers. Flock Safety will purge their data at the end of the 30 days of storage. However, this will not preclude VPD from maintaining any relevant vehicle data obtained from the system after that period pursuant to the established City of Vallejo retention schedule mentioned above or outlined elsewhere. Relevant vehicle data are scans corresponding to the vehicle of interest on a hot list.

Restrictions on use of ALPR Data: Information gathered or collected, and records retained by Flock Safety cameras or any other VPD ALPR system will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes.

426.6 ACCOUNTABILITY AND SAFEGUARDS

All data will be closely safeguarded and protected by both procedural and technological means. The Vallejo Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) All non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law.

Vallejo Police Department

Vallejo PD Policy Manual

Automated License Plate Readers (ALPRs)

(b) All ALPR data downloaded to the mobile workstation shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, and time.

(c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes.

(e) Every ALPR Detection Browsing Inquiry must be documented by either the associated Vallejo Police case number or incident number, and/or a reason for the inquiry.

For security or data breaches, see the Records Release and Maintenance Policy.

426.7 POLICY

The policy of the Vallejo Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

The Vallejo Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, pursuant to the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq) – these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CPB).

426.8 ALPR DATA DETECTION BROWSING AUDITS

It is the responsibility of the Professional Standards Division (PSD) Lieutenant or the Chief's designee to ensure that an audit is conducted of ALPR detection browsing inquiries at least once during each calendar year. The Department will audit a sampling of the ALPR system utilization from the prior 12-month period to verify proper use in accordance with the above- authorized uses. The audit shall randomly select at least 10 detection browsing inquiries conducted by department employees during the preceding six-month period and determine if each inquiry meets the requirements established in policy section 462.6(e).

The audit shall be documented in the form of an internal department memorandum to the Chief of Police. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Chief of Police, the memorandum and any associated documentation shall be filed and retained by PSD.

Vallejo Police Department

Vallejo PD Policy Manual

Automated License Plate Readers (ALPRs)

426.9 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies when there is a need to know, a right to know or legal obligation to provide the information..

- (a) The agency makes a written request for the ALPR data that includes:
 - (1) The name of the agency.
 - (2) The name of the person requesting.
 - (3) The intended purpose of obtaining the information.
- (b) The request is reviewed by the Chief of Police or the authorized designee and approved before the request is fulfilled.
- (c) The Chief of Police or the authorized designee will consider the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq), before approving the release of ALPR data. The Vallejo Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CPB).
- (d) The approved request is retained on file. Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

426.10 TRAINING

The Training Sergeant should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Vallejo CA PD

Transparency Portal

Last Updated: Wed Jan 11 2023

Overview

Vallejo CA PD uses Flock Safety technology to capture objective evidence without compromising on individual privacy. Vallejo CA PD utilizes retroactive search to solve crimes after they've occurred. Additionally, Vallejo CA PD utilizes real time alerting of hotlist vehicles to capture wanted criminals. In an effort to ensure proper usage and guardrails are in place, they have made the below policies and usage statistics available to the public.

Policies



What's Detected

License Plates, Vehicles



What's Not Detected

Facial recognition, People, Gender, Race



Acceptable Use Policy

Data is used for law enforcement purposes only. Data is owned by Vallejo CA PD and is never sold to 3rd parties.



Prohibited Uses

Immigration enforcement, traffic enforcement, harrassment or intimidation, usage based solely on a protected class (i.e. race, sex, religion), Personal use.



Access Policy

All system access requires a valid reason and is stored indefinitely.



Hotlist Policy

Hotlist hits are required to be human verified prior to action.

Usage



Data retention (in days)

30 days



Number of owned cameras

69

External organizations with access

Brigham City UT PD, Queen Creek AZ PD, Spokane County WA SO, Texas City TX PD, 18th Judicial District DA's Office- LA PD, Abilene KS PD, ACRATT -CA, Alameda CA PD, Alameda County CA SO, Albany CA PD, Alhambra CA PD, Anaheim CA PD, Anderson CA PD, Antioch PD - CA, Arcadia CA PD, Arlington TX PD, Arvin CA PD, Atherton CA PD, Auburn CA PD, Azusa CA PD, Bakersfield CA PD, Baldwin Park CA PD, Barstow CA PD, Beaumont CA PD, Benicia CA PD, Beverly Hills CA PD, Boulder City NV PD, Brawley CA PD, Brea CA PD, Buena Park CA PD, Burlingame CA PD, Cal Fire , Calistoga CA PD, Campbell CA PD, Cathedral City CA PD, Chino PD (CA), Citrus Heights PD- CA, City of Millbrae CA (SMCSO), City of Newman CA PD, City of Riverside CA PD , Claremont CA PD, Clearlake CA PD, Clovis CA PD, Colma CA PD, Concord CA PD, Contra Costa County CA SO, Corona CA PD, Costa Mesa CA PD, Covina CA PD, Cypress CA PD, Daly City CA PD, Danville CA PD, Desert Hot Springs CA PD, Dixon CA PD, DNU , East Bay Parks CA PD, East Palo Alto CA PD, El Centro CA PD, El Cerrito CA PD, El Monte CA PD, Elk Grove CA PD, Escondido CA PD, Fairfield CA PD, Farmersville CA PD, Flock Safety - Admins, Fontana CA PD, Foster City CA PD, Fremont CA PD, Fresno CA PD, Fullerton CA PD, Galt CA PD, Garden Grove CA PD, Gilroy CA PD, Glendale CA PD, Glendora (CA) PD, Grass Valley CA PD,



Grover Beach CA PD, Hayward CA PD, Hemet CA PD , Henderson NV PD, Hercules CA PD, Hillsborough CA PD, Huntington Beach CA PD, Imperial County CA SO, Indio CA PD, Irvine CA PD, Irwindale CA PD, Kensington CA PD, Kern County CA SO , Kings County CA DAs Office, LA County Sheriffs Department, La Habra CA PD, La Verne CA PD, Lafayette CA PD, Laguna Beach CA PD, Lake County CA SO, Lakeport CA PD, LAPD Sherman Oaks, LASD CA - San Dimas Station, LASD CA ☐ Crescenta Valley Station, Lathrop CA PD , Lincoln CA PD, Lindsay Public Safety Department CA, Livermore CA PD, Lodi CA PD, Lompoc CA PD, Los Alamitos PD CA, Los Alto Hills CA PD, Los Gatos Monte Sereno PD - CA, Manteca CA PD, Marin County CA SO, Mendocino County SO-CA, Menifee CA PD, Menlo Park CA PD, Milpitas CA PD, MOCIC , Montclair CA PD, Monterey County CA SO, Monterey Park CA PD, Moraga CA PD, Morgan Hill CA PD, Mountain View CA PD, Murrieta CA PD, Napa CA PD, Napa County CA SO, NCRIC, Nevada City CA PD, Newark CA PD , Novato CA PD, Oakland CA PD, Oakley CA PD, OC Sheriff CA, Oceanside CA PD, Ontario CA PD, Orange County (CA) Auto Theft Task Force, Orinda CA PD, Oxnard CA PD , Palm Springs CA PD, Pasadena CA PD, Piedmont CA PD, Pinole CA PD, Placentia CA PD, Placer County CA SO, Pleasanton CA PD, Pomona CA PD, Port Hueneme CA PD, Porterville CA PD, Redlands CA PD, Redwood City CA PD, Reedley CA PD, Richmond CA PD, Rio Vista CA PD, Riverside County CA SD, Rocklin CA PD, Rocky Mountain Information Network (RMIN/RISS) AZ, Sacramento DA CA, Sacramento PD - CA, Sacramento SO - CA, Salinas PD - CA, San Bernardino CA PD, San Bruno CA PD, San Diego County CA SD, San Gabriel CA PD, San Joaquin County CA SO, San Jose CA PD, San Leandro PD CA, San Luis Obispo CA PD , San Luis Obispo County (CA) Sheriff , San Marino CA PD, San Mateo CA PD, San Mateo County CA SO, San Pablo CA PD , San Rafael CA PD, San Ramon CA PD, Santa Barbara PD, Santa Clara County CA SO, Santa Clara PD - CA, Santa Maria CA PD, Sausalito CA PD, Seal Beach CA PD , Simi Valley CA PD, Solano County CA SO, Solano County DA CA, Solano County Special Investigations Bureau , South San Francisco CA PD, St. Helena CA PD, Stockton CA PD, Suisun City PD - CA, Tracy CA PD, Truckee CA PD, Ukiah CA PD, Ukiah Fire CA FD, Union City CA PD, Upland CA PD , US Postal Inspection Service, USMS, Vacaville CA PD, Ventura CA PD, Ventura County CA SO, Walnut Creek CA PD, West Covina CA PD, West Sacramento CA PD, Westminster CA PD, Whittier CA PD, Willits CA PD, Winters CA PD, Woodland CA PD, Yolo County CA SO, Yuba County Sheriffs Office

**Hotlists Alerted On**

California SVS, NCMEC Amber Alert

**Vehicles detected in the last 30 days**

463,761

**Hotlist hits in the last 30 days**

4,562

**Searches in the last 30 days**

314

Additional Info**Complete ALPR Policy**

Complete City Of Vallejo ALPR Policy in Link Below:

https://vallejopd.net/UserFiles/Servers/Server_16397369/Image/Public%20Information/Codes%20and%20Policies/Automated_License_Plate_Readers_ALPRs_.pdf

Additional InfoProvided by [Flock Safety](#).



DATE: January 19, 2023
TO: Surveillance Advisory Board
FROM: Jason Ta, Interim Chief of Police
SUBJECT: KEY CELL SITE SIMULATOR

RECOMMENDATION

Presentation from the Vallejo Police Department (in-person) and comments from the Board on the Department's Key Cell Site Simulator Usage in the City of Vallejo; Possible Recommendation from the Board.

REASONS FOR RECOMMENDATION

SAB Board requested this item to be brought forth for discussion.

BACKGROUND AND DISCUSSION

Police Chief and or its representative to talk about the key cell site simulator and its usage in the City of Vallejo.

ATTACHMENTS

1. Key Cell Site Simulator Policy #610 Dated 12-18-2020

CONTACT

Jason Ta, Interim Police Chief

Jason.Ta@cityofvallejo.net

Cellular Site Simulator Usage and Privacy

610.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to cellular site simulator technology usage and privacy. Any changes to this policy - including authorized uses of the cellular site simulator technology by the Vallejo Police Department - will be made in compliance with California Government Code Section 53166.

610.2 POLICY

It is the policy of the Vallejo Police Department to respect the privacy rights and civil liberties of individuals and to follow the Constitution, particularly the First and Fourth Amendments, the California Constitution, and all applicable laws.

610.3 BASIS FOR POLICY

Government Code § 53166(b) requires all law enforcement organizations that use cellular communications interception technology, including cellular site simulator technology, to:

- (a) Maintain reasonable security procedures and practices, including operational, administrative, technical and physical safeguards, to protect information gathered through the use of cellular communications interception technology from unauthorized access, destruction, use, modification or disclosure.
- (b) Implement a usage and privacy policy to ensure that the collection, use, maintenance, sharing and dissemination of information gathered through the use of cellular communications interception technology complies with all applicable law and is consistent with respect for an individual's privacy and civil liberties. The usage and privacy policy shall be available in writing to the public, and, if the local agency has an internet website, the usage and privacy policy shall be posted conspicuously on that internet website. The usage and privacy policy shall, at a minimum, include all of the following:
 - 1. The authorized purposes for using cellular communications interception technology and for collecting information using that technology
 - 2. A description of the job title or other designation of the employees who are authorized to use or access information collected through the use of cellular communications interception technology
 - 3. A description of how the local agency will monitor its own use of cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws, including laws providing for process and time period system audits
 - 4. The existence of a memorandum of understanding or other agreement with another local agency or any other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties

Vallejo Police Department

Vallejo PD Policy Manual

Cellular Site Simulator Usage and Privacy

5. The purpose of, the process for, and restrictions on the sharing of information gathered through the use of communications interception technology with other local agencies and persons
6. The length of time information gathered through the use of communications interception technology will be retained and the process the local agency will utilize to determine if and when to destroy retained information

Members shall use only department-approved devices and usage shall be in compliance with department security procedures, the department's usage and privacy procedures and all applicable laws.

610.4 HOW THE TECHNOLOGY WORKS

Cellular site simulator technology relies on the use of cellular site simulators. Cellular site simulators, as governed by this policy, function by transmitting as a cell tower. In response to the signals emitted by the simulator, cellular devices in proximity of the simulator identify it as the most attractive cell tower in the area and thus transmit signals to the simulator that identifies the device in the same way that they would a networked tower. **Cellular site simulator technology does not capture nor receive any content such as text messages, voicemails, applications, multimedia messages, etc. It does not have the capability of listening to phone calls. The City of Vallejo will not add software or otherwise modify the equipment in any way to enable these capacities**

A cellular site simulator receives signals and uses an industry-standard unique identifying number assigned by a device manufacturer or cellular network provider to distinguish between the incoming signals until the targeted device is located. Once the cellular site simulator identifies the specific cellular device for which it is looking, it will obtain the signaling information relating only to that particular phone, rejecting all others.

When used in a mass casualty event, the cellular site simulator will obtain signaling information from all devices in the simulator's target vicinity for the limited purpose of locating persons in need of assistance or to further recovery efforts. Any information received from the cellular devices during this time will only be used for these limited purposes and all such information received will be purged at the conclusion of the effort in accordance with this policy. A mass casualty incident is a natural disaster such as an earthquake or fire; a terrorist attack; or any event resulting in imminent loss of life or injury.

610.4.1 INFORMATION OBTAINED

By transmitting as a cell tower, cellular site simulators acquire identifying information from cellular devices. As employed by the Vallejo Police Department, this information is limited. Cellular site simulators employed by the Vallejo Police Department will be limited to providing only:

- (a) Azimuth (an angular measurement in a spherical coordinate system)
- (b) Signal strength

Vallejo Police Department

Vallejo PD Policy Manual

Cellular Site Simulator Usage and Privacy

- (c) Device identifier for the target device when locating a single individual or all device identifiers for a mass casualty incident

Cellular site simulators do not function as GPS locators, as they will not obtain or download any location information from the device or its applications.

Cellular site simulators used by the Vallejo Police Department shall not be used to collect the contents of any communication, in accordance with 18 U.S.C. § 3121 (c).

Cellular site simulators employed by the Vallejo Police Department shall not capture emails, texts, contact lists, images or any other data contained on the phone. In addition, the cellular site simulators shall not be used by the Vallejo Police Department to collect subscriber account information (for example, an account holder's name, address or telephone number).

610.5 AUTHORIZED PURPOSES

The authorized purposes for using cellular communications interception technology and for collecting information using that technology are to:

- (a) Locate missing persons
- (b) Locate at-risk individuals
- (c) Locate victims of mass casualty incidents
- (d) Assist in felony investigations
- (e) Apprehend fugitives

The cellular site simulator shall not be used to target First Amendment activities, such as protests and gatherings at places of worship. The cellular site simulator also shall not be used for immigration enforcement purposes, including the sharing of information derived from the equipment with federal immigration authorities including Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CPB).

610.5.1 LEGAL AUTHORITY

Cellular site simulator technology may only be used by the Vallejo Police Department with a search warrant or for an identified exigency, with a concurrent application for a search warrant. A search warrant application shall be made no later than 72 hours after use in an identified exigency. When using cellular site simulator technology to assist in an investigation, Vallejo Police personnel may only attempt to locate cellular devices whose unique identifiers are already known to law enforcement unless used for a mass casualty incident.

When making any application to a court, members of the Vallejo Police Department shall disclose appropriately and accurately the underlying purpose and activities for which an order or authorization is sought. Search warrants for the use of a cellular site simulator must include sufficient information to ensure that the courts are aware that the technology is being used. An application for the use of a cellular site simulator shall inform the court about how law enforcement intends to address the deletion of data not associated with the target phone.

Vallejo Police Department

Vallejo PD Policy Manual

Cellular Site Simulator Usage and Privacy

If cellular site technology is used based on exigency, then the above requirements will be met by applying for a search warrant concurrently with the use of the device whenever possible and no later than 72 hours after use. An exigency is defined as an emergency involving danger of death or serious physical injury.

610.6 JOB TITLES, DESIGNATIONS AND TRAINING REQUIREMENTS

The Vallejo Police Department's cellular site simulator shall be operated and maintained by Vallejo Police Department detectives assigned to the investigations division surveillance unit, currently known as the Crime Reduction Team (CRT). Personnel shall be specifically trained in such technology and authorized for its use by the Chief of Police or his designee. Such personnel shall be limited to designated detectives. No other personnel shall be allowed to use this technology or access information collected through the use of this technology. The Chief of Police may withdraw authorization for use of the technology as a consequence of a disciplinary proceeding, or as appropriate under any circumstances consistent with law.

Training requirements for the above employees include completion of training by the manufacturer of the cellular communications interception technology or appropriate subject matter experts as identified by the Vallejo Police Department. Such training shall include and follow applicable State and Federal laws, including California privacy laws. Detectives assigned to CRT at the time of the approval of this policy shall be trained by the manufacturer regarding use of the cellular site simulator. Prior to its use by subsequent detectives assigned to CRT, those detectives shall receive instruction from an individual previously trained by the manufacturer and designated by the Investigations Division Commander. The Investigations Division Commander shall maintain a record of individuals who have completed training and are authorized to use the cellular site simulator.

610.7 AGENCY MONITORING AND CONTROLS

The Vallejo Police Department will monitor its use of cellular site simulator technology to ensure the accuracy of the information collected and compliance with all applicable laws, including laws providing for process and time period system audits. Prior to approving use of the cellular site simulator, the Investigations Division Commander or their designee shall ensure that the proposed use complies with all applicable laws and this policy. The Investigations Division Commander or their designee shall quarterly review all deployment logs for compliance with applicable laws and policy and shall conduct any further audits required by law. The Investigations Division Commander, or their designee, shall ensure that process and time period system audits are conducted in accordance with law and this policy.

610.7.1 DEPLOYMENT LOG

Prior to deployment of the technology, the use of a cellular site simulator by the Vallejo Police Department must be approved by the Investigations Division Commander or their designee. Each use of the cellular site simulator device requires the completion of a log by the user. The log shall include the following information at a minimum:

Vallejo Police Department

Vallejo PD Policy Manual

Cellular Site Simulator Usage and Privacy

- (a) The name of the search warrant affiant/operator
- (b) The reason for each use (fugitive, investigation, etc.), list authorized use
- (c) Whether the target phone was located or not, and if not the reason the search was unsuccessful or incomplete
- (d) Whether the equipment was used pursuant to a warrant or legally permissible exigency with a warrant subsequently obtained

610.7.2 ANNUAL REPORT

The Cellular Site Simulator Program Coordinator shall provide the Chief of Police with an annual report that contains all of the above information. The report shall also contain the following information for the preceding 12-month period:

- (a) The number of times cellular site simulator technology was used
- (b) The number of times the Vallejo Police Department used the cellular site simulator for another agency
- (c) The number of times the equipment was deployed:
 - 1. To make an arrest or attempt to make an arrest
 - 2. To locate an at-risk person
 - 3. To aid in search and rescue efforts
 - 4. For any other reason

The effectiveness of each deployment: The deployment log will be made available to the public and posted online on a quarterly basis with redaction of information related to any ongoing investigations or other exempt material

610.8 INTER-AGENCY COOPERATION

Any request from an outside agency to use the Vallejo Police Department's cellular site simulator must be approved by the Investigations Division Commander or their designee. Prior to the device being used on behalf of the requesting agency, there must be a written agreement between the requesting agency and the Vallejo Police Department. The requesting agency must agree to adhere to this policy, which shall be provided to them. The cellular site simulator will be operated by trained members of the Vallejo Police Department. No outside agency members shall operate the cellular site simulator.

Upon approval, the cellular site simulator will be utilized for the requesting agency pending availability and only for the purposes authorized under Section 610.5.

Should there be simultaneous requests from outside agencies to utilize the cellular site simulator, the Investigations Division Commander or their designee will determine which agency incident has priority.

Vallejo Police Department

Vallejo PD Policy Manual

Cellular Site Simulator Usage and Privacy

610.9 SHARING OF INFORMATION

The Vallejo Police Department will share information gathered through the use of cellular site simulator technology with other law enforcement agencies that have a right to know and a need to know the information requested. A right to know is the legal authority to receive information pursuant to a court order, statutory law or case law. A need to know is a compelling reason to request information such as direct involvement in an investigation.

Information will be shared only with agencies in accordance with a lawful purpose and limited to a court order, search warrant or identified exigency on the part of the agency. The Vallejo Police Department will not share information outside of the legal parameters necessary for the lawful purpose. All requests for information shall be reviewed by the Cellular Site Simulator Program Coordinator or other individual as designated by the Chief of Police.

The agency with which the information is shared ("recipient agency") shall be designated as the custodian of such information. The recipient agency shall be responsible for observance of all conditions of the use of the information including the prevention of unauthorized use, retention of information and destruction of information.

610.10 RETENTION AND DISPOSAL OF INFORMATION

The Vallejo Police Department may keep captured data as evidence for use in a felony criminal investigation only when specifically authorized in a search warrant and in accordance with applicable state laws regarding search warrants and electronic information. The storage of this information shall be documented in a Vallejo Police Department crime report.

In all other circumstances where it is not specifically authorized by a search warrant, the Vallejo Police Department shall destroy all information intercepted by the cellular site simulator equipment as soon as the objective of the information request is accomplished in accordance with the following:

- (a) When the cellular site simulator equipment is used to locate a known cellular device, all data shall be deleted upon locating the cellular device and no fewer than once daily for a known cellular device
- (b) When the cellular site simulator equipment is used in a search and rescue operation, all data must be deleted as soon as the person or persons in need of assistance have been located, and in any event no less than once every ten days
- (c) Prior to deploying the cellular site simulator equipment for a subsequent operation, ensure the equipment has been cleared of any previous operational data
- (d) No data derived or recorded by cellular site simulator software or equipment will be stored on any server, device, cloud-based storage system or in any capacity