



AGENDA

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

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

March 16, 2023

Andrea Sorce
(Vice Chair)
Michael McMillan
Philip Balbuena
Brooke Reddell
Mike Moreno
Jasmine Chisley
Lisa Chen

www.cityofvallejo.net

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. OATH OF OFFICE (Board Members Moreno and Chisley)

4. ROLL CALL

5. 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.

6. 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 January 19, 2023

7. REPORT OF THE BOARD SECRETARY

8. CITY ATTORNEY REPORT

9. REPORT OF THE CITY COUNCIL LIAISON

10. REPORT OF THE CHAIRPERSON AND MEMBERS OF THE BOARD

11. ACTION ITEM

CONSIDER ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SURVEILLANCE ADVISORY BOARD OF THE CITY OF VALLEJO RECOMMENDING THE ADOPTION AND IMPLEMENTATION OF A VALLEJO POLICE DEPARTMENT POLICY RELATED TO THE SHARING OF SURVEILLANCE DATA WITH LAW ENFORCEMENT JURISDICTIONS THAT INTEND TO PROSECUTE OR INTERFERE WITH THE EXERCISE OF REPRODUCTIVE RIGHTS IN CALIFORNIA

12. FUTURE AGENDA ITEMS

- A. Reports provided to the Board on drone usage, cell site simulator, and ALPR in car camera usage,**
- B. Investigate distance of other agencies access flock data.**
- C. Explore additional multi-agency hopping issues.**
- D. Investigate how private entities are sharing flock ALPR data.**
- E. Information about Peregrin software.**

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., Monday March 13, 2023.

Dated: March 13, 2023



Chief Innovation Officer & IT Director

**SURVEILLANCE ADVISORY BOARD
REGULAR MEETING MINUTES**

JANUARY 19, 2023

**Council Chambers
555 Santa Clara Street, Vallejo, California**

1. CALL TO ORDER

The meeting was called to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Chair Yun, Vice Chair Sorce, Boardmembers Balbuena, Bregenzer, Chen, McMillan, and Reddell

Absent: None

Staff present: Secretary Ashraf and Chief Assistant City Attorney Risner

4. COMMUNITY FORUM – None.

5. CONSENT CALENDAR AND APPROVAL OF THE AGENDA

Action: *Moved by Boardmember Bregenzer, seconded by Boardmember Chen, and carried unanimously to approve the Agenda and the Consent Calendar.*

A. Approval of Minutes – November 17, 2022.

Actions: *Approved minutes.*

6. REPORT OF THE BOARD SECRETARY

Secretary Ashraf welcomed new Councilmember Arriola as the new council liaison to the Board and provided an update on the current application process for new District 2, 4 and 5 appointments to the Board.

7. CITY ATTORNEY REPORT – None.

8. REPORT OF THE CITY COUNCIL LIAISON

Councilmember Arriola expressed her commitment to working with the Board.

9. REPORT OF THE CHAIRPERSON AND MEMBERS OF THE BOARD

Chair Yun and Boardmember Bregenzer provided comment.

10. ACTION ITEM

A. Presentation from 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

Captain Ramsey provided an overview of the Flock Data Sharing Policy and responded to questions from Boardmembers.

Following a question and answer period, Boardmembers offered a number of suggestions to incorporate into the ALPR policy. Chief Assistant City Attorney Risner was directed to prepare a draft resolution incorporating the suggested changes with the resolution to be returned to the Board at their next regular meeting for consideration and approval.

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

Captain Ramsey reviewed in detail the cell site simulator technology and responded to questions from Boardmembers.

Board Secretary Ashraf was directed to provide the Board with the usage log on a periodic basis.

11. INFORMATION ITEMS – None.

12. FUTURE AGENDA ITEMS

Boardmembers requested the following items be considered for future meetings:

- Reports provided to the Board on drone usage, cell site simulator and ALPR in car cameras usage. *Secretary Ashraf agreed to provide on a periodic basis.*
- Investigate distance of other agencies accessing flock data.
- Explore additional multi-agencies hopping issue.
- Investigate how private entities are sharing flock ALPR data.
- Information about Perigrin software

12. ADJOURNMENT

The meeting adjourned at 8:00 p.m.

ANDREA SORCE, VICE CHAIR

ATTEST:

NAVEED ASHRAF
CHIEF INNOVATION OFFICER/IT DIRECTOR



DATE: March 16, 2023
TO: Surveillance Advisory Board
FROM: Jason Ta, Interim Chief of Police
SUBJECT: **CONSIDER ADOPTION OF A RESOLUTION FLOCK DATA SHARING**

RECOMMENDATION

Consider adoption of a resolution of the board of directors of the surveillance advisory board of the city of Vallejo recommending the adoption and implementation of a Vallejo police department policy related to the sharing of surveillance data with law enforcement jurisdictions that intend to prosecute or interfere with the exercise of reproductive rights in California.

REASONS FOR RECOMMENDATION

SAB Discussion item from January 19, 2023, meeting.

BACKGROUND AND DISCUSSION

Flock ALPR Data Sharing Policy and Flock ALPR Reproductive Rights Resolution. The SAB directed staff to create the RESO and the draft policy for discussion and adoption in March SAB Regular meeting.

ATTACHMENTS

1. Flock ALPR Reproductive Rights Reso
2. ALPR Agreement-DRAFT
3. ALPR Policy (426) - DRAFT

CONTACT

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

RESOLUTION NO. ____-23

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SURVEILLANCE ADVISORY BOARD OF THE CITY OF VALLEJO RECOMMENDING THE ADOPTION AND IMPLEMENTATION OF A VALLEJO POLICE DEPARTMENT POLICY RELATED TO THE SHARING OF SURVEILLANCE DATA WITH LAW ENFORCEMENT JURISDICTIONS THAT INTEND TO PROSECUTE OR INTERFERE WITH THE EXERCISE OF REPRODUCTIVE RIGHTS IN CALIFORNIA

WHEREAS, for more than 50 years, women in all 50 states, possessed a uniform right to reproductive freedom as a result of the United States Supreme Court decision in *Roe v. Wade* (1973) 92 S.Ct. 705; and

WHEREAS, in July 2022, the United States Supreme Court overturned its ruling in *Roe v. Wade* in its decision in *Dobbs v. Jackson Women's Health Organization* (2022) 142 S.Ct. 2228; and

WHEREAS, the decision in *Dobbs* allows individual states to determine whether and in what ways a woman may access reproductive health care; and

WHEREAS, following the decision in *Dobbs*, several states immediately either outlawed abortion altogether or severely limited access to it; and

WHEREAS, in 2002, the State of California adopted the Reproductive Privacy Act; and

WHEREAS, in 2020, the California State Legislature amended the Reproductive Privacy Act stating as follows: "The Legislature finds and declares that every individual possesses a fundamental right of privacy with respect to personal reproductive decisions, which entails the right to make and effectuate decisions about all matters relating to pregnancy, including prenatal care, childbirth, postpartum care, contraception, sterilization, abortion care, miscarriage management and infertility care," (Health and Safety Code section 123462) and

WHEREAS, the Reproductive Privacy Act also states: "Every pregnant individual or individual who may become pregnant has the fundamental right to choose to bear a child or to choose to have and to obtain an abortion . . ." (Health and Safety Code section 123462(b)), and

WHEREAS, the Vallejo Police Department utilizes Automatic License Plate Reader (ALPR) technology that can track the movement of individuals including individuals from other states seeking reproductive health care services in California; and

WHEREAS, the Vallejo Police Department shares ALPR data with other law enforcement agencies, including those agencies in states that have severely restricted access to reproductive health services; and

WHEREAS, shared ALPR data may be used by other states to prosecute individuals who are residents of those states for exercising their reproductive health care rights in California; and

WHEREAS, the Board desires to recommend to VPD and to the Vallejo City Council that VPD adopt or modify it's policy concerning the use of ALPR data by all law enforcement agencies and restrict said use to legitimate law enforcement uses and prohibit the use of such data to arrest, cite, prosecute,

intimidate or harass any person who is seeking or intends to seek reproductive health care services in California.

NOW, THEREFORE, the Board of Directors of the Surveillance Advisory Board hereby resolves as follows:

1. The Board recommends that the Chief of Police of the Vallejo Police Department adopt and implement a policy prohibiting law enforcement agencies with which VPD shares ALPR data from using said data to arrest, cite, prosecute, intimidate or harass any person who is seeking or intends to seek reproductive health care services in California.
2. Before sharing ALPR data with another law enforcement agency, the Board recommends that VPD enter into a signed agreement in which the law enforcement agency seeking ALPR data agrees that any such shared data will not be used by that agency, or by any other agency or entity within the state in which the law enforcement agency is located, to arrest, cite, prosecute, intimidate or harass any person who is seeking or intends to seek reproductive health care services in California.

Adopted by the Surveillance Advisory Board at a regular meeting held on March 16, 2023 with the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ANDREA SORCE, Vice Chair

ATTEST:

NAVEED ASHRAF, Secretary



DRAFT

**AUTOMATED LICENSE PLATE READERS
DATA SHARING ACKNOWLEDGMENT LETTER**

This letter is to certify that the _____ has requested access to data from the Vallejo Police Department's Automated License Plate Readers Program for the following intended uses:

Data shared by the Vallejo Police Department will be used for official law enforcement purposes ONLY, and not for other purposes such as immigration enforcement; personal use; harassment; to cite, arrest prosecute, intimidate, or harass people who are seeking reproductive health services in California; and any other usages that are against the Vallejo Police Department's policy, or applicable Federal or California State Law.

By signing this letter, the representatives of _____ agree to abide by this policy.

(Signature/Print name)

(Title/Rank)

(Date)

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

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.

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.

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(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.

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.

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).
- [\(e\) Agencies outside of California that request to access VPD ALPR DATA through FLOCK Safety Portal must agree to abide by all applicable Federal and California State Laws as well as VPD Policy.](#)
 - [\(1\) VPD will send a data sharing request to the Agency which must be completed and returned prior to the granting of access.](#)
 - [\(2\) The ALPR Administrator will maintain these documents for the entirety of the shared Data agreement.](#)
 - [\(3\) Access to VPD ALPR data can be stopped at anytime when authorized by VPD Command Staff.](#)

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).