



## LODI CITY COUNCIL

Carnegie Forum  
305 West Pine Street, Lodi

## "SHIRTSLEEVE" SESSION

Date: April 5, 2016

Time: 7:00 a.m.

For information regarding this Agenda please contact:

**Jennifer M. Ferraiolo**

**City Clerk**

**Telephone: (209) 333-6702**

### Informal Informational Meeting

**A. Roll Call by City Clerk**

**B. Topic(s)**

B-1 Presentation and Discussion Regarding Vigilant Solutions Software (PD)

**C. Comments by Public on Non-Agenda Items**

**D. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Jennifer M. Ferraiolo  
City Clerk

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**CITY OF LODI  
COUNCIL COMMUNICATION**

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**AGENDA TITLE:** Presentation and Discussion Regarding Vigilant Solutions Software  
**MEETING DATE:** April 5, 2016  
**PREPARED BY:** Chief of Police

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**RECOMMENDED ACTION:** Presentation and Discussion regarding Vigilant Solutions Software.

**BACKGROUND INFORMATION:** Vigilant Solutions offers software that provides law enforcement agencies nationwide with access to Law Enforcement Archival Reporting Network (LEARN) Software. Vigilant Solutions provides exclusive access to a nationwide database, which is available only to law enforcement agencies.

By using a cloud-based solution, the LEARN commercial data subscription provides license plate information to law enforcement agencies in near real-time, with only a few second delay. Vigilant Solutions, located in Livermore, was founded in 2005 and has rapidly grown to service over 3,200 law enforcement agencies nationwide, including Sacramento County Sheriff's department.

The Chief of Police will present information for discussion regarding the use of the Vigilant software and camera equipment and will discuss the departmental policy regarding the implementation and utilization of LEARN.

**FISCAL IMPACT:** Not applicable.

**FUNDING AVAILABLE:** Not applicable.

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Tod Patterson  
Chief of Police

Prepared by Paula O'Keefe, Management Analyst

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**APPROVED:** \_\_\_\_\_  
Stephen Schwabauer, City Manager

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## Automated License Plate Readers (ALPRs)

### 431.1 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 and to ensure that the collection, use, maintenance, sharing, and dissemination of ALPR information is consistent with respect for individuals' privacy and civil liberties. This privacy policy shall be available to the public in writing, and posted conspicuously on the department website.

### 431.2 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Lodi Police Department to convert data associated with vehicle license plates 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, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

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

#### 431.2.1 ALPR ADMINISTRATOR

The Investigations Lieutenant or designee shall be responsible for developing guidelines and procedures to comply 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) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators 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.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

# Lodi Police Department

## Policy Manual

### *Automated License Plate Readers (ALPRs)*

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#### **431.3 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) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates 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) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (f) 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.

#### **431.4 DATA COLLECTION AND RETENTION**

The Investigations Lieutenant or designee 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 should be stored for a minimum of one year (Government Code § 34090.6) 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.

#### **431.5 ACCOUNTABILITY**

All data will be closely safeguarded and protected by both procedural and technological means. The Lodi 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 ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

# Lodi Police Department

## Policy Manual

### Automated License Plate Readers (ALPRs)

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- (b) Members 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.
- (c) ALPR system audits should be conducted on a regular basis.

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

#### **431.6 POLICY**

The policy of the Lodi 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.

#### **431.7 ACCESS AND RELEASE OF ALPR DATA**

A record of the following information shall be maintained when ALPR data is accessed (Civil Code § 1798.90.52):

- (a) The date and time the information is accessed.
- (b) The license plate number or other data elements used to query the ALPR system.
- (c) The username of the person who accesses the information, and, as applicable, the organization or entity with whom the person is affiliated.
- (d) The purpose for accessing the information.

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (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 Investigations Lieutenant or the authorized designee and approved before the request is fulfilled.
- (c) 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).

# Lodi Police Department

Policy Manual

## *Automated License Plate Readers (ALPRs)*

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### **431.8 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).



Code: Select Code Section:

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[Up^](#) [Add To My Favorites](#)**CIVIL CODE - CIV****DIVISION 3. OBLIGATIONS [1427 - 3272.9]** ( *Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.* )**PART 4. OBLIGATIONS ARISING FROM PARTICULAR TRANSACTIONS [1738 - 3273]** ( *Part 4 enacted 1872.* )**TITLE 1.81.23. COLLECTION OF LICENSE PLATE INFORMATION [1798.90.5 - 1798.90.55]** ( *Title 1.81.23 added by Stats. 2015, Ch. 532, Sec. 3.* )**1798.90.5.** The following definitions shall apply for purposes of this title:

(a) "Automated license plate recognition end-user" or "ALPR end-user" means a person that accesses or uses an ALPR system, but does not include any of the following:

(1) A transportation agency when subject to Section 31490 of the Streets and Highways Code.

(2) A person that is subject to Sections 6801 to 6809, inclusive, of Title 15 of the United States Code and state or federal statutes or regulations implementing those sections, if the person is subject to compliance oversight by a state or federal regulatory agency with respect to those sections.

(3) A person, other than a law enforcement agency, to whom information may be disclosed as a permissible use pursuant to Section 2721 of Title 18 of the United States Code.

(b) "Automated license plate recognition information," or "ALPR information" means information or data collected through the use of an ALPR system.

(c) "Automated license plate recognition operator" or "ALPR operator" means a person that operates an ALPR system, but does not include a transportation agency when subject to Section 31490 of the Streets and Highways Code.

(d) "Automated license plate recognition system" or "ALPR system" means a searchable computerized database resulting from the operation of one or more mobile or fixed cameras combined with computer algorithms to read and convert images of registration plates and the characters they contain into computer-readable data.

(e) "Person" means any natural person, public agency, partnership, firm, association, corporation, limited liability company, or other legal entity.

(f) "Public agency" means the state, any city, county, or city and county, or any agency or political subdivision of the state or a city, county, or city and county, including, but not limited to, a law enforcement agency.

(*Added by Stats. 2015, Ch. 532, Sec. 3. Effective January 1, 2016.*)

**1798.90.51.** An ALPR operator shall do all of the following:

(a) Maintain reasonable security procedures and practices, including operational, administrative, technical, and physical safeguards, to protect ALPR information from unauthorized access, destruction, use, modification, or disclosure.

(b) (1) Implement a usage and privacy policy in order to ensure that the collection, use, maintenance, sharing, and dissemination of ALPR information is consistent with respect for individuals' privacy and civil liberties. The usage and privacy policy shall be available to the public in writing, and, if the ALPR operator has an Internet Web site, the usage and privacy policy shall be posted conspicuously on that Internet Web site.

(2) The usage and privacy policy shall, at a minimum, include all of the following:

(A) The authorized purposes for using the ALPR system and collecting ALPR information.

(B) A description of the job title or other designation of the employees and independent contractors who are authorized to use or access the ALPR system, or to collect ALPR information. The policy shall identify the training requirements necessary for those authorized employees and independent contractors.

(C) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(D) The purposes of, process for, and restrictions on, the sale, sharing, or transfer of ALPR information to other

persons.

(E) The title of the official custodian, or owner, of the ALPR system responsible for implementing this section.

(F) A description of the reasonable measures that will be used to ensure the accuracy of ALPR information and correct data errors.

(G) The length of time ALPR information will be retained, and the process the ALPR operator will utilize to determine if and when to destroy retained ALPR information.

*(Added by Stats. 2015, Ch. 532, Sec. 3. Effective January 1, 2016.)*

**1798.90.52.** If an ALPR operator accesses or provides access to ALPR information, the ALPR operator shall do both of the following:

(a) Maintain a record of that access. At a minimum, the record shall include all of the following:

(1) The date and time the information is accessed.

(2) The license plate number or other data elements used to query the ALPR system.

(3) The username of the person who accesses the information, and, as applicable, the organization or entity with whom the person is affiliated.

(4) The purpose for accessing the information.

(b) Require that ALPR information only be used for the authorized purposes described in the usage and privacy policy required by subdivision (b) of Section 1798.90.51.

*(Added by Stats. 2015, Ch. 532, Sec. 3. Effective January 1, 2016.)*

**1798.90.53.** An ALPR end-user shall do all of the following:

(a) Maintain reasonable security procedures and practices, including operational, administrative, technical, and physical safeguards, to protect ALPR information from unauthorized access, destruction, use, modification, or disclosure.

(b) (1) Implement a usage and privacy policy in order to ensure that the access, use, sharing, and dissemination of ALPR information is consistent with respect for individuals' privacy and civil liberties. The usage and privacy policy shall be available to the public in writing, and, if the ALPR end-user has an Internet Web site, the usage and privacy policy shall be posted conspicuously on that Internet Web site.

(2) The usage and privacy policy shall, at a minimum, include all of the following:

(A) The authorized purposes for accessing and using ALPR information.

(B) A description of the job title or other designation of the employees and independent contractors who are authorized to access and use ALPR information. The policy shall identify the training requirements necessary for those authorized employees and independent contractors.

(C) A description of how the ALPR system will be monitored to ensure the security of the information accessed or used, and compliance with all applicable privacy laws and a process for periodic system audits.

(D) The purposes of, process for, and restrictions on, the sale, sharing, or transfer of ALPR information to other persons.

(E) The title of the official custodian, or owner, of the ALPR information responsible for implementing this section.

(F) A description of the reasonable measures that will be used to ensure the accuracy of ALPR information and correct data errors.

(G) The length of time ALPR information will be retained, and the process the ALPR end-user will utilize to determine if and when to destroy retained ALPR information.

*(Added by Stats. 2015, Ch. 532, Sec. 3. Effective January 1, 2016.)*

**1798.90.54.** (a) In addition to any other sanctions, penalties, or remedies provided by law, an individual who has been harmed by a violation of this title, including, but not limited to, unauthorized access or use of ALPR information or a breach of security of an ALPR system, may bring a civil action in any court of competent jurisdiction against a person who knowingly caused the harm.

(b) The court may award a combination of any one or more of the following:

(1) Actual damages, but not less than liquidated damages in the amount of two thousand five hundred dollars (\$2,500).

(2) Punitive damages upon proof of willful or reckless disregard of the law.



LEARN

Law Enforcement Archival & Reporting Network

Lodi Police  
Department  
April 5, 2016

# WHAT IS AUTOMATED LICENSE PLATE RECOGNITION?

- Cameras detect and capture vehicle license plates
- The cameras can be mobile or fixed position
- A photo of the detected vehicle is also taken
- The date and time of detection is logged
- The location of the vehicle is logged

# LAW ENFORCEMENT USES

- Locating stolen vehicles
- Locating missing persons
- Identifying vehicles used in crimes
- Locating vehicles used in crimes
- Locating vehicles associated with wanted persons
- Solving pattern crimes

# TOOLS AND ANALYTICS

- Customizable “Hot Lists”
- Partial Plate Queries
- Geo Fencing
- Mobile Device Alerts
- Location Popularity
- Time of Day Popularity
- Common Plate Analysis
- Stakeout

# SAFEGUARDS

- All queries are logged
- Authorized users will receive training
- Established written policy
- Case numbers are entered with queries
- System Administrator has auditing capability
- License plates alone are not personal information
- Other databases must be accessed

# ACCESS/DATA STORAGE/SHARING

- Authorized users access data through secured web-portal
- All data storage via cloud computing
- Data collected by law enforcement is property owned by the collecting agency, not Vigilant
- Data retention periods are set by individual agency policy
- Individual agencies control their own data sharing

# SAMPLE LODI PD CASES

On January 4, 2016, while “off-duty”, I received a text message from a Sacramento County Sheriff’s Department Sergeant. He advised the license plate belonging to a vehicle stolen out of Sacramento was detected in the Lodi Memorial Hospital parking lot.

I contacted Dispatch and an officer was sent to look for the vehicle. The stolen vehicle was recovered within minutes of the license plate detection.

# SAMPLE LODI PD CASES

In 2013, a male and female couple were responsible for multiple thefts from Home Depot stores. The thefts ranged from Reno, NV to the Bay Area. The Lodi Home Depot was victimized on 08/25/13. The combined loss exceeded \$10,000.

The suspects' vehicle license plate was detected at a motel in Sacramento and Lodi PD Officers arrested both suspects.

# SAMPLE LODI PD CASES

On 01/28/15, a “takeover” style robbery occurred at Lodi Memorial West Pharmacy. Witnesses provided a description and a partial license plate of the suspect vehicle. When witnesses were shown photos captured by license plate readers, the vehicle was positively identified.

The driver was identified and arrested. He confessed and was sentenced to two years state prison.

# COST

- Vigilant LEARN data subscription is yearly contract. Initial cost is \$7500 for up to 100 sworn staff.
- Equipment and Installation work completed by Lehr as the Vigilant Sole Source vendor: cost of 1 - 3 camera mobile LPR system and installation is \$22,490.
- General Funds available for expenditure.

**Questions?**

# ALPR Policy



Lodi City Council  
Shirtsleeve Study Session

Police Department  
April 5, 2016

# Equipment and Data Usage

- Locating stolen vehicles
- Locating missing persons
- Identifying vehicles used in crimes
- Locating vehicles used in crimes
- Locating vehicles associated with wanted persons
- Solving pattern crimes

# Policy

- Vetted through Lexipol, a provider of defensible policies for public safety
- Provides guidance for capture, storage and use of digital data obtained through the use of Automated License Plate Readers (ALPRs)
- Ensures all data collection, usage, and dissemination is consistent with respect for individual's privacy and civil liberties



# Policy

- ALPR Administrator shall be responsible for developing guidelines and procedures to maintain compliance with Civil code requirements, to include,
  - Responsible for ensuring proper collection and retention of ALPR data
  - Training requirements
  - Ensuring compliance with policy and procedures
- Use of ALPR is restricted to official law enforcement business
- No member of the department shall operate ALPR equipment or access ALPR data without department-approved training
- All data will be closely safeguarded and protected by procedural and technological means.
- ALPR audits shall be conducted on a regular basis



# Public Records Act Requests

- Requests for ALPR data by non-law enforcement/non-prosecutorial will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.51; Civil Code 1798.90.53)

# Civil Code

Civil Code 1798.90.55 "Notwithstanding any other law or regulation:

(a) A public agency that operates or intends to operate an ALPR system shall provide an opportunity for public comment at a regularly scheduled public meeting of the governing body of the public agency before implementing the program.

(b) A public agency shall not sell, share, or transfer ALPR information, except to another public agency, and only as otherwise permitted by law. For purposes of this section, the provision of data hosting or towing services shall not be considered the sale, sharing, or transferring of ALPR information."

# ALPR Policy

## Questions?



Police Department  
April 5, 2016