



The City of San Diego

Staff Report

DATE ISSUED: November 1, 2023

TO: Privacy Advisory Board

FROM: San Diego Police Department (SDPD)

SUBJECT: Presentation of Use Policies and Surveillance Impact Reports Associated with Vigilant Solutions License Plate Recognition (LPR) system

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Council District(s): Citywide

OVERVIEW:

On August 10, 2022, the City of San Diego amended and added Chapter 2, Article 10, of the San Diego Municipal Code – the “Transparent and Responsible Use of Surveillance Technology” (Surveillance Ordinance). The Surveillance Ordinance is designed to provide greater transparency to City Council and the public when the City uses or acquires any technology that meets the City’s definition of surveillance. The Surveillance Ordinance requires that for each technology that meets the criteria for surveillance, City Departments must:

- Hold at least one or more community meetings in each City Council district where the proposed surveillance technology is deployed, with an opportunity for public comment and written response.
- Prepare a Surveillance Use Policy that includes the purpose, use, data collection, data access, data protection, data retention, public access, third-party data sharing, training, auditing, oversight, and maintenance.
- Prepare a Surveillance Impact Report including description, purpose, location, impact assessment, mitigations, data types and sources, data security, fiscal cost, third-party dependence, alternatives, track record, public engagement, and comments.
- Present the item to the Privacy Advisory Board for review.
- Present the item to City Council for the acquisition and deployment of all new and currently used surveillance technologies.
- Provide annual reports on surveillance technology use, impact, and acquisitions.

PROPOSED ACTIONS:

In accordance with the Board Notification and Review Requirements outlined in section 210.0102 of the Surveillance Ordinance, the Department is requesting approval for use, funding, acquisition and sharing of technology which falls within the definition of surveillance technology under the ordinance. Specifically, the item being requested is known as License Plate Recognition (LPR) and the data storage database Vigilant LEARN (Vigilant) where all the captured data is transferred to and kept for investigators across the country to rapidly locate vehicles associated with crimes, missing persons, and vehicles of interest.

DISCUSSION OF ITEM:

SDPD's mission is to provide the highest quality police services to the communities it serves. SDPD values transparency, public input, and welcomes open dialogue about its practices and operations. The preservation and sustainability of public safety, officer safety and civil rights is paramount. SDPD further recognizes the importance and value of public disclosure regarding the qualified surveillance technology we use. It is our intent to present to the Privacy Advisory Board our use of LPR recognition data via a privately owned database named Vigilant, owned by Vigilant Solutions. The LPR system allows officers and investigators to rapidly locate vehicles associated with crimes, missing persons, and vehicles of interest. Vigilant Solutions collects, organizes, and shares data to credited law enforcement personnel. Vigilant Solutions gives the flexibility to its customers to choose between collecting data with the companies' equipment or solely have access to their database. SDPD has opted to solely use the database and does not own license plate capturing equipment. The LPR system records vehicle's plates with mobile or stationary cameras owned by private and law enforcement entities throughout the United States. The captured data obtained by others is transferred to an offsite subscription-based database called Vigilant. Investigators can query a complete or partial plate and/or a location to get alerts on vehicles of interest. The response or "hit" is immediate and in real-time.

Vigilant contains two data tiers subscriptions: commercial and law enforcement. The commercial tier allows access to data captured from law enforcement and private sector cameras belonging to security companies, shopping malls, apartments, sporting venues, paid parking lots, toll roads, and asset recovery companies. The law enforcement tier only contains data inputted from law enforcement agencies and does not access private sector data. In San Diego County alone, LPR systems provide the Vigilant database with more than 1.7 million vehicle license plates a month. The LPR system solely documents vehicle license plates that are in public and does not provide registered owners information or photographs.

The materials required under the Surveillance Ordinance accompany this Staff Report in compliance with the ordinance to provide information surrounding the proposed use of LPR systems and Vigilant software and answer the many questions associated with their use and community impact.

David Nisleit

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Chief of Police