



# Surveillance Impact Report

PENLiNK PLX

San Diego Police Department

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## DESCRIPTION

PENLiNK PLX is computer software available to local, state, federal, and international law enforcement agencies. It offers San Diego Internet Crimes Against Children Task Force (ICAC) members the ability to examine large data sets obtained through legal processes in one integrated view. The program parses out information and organizes it in a manner that is useable and logical allowing task force members to more efficiently review, oftentimes, terabytes of information. It is used to support ICAC criminal investigations.

PENLiNK--as described on PENLiNK's website (<https://PENLiNK.com/>):

“Today’s investigators believe that reviewing digital evidence is too complex. PENLiNK’s digital investigative solutions bring you innovative analytical capabilities to reveal connections and gain insights more quickly.

Combat job fatigue and burnout with PLX and its powerful, easy-to-use, and flexible array of reporting and analytical tools to help you reveal connections, trends, and relationships that might otherwise go undetected. With options for interactive grids, graphical analysis, and reporting across phone calls, messaging, social media, and more, PLX does in minutes what would take an investigator weeks to do manually.”

## PURPOSE

ICAC task force members utilize PENLiNK to analyze large data sets either extracted from smartphones, tablets, or computers or provided by Electronic Service Providers (ESPs). Data extracted or provided as a result of legal processes being served or consent being given is uploaded onto an isolated computer. The PENLiNK PLX program, using proprietary software coding, parses out the data into usable, logical files (e.g., images, videos, emails, and text messages). Investigators then review the organized data and determine the evidentiary value of what was extracted/received. When the review is complete, PENLiNK PLX will produce a report indicating the items selected. The task force member validates the authenticity of the information through the appropriate custodian of records through the service of legal processes. That report is then provided to the prosecutor as part of a much larger investigation.

## LOCATION

PENLiNK PLX software is stored and maintained in ICAC, a secured office located away from San Diego Police Headquarters. Only authorized users have access to the office space and technology.

City of San Diego crime statistics can be viewed at:

- [Crime Statistics & Crime Mapping | Police | City of San Diego Official Website.](#)



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## IMPACT

Only task force members, investigators, and certified forensic examiners, who have been trained and certificated by PENLiNK and have been authorized by the task force commander to perform analysis may use PENLiNK PLX.

When accessing PENLiNK PLX, the user enters a case number or other unique identifier associated with the related law enforcement event in the “Reference ID” field.

ICAC’s PENLiNK Surveillance Use Policy safeguards civil liberties and civil rights. Surveillance technology’s uses and deployments are not based on discriminatory or viewpoint-based factors. The Department’s use of surveillance technology is intended to support and benefit the communities of San Diego while minimizing and mitigating potential impacts on community members’ civil rights and civil liberties.

## MITIGATIONS

Data retained is limited to the files selected by the task force member to be downloaded into their digital case file located on the ICAC Network Attached Storage (NAS) system located in the secured ICAC office.

When a task force member determines that downloaded PENLiNK information no longer has a legitimate law enforcement use, the information shall be destroyed in a manner so that the identity of the subject can no longer be reasonably ascertained, e.g., shredding printouts, deleting electronic records & clearing from trash folders.

The collection, use, retention, or dissemination of data shall not be used to violate the Constitutional rights of any person or in any manner that would discriminate against any person based upon their ethnicity, race, gender, natural origin, religion, sexual orientation, or gender identity.

The general public has no access to the PENLiNK system or information contained in the ICAC NAS database.

## DATA TYPES AND SOURCES

The PENLiNK PLX program, using proprietary software coding, parses out the data provided by ESPs in response to legal processes or extracted data obtained through either legal process or consent of the device possessor into usable, logical files (e.g., images, videos, emails, and text messages). When the investigator completes their review of the data, PENLiNK PLX will produce a report indicating the items selected.

## DATA SECURITY

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PENLiNK PLX software is not located on a department network computer and can only be accessed by logging in to the computer with the software installed inside the building. The computer has no internet access and is not accessible by the vendor. Additionally, the software can only be installed through a specific process, it cannot be moved, and the user must be an authorized user with a valid software license. The PENLiNK PLX software cannot be accessed.

## FISCAL COST

Grant funds awarded to the ICAC task force through the Office of Juvenile Justice and Delinquency Program/DOJ are used to fund this tool. PENLiNK's cost to the task force is approximately \$7,500 per fiscal year. It is a recurring cost factored into ICAC's annual budget.

There are no ongoing or personnel costs associated with it.

## THIRD-PARTY DEPENDENCE

Data that has been selected and downloaded from PENLiNK is not shared without a court order or other legal proceedings such as discovery. The extracted data is confidential, and there is no third-party access or sharing.

## ALTERNATIVES

ICAC has used PENLiNK since 2021. While other companies offer their version of software designed to assist in the analysis of large data sets, ICAC has retained PENLiNK because of its clean, straightforward user interface, ease of use, and outstanding customer support. ICAC personnel have a long-standing, excellent working relationship with PENLiNK's personnel, which has benefited ICAC users many times over.

## TRACK RECORD

PENLiNK is used primarily by law enforcement and the military. PENLiNK remains one of the leaders in their respective industry, and as such, data analyses, and reports created from their tool have been successfully used in an untold number of criminal investigations both nationally and internationally.

An example of its use is when ICAC received a Cyber Tip from the National Center for Missing and Exploited Children indicating an individual downloaded child sexual assault material to their Google account. The investigator authored and was granted a search warrant for the suspect's account. When Google provided the information listed within the warrant, the file was more than a terabyte large and organized in a manner that made the information nearly impossible to interpret. The investigator uploaded the data file into PENLiNK, which organized the data into images, videos, texts, and emails within a matter of hours. The investigator was then able to go through the data, selecting that which was relevant to their investigation. Without this tool, the investigator would have spent weeks attempting to decipher the data.



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## PUBLIC ENGAGEMENT AND COMMENTS

On November 8, 2023, at 1800 hours, there was a publicly held meeting in all nine council districts in the City of San Diego. The following surveillance technologies were presented by the San Diego Police Department:

1. Avalex DRV and FLIR-HDc
2. WHOOSTER
3. MSABs Raven Mobile Triage Tool
4. MSABs XRY Mobile Forensic Data Recovery Software
5. National ICAC Data Systems
6. PENLiNK
7. Vigilant
8. Unmanned Aircraft Systems

There were five attendees in District 1. There were zero attendees in District 2. There were zero attendees in District 3. There were zero attendees in District 4. There were zero attendees in District 5. There were zero attendees in District 6. There were two attendees in District 7. There were two attendees in District 8. There were zero attendees in District 9. There was a total of one comment and two questions out of the nine attendees. There was one comment submitted to an online public comment form.

### Comment #1:

These are all technologies that provide advanced safety to each and every citizen of our city. What I am not in favor of is the requirement that these presentations be held in nine locations throughout the City. Staffing so many locations with SDPD and San Diego Fire and Rescue personnel takes these critical First Responders away from their far more important jobs of keeping the City's citizens of San Diego safe. Our police and fire departments are already understaffed. This is a blatant misuse of our resources. Thank you.

### Online Comment #1:

The policy is vague in which instances the deployment of aerial surveillance with no safeguards to prevent misuse of this technology. Without addressing these shortcomings, I cannot support the use of DJI Avata by San Diego PD.

### Question #1:

Is the license plate reader data looking for specific cases and/or are all plates looked at to see if they fit a specific case?

### Answer:

License plate readers can look for specific plates if they are involved in an active investigation. An investigator can upload license plate information into the license plate reader operating system and set an alert to notify the San Diego Police Department when the license plate is read.



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Investigators may upload license plate information into the license plate reader because the plate may be associated with a crime, a missing person, or an identified suspect. The SDPD Communications Division may dispatch officers to investigate a hit on a license plate reader entry. Dispatched officers will confirm that the license plate was identified by the reader correctly before any action is initiated.

## Question #2:

I think it is very important that San Diego advances in technology but is also aware of some of the issues that come from having so many technologies. The questions that I have are in three phases. One has to do with lobbying from technology companies to government agencies. I sometimes have concerns over technology companies going to conferences and lobbying Fire Chiefs, Police Chiefs and many other officials during those conferences. How does the City protect itself through accountability on that?

The second is data analytics. I worked in data analytics before and one of the things that I do see is sometimes data analytics has missing information. How do we account for that through the data information that we are gathering that way we can make proper information when citizens don't report crimes that don't add up to the statistics?

The third is, what's going to happen next with all this technology?

## Answer:

In terms of lobbying, there are a couple of different processes now in place. The Police Department had a process before the Privacy Advisory Board and a process that took place after. Each technology that goes forward is evaluated by Commanding Officers and personnel to see what need it fits or what mission it serves within the Police Department, Fire Department or whichever Department looks to that technology to solve a problem.

As that solution is suggested, there really is a robust process that begins with discussions throughout the various units and continues on. We look toward guidance and have an established technology process. We have significant in-house experts and a STAC Committee, Strategic Technology Alliance Committee, who look at how technology fits into the overarching goals of the City and ask questions like about their alignment. Are they repetitive in nature? How can we create efficiency and effectiveness? Then we move on and look at funding sources, purchasing and contracting, request for proposal, and what contracting needs to take place. An assessment

by Risk Management and an evaluation by the City Attorney's office is done. This process is to ensure that the technology serves the Department and ultimately the City as a whole. That then goes to our City Council members for a vote, depending on the dollar amount.

Overlapping that process is our Surveillance Ordinance process. In addition to the already established process we now notify the Privacy Advisory Board, complete community outreach, and complete Use Reports and Impact Reports.



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People can lobby but Commanding officers are not making any decisions based on that lobbying group due to the established process.

There is a push being made by law enforcement, and with other City departments, to use data to make informed decisions. The office of the City auditor has stressed the need for the City to use data to make more informed decisions, and that is what we are consistently striving for and implementing.

The next part of this process calls for the Police Department to hear from the community. Each one of the technologies presented has a Use Report to accompany it. After these meetings, we take the Impact Reports along with any community feedback and forward them to the Privacy Advisory Board. The Privacy Advisory Board will assess the technologies, roundtable them, form subcommittees, and make recommendations to the City Council to consider.