



Surveillance Impact Report

WHOOSTER Data Solutions
San Diego Police Department

DESCRIPTION

WHOOSTER is an internet-based, online subscription service available to Law Enforcement and Public Safety, the Department of Defense, retail and commercial entities, insurance and financial services, and collections and recovery agencies. It offers real-time resources to locate information about individuals, social media, phone information, court case filings, real estate, assets, international and transnational activity, motor vehicle matters, licenses, and company-related information.

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

“Whooster provides investigative data solution tools to law enforcement, government agency, and business sector clients who need to find out – ‘Who,’ ‘What,’ and ‘Where’ as well as discovering non-obvious links between the who, what, and where.”

“Every minute counts when you're searching for a person of interest. You need rapid access to the latest information through our law enforcement investigation software. And you need it within that golden hour before the critical clues are lost, and all your leads grow cold. Whooster gets you the real-time and historical public, private, and proprietary data that you need and when you need it – NOW.”

PURPOSE

WHOOSTER is used by members of the San Diego Internet Crimes Against Children Task Force (ICAC) during criminal investigations.

ICAC task force members utilize WHOOSTER to conduct research into suspects, victims, and witnesses relevant to an investigation. That data, information such as records pertaining to a person's name, address, professional association, social media accounts, phone numbers, court filings, real estate ventures, criminal histories, assets, motor vehicles, and licenses, is then analyzed to determine its evidentiary value and used to develop investigative leads. This type of data is used in active investigations into the sexual exploitation and enticement of children.

LOCATION

WHOOSTER is an online subscription service accessed using many internet-connected devices. Only task force members, investigators, and certified forensic examiners who have been authorized by the task force commander can access WHOOSTER. They must be able to articulate a “need to know, right to know” requirement. All transactions are for the furtherance of law enforcement activity.

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

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When accessing WHOOSTER, the user identifies their “need to know” and “right to know” by selecting the following purpose levels:

1. **GLBA** (Gramm-Leach-Bliley Act)
Our purpose is “to comply with Federal, State, or local laws, rules, and other applicable legal requirements.”
2. **DPPA** (Driver's Privacy Protection Act)
Our purpose is “Use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out that agency’s functions.”

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

ICAC’s WHOOSTER 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 WHOOSTER 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.

DATA TYPES AND SOURCES

Users can make inquiries on various identifiers that include but are not limited to a person, social security number, death records, residency records, phone numbers, emails, usernames, real estate records, motor vehicle records, and criminal records. A comprehensive report can be requested that organizes this information into a report format in logical groupings that make it easier to understand. The information is



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only a possible match and must be confirmed, that is, vetted for accuracy with the source agency before a law enforcement response can be initiated.

DATA SECURITY

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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. WHOOSTER’s cost to the task force is approximately \$2,000 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 WHOOSTER 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 WHOOSTER since 2019. Additionally, ICAC uses other tools to conduct criminal research and analysis. Each tool has proprietary differences and capabilities. As a result, each tool collects data differently and obtains slightly different data.

To ensure ICAC investigators have the most complete information available to them, providing the best possible evidence for their cases, ICAC uses all of these industry-leading tools, including WHOOSTER. ICAC has a long-standing, excellent working relationship with WHOOSTER personnel, which has benefited ICAC users many times over.



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TRACK RECORD

WHOOSTER is used primarily by law enforcement agencies but also by prisons/correctional institutions, intelligence agencies, tax authorities, border control agencies, the military, and selected private companies. WHOOSTER remains one of the leaders in their respective industry. 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 (NCMEC) indicating an individual downloaded child sexual assault material using their smartphone. NCMEC provided the phone number of the alleged perpetrator. Running that phone number through WHOOSTER's service, the investigator learned the suspect was a documented sex offender with potential access to children. After corroborating the information provided by WHOOSTER and conducting further investigation into the tip, the investigator authored and was granted a search warrant for the suspect, his residence, and his devices. Upon conducting that search, the suspect was found to be in possession of child sexual assault material and was arrested.

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



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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. 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.



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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.

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.