



THE CITY OF SAN DIEGO  
M E M O R A N D U M

DATE: March 25, 2025  
TO: Charles Lara, Captain, Special Projects Command  
FROM: Kristopher McAndrew, Lieutenant, Watch Commander  
SUBJECT: The San Diego Police Department's Response to the Privacy Advisory Board's Questions Dated February 27, 2025, Regarding Automated License Plate Recognition

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**Summary:**

This memorandum will outline each PAB question from February 27, 2025, regarding Automated License Plate Recognition related to the Annual Report, followed by SDPD's Response.

**1) During the PAB meeting on February 20, 2025, the SDPD representative indicated that the use policy for ALPR permitted the technology to be used to investigate any crime for which a "vehicle subjected to investigation" has been identified. Is this true?**

Yes. This question has been asked multiple times in several different ways by the Privacy Advisory Board and answered each time, specifically in a memorandum to the Privacy Advisory Board titled "The San Diego Police Department's Response to the Privacy Advisory Board's Questions Dated February 16, 2025, Regarding Automated License Plate Recognition" and in person, on the dais, at the Privacy Advisory Board meeting on February 20, 2025, during the presentation of the Annual Report.

In the memorandum provided to the Privacy Advisory Board dated February 18, 2025, titled, "The San Diego Police Department's Response to the Privacy Advisory Board's Questions Dated February 16, 2025, Regarding Automated License Plate Recognition," on page 2, question c. i.

**Are there criteria for what types of investigations can make use of ALPR records?**

*“ALPR systems have proven to be very effective tools in combating crime. The operation and access to ALPR data shall be for official law enforcement purposes only. The legitimate law enforcement purposes of ALPR systems include:*

- Locating stolen vehicles, wanted vehicles, or vehicles subject to investigation and,*
- Locating vehicles belonging to suspects, witnesses, and victims of a violent crime.*

*The San Diego Police Department will also use ALPR systems to enhance and coordinate responses to active critical incidents and public threats (e.g., active shooter, terrorist incident), safeguard the lives of community members by using this technology to locate at-risk missing persons (including responding to Amber, Silver, and Feather Alerts) and to protect assets and resources of the City of San Diego.”*

Additionally, the ALPR Use Policy and Department Procedure 1.51, which are on the Department’s public webpage, outline when the ALPR system can be used.

Questions regarding when the technology would be utilized were brought up during the original approval process in 2023. At that time, the community expressed that using the technology to enforce traffic violations, such as redlight violations or parking enforcement, would erode public trust. It was also recommended that further clarification of the technologies use would provide additional transparency. That led to modifications to the Use Policy and working with recommendations from City Council to clarify the use for the technology.

Due to the extensive list of potential crimes, scenarios, and “what ifs” it was determined that documenting when the technology would not be used rather than list out every possible scenario of when it could be used was more efficient and easier to understand. This led to the current Use Policy that was reviewed and approved by City Council.

*The following uses of ALPRs shall be expressly prohibited:*

- To invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.*
- To be used in a discriminatory manner and to target protected individual characteristics, including race, color, ethnicity, religion, national origin, age, disability, gender (to include gender identity and gender expression), lifestyle, sexual orientation, or similar personal characteristics, in accordance with Department Policy 9.33.*
- To harass, intimidate, or discriminate against any individual or group.*
- To violate any Constitutional rights, federal, state, or local laws (e.g., California Values Act, FACE Act, etc.)*
- To be utilized for any personal purpose.*
- To investigate parking violations and conduct traffic enforcement.*

- *To indiscriminately view video without investigative or administrative need. Per Department Policy 1.01, all Department members shall comply with all Department Policies and Procedures and are subject to investigation and potential discipline for violations thereof.*

To clarify the question, “for which a ‘vehicle subjected to investigation’ has been identified,” the Flock ALPR system is used to assist in identifying a vehicle as well as to aid an investigation once the vehicle has been identified. It is not used only, “to investigate any crime for which a vehicle subjected to investigation has been identified.”

## **2) Are there departmental guidelines on which types of investigations may make use of ALPR?**

The ALPR Use Policy and Department Procedure 1.51, which are publicly posted on the Department webpage, clearly outline when the ALPR system can and cannot be utilized. This question was also addressed in a memorandum to the Privacy Advisory Board dated February 18, 2025, titled, “The San Diego Police Department’s Response to the Privacy Advisory Board’s Questions Dated February 16, 2025, Regarding Automated License Plate Recognition.”

### **USE**

*ALPR systems have proven to be very effective tools in combating crime. The operation and access to ALPR data shall be for official law enforcement purposes only. The legitimate law enforcement purposes of ALPR systems include:*

- *Locating stolen vehicles, wanted vehicles, or vehicles subject to investigation and,*
- *Locating vehicles belonging to suspects, witnesses, and victims of a violent crime.*

*The San Diego Police Department will also use ALPR systems to enhance and coordinate responses to active critical incidents and public threats (e.g., active shooter, terrorist incident), safeguard the lives of community members by using this technology to locate at-risk missing persons (including responding to*

*Silver, and Feather Alerts) and to protect assets and resources of the City of San Diego.*

*Any additional technologies, such as facial recognition or gunshot detection, will not be used in conjunction with ALPRs.*

*When alerted via ALPR that a vehicle is wanted, stolen, or of interest to law enforcement, the user must:*

- (1) *Visually ensure the plate was read properly and that the state of origin is consistent with the alert.*

*(2) Confirm the alert status of the license plate information via the NCIC database. This can be accessed through a secure device (e.g., vehicle laptop, cellular phone, desktop computer, etc.) or by requesting the check through dispatch.*

*The following uses of ALPRs shall be expressly prohibited:*

- *To invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.*
- *To be used in a discriminatory manner and to target protected individual characteristics, including race, color, ethnicity, religion, national origin, age, disability, gender (to include gender identity and gender expression), lifestyle, sexual orientation, or similar personal characteristics, in accordance with Department Policy 9.33.*
- *To harass, intimidate, or discriminate against any individual or group.*
- *To violate any Constitutional rights, federal, state, or local laws (e.g., California Values Act, FACE Act, etc.)*
- *To be utilized for any personal purpose.*
- *To investigate parking violations and conduct traffic enforcement.*
- *To indiscriminately view video without investigative or administrative need. Per Department Policy 1.01, all Department members shall comply with all Department Policies and Procedures and are subject to investigation and potential discipline for violations thereof.*

*Department procedures associated with the use of ALPR are:*

- *DP 1.49 Body Worn Camera/Evidence.com*
- *DP 1.51 Automated License Plate Recognition (ALPR)*
- *DP 3.02 Property Evidence*
- *DP 3.33 Smart Streetlights*

**3) Have ALPR records been queried for vehicles under investigation as part of the following types of investigations:**

- a. **Misdemeanor offenses?**
- b. **Public order offenses?**
- c. **Non-violent property offenses?**
  - i. **Please provide details on the nature of the ten “investigation assists” that involved PC 459, including what type of burglaries were under investigation and why use of ALPR was deemed appropriate.**
  - ii. **Is ALPR authorized for all PC 459 investigations?**
  - iii. **What percentage of PC 459 investigations make use of ALPR?**
- d. **Financial offenses?**
- e. **Drug offenses?**

As stated above, the approved ALPR Use Policy and Department Procedure 1.51, which are publicly posted on the Department webpage, clearly outline when the

ALPR system can and cannot be utilized. This question was also addressed in a memorandum to the Privacy Advisory Board dated February 18, 2025, titled, "The San Diego Police Department's Response to the Privacy Advisory Board's Questions Dated February 16, 2025, Regarding Automated License Plate Recognition."

Again, the Use Policy and Department Procedure 1.51 state,

*"The operation and access to ALPR data shall be for official law enforcement purposes only. The legitimate law enforcement purposes of ALPR systems include:*

- Locating stolen vehicles, wanted vehicles, or vehicles subject to investigation and,*
- Locating vehicles belonging to suspects, witnesses, and victims of a violent crime."*

A core function of the San Diego Police Department is responding to and investigating violations of law established by the State of California. The San Diego Police Department takes the investigation of any crime seriously and utilizes all appropriate resources available to the investigator to assist in a resolution to victims. The approved Use Policy allows users to utilize the ALPR system when they believe the technology would be useful while investigating any violations of the law unless otherwise specified by the Use Policy.

Over the last year, this technology has proven to be immensely beneficial in assisting investigators with solving a variety of misdemeanor and felony cases, including burglaries, homicides, and sexual assaults. The utilization of the Flock ALPR system has enhanced the Department's ability to provide victims with closure and, in one case, reunited a family with a missing loved one.

The system administrator does not track the percentage of crime types investigated utilizing the Flock ALPR system, and the system does not have the ability to do this.

The Flock ALPR system was helpful with the 10 below burglary cases:

- 1) A case agent used the Flock ALPR system to identify and arrest the suspect in a burglary and identity theft series.
- 2) In November, two businesses were burglarized in the Tierrasanta community. Detectives had video surveillance evidence and were able to partially identify the suspect vehicle. Utilizing the Flock ALPR system, detectives were able to obtain a potential license plate and vehicle used in the crime.

Detectives confirmed this vehicle was the suspect vehicle when it returned later that month and burglarized two other businesses in the Tierrasanta community.

SDPD detectives disseminated the vehicle and suspect information to officers. In December two additional businesses were burglarized in the 4S Ranch and University City communities. Limited information was available regarding the suspect or vehicle.

Officers utilized the ALPR with the prior wanted license plate and discovered the suspect vehicle was currently in the area. SDPD officers responded to the area and located the vehicle near I-5 and SR 56. The suspect was taken into custody without incident.

- 3) A suspect vehicle was identified and wanted in a 459PC series spanning September through December 2024. The suspect vehicle was hot-plated, and the suspect was taken into custody.
- 4) An officer conducted Flock ALPR investigative follow-up on a BOLO bulletin regarding a burglary that occurred in Northeastern Division. The bulletin had photos of 3 people and a vehicle involved in the commission of the burglary. The officer utilized the Flock ALPR system and discovered the vehicle had recently been driving on Logan Avenue. He emailed the assigned detective and provided the Flock results. He also notified the Central Division Crime Suppression Team (CST) of the BOLO and the Flock results.

CST Officers located the vehicle in Logan Heights. They conducted a traffic stop, and two suspects listed in the bulletin were in the vehicle. During the investigation, Officers located more than \$2,000 worth of stolen property taken from the burglary inside the vehicle. The vehicle was impounded, and the stolen property was returned to the owner.

- 5) In March, two male suspects forcibly entered a business on Garnet Avenue. In February, the same suspects were seen walking around the business, possibly casing the location. In both incidents, the same vehicle was used. Detectives had a difficult time identifying the license plate from the surveillance video.

A Northern CST Officer utilized Flock to locate the vehicle and obtain a clear image showing the license plate number attached to the suspect vehicle. As a result, a suspect and possible accomplice have been identified.

- 6) In April, several residential burglaries occurred throughout San Diego County. During one of the burglaries, surveillance cameras captured the

vehicle used in the crime. It also captured one of the suspects. A detective conducted a follow-up via the Flock ALPR system and discovered the vehicle was also in the area of other burglaries during the time they occurred.

In May, the Los Angeles Sheriff's Department, utilizing their own Flock ALPR system, received a notification on their local ALPR system on the license plate of the vehicle. The alert was in their service area. LASD located the vehicle and initiated a vehicle pursuit. After the vehicle pursuit, three occupants fled from the vehicle. Two of the three occupants were arrested. LASD contacted the San Diego Police Department's detective investigating the residential burglaries. The subject was positively identified as one of the suspects involved in the burglary series. LASD also located burglary tools in the vehicle that were possibly used during the burglaries. The suspect was arrested for the burglaries and transported to a San Diego Jail.

- 7) An officer conducted Flock ALPR investigative follow-up on a BOLO bulletin regarding a burglary that occurred in Northern Division. The bulletin had a photo of the suspect vehicle used during the burglary. The officer utilized the Flock ALPR system and was able to identify the vehicle. He provided the Flock results to the detective.
  - 8) A detective conducted Flock ALPR investigative follow-up on a BOLO bulletin regarding a burglary that occurred in Mid-City Division. The bulletin had a photo of the suspect vehicle used during the burglary. The detective utilized the Flock ALPR system and was able to identify the vehicle. The detective provided the Flock results to the case agent.
  - 9) A detective conducted Flock ALPR investigative follow-up on a BOLO bulletin regarding a burglary that occurred in Mid-City Division. The bulletin had a photo of the suspect vehicle used during the burglary. The detective utilized the Flock ALPR system to identify the vehicle and provided the Flock results to the case agent.
- \*This case is separate from incident number 8.
- 10) Officers received an ALPR alert for a vehicle wanted by SDPD detectives that was involved in a burglary series. The vehicle was stopped, and one suspect was arrested. New evidence and leads were developed to assist in the investigation.

**4) The ALPR Use Policy includes a specific prohibition on the use of ALPRs "to investigate parking violations and conduct traffic enforcement." The Annual Surveillance Report lists three "investigation assists" for "traffic." What type of investigations were these three "traffic"-related investigations?**

This is referencing the use of the video produced by the Smart Streetlight Camera. The Smart Streetlight Cameras were utilized three times during serious injury traffic collisions that resulted in death. This is covered in the Smart Streetlight Camera Use Policy under "Use." It states, *"The San Diego Police Department will use video evidence from Smart Streetlights to conduct investigations related to traffic offenses that result in significant injury or loss of life..."*

ALPR data and Smart Streetlight Camera video have never been used to investigate parking violations or conduct traffic enforcement such as redlight or speeding violations.

**5) What percentage of felony investigations make use of the ALPR system?**

This information is not tracked.

**6) What is the highest number of license plates that have been queried in the ALPR system as part of a single investigation?**

This information is not tracked.

**7) What is the current audit policy for individual authorized employees' use of the ALPR technology?**

The current audit policy is located on page 11 of Department Procedure 1.51, and the Use Policy which are posted on the Department's public webpage.

**XIV. ALPR SYSTEM AUDIT AND OVERSIGHT**

A. A list of personnel who are authorized to have access to the system shall be maintained by the SPLA Unit. The authorization document shall ensure that their access to and use of the ALPR technology comply with federal, state, and local laws, the TRUST Ordinance, and applicable Department policies and procedures.

B. A log shall be maintained that records when access to ALPR images and data is requested, whether the request is internal or external to the San Diego Police Department. This shall include the date, time, data record accessed, staff member involved, case or event number, and purpose of the request. The log shall be available for presentation for all required internal and external audits, the annual report, and internal investigations. Oversight will be maintained by the SPLA Unit.

C. Subject to the provisions of this policy, the Chief of Police or their designee has the discretion to prohibit the review of any data and images by Department employees if it is in the best interest of the Department or the City of San Diego



**f. Are there random spot checks conducted of ALPR queries?**

Yes, the system is audited weekly. The reasons for the search are evaluated to ensure that the search is within policy and that the system's use is relevant to that crime.

**g. Are the number of ALPR queries tracked by user?**

The system can show individual user usage.

**h. Are any data analysis tools used to ensure that investigators are not “indiscriminately view[ing] video without investigative or administrative need”?**

ALPR technology does not provide video. ALPR only provides a photo.

If this question is directed toward the video cameras attached to the UbiHub, separate from the ALPR system, we have extremely limited access to the video camera system. Video can only be accessed using a case number. All use of the video system is subject to routine audits. The system administrator can see who accessed the video, what camera was accessed, the reason and how long they viewed the video.

**8) Do any types of ALPR queries require approval by chain of command or higher supervisor?**

No. The Use Policy and Department Procedure clearly state when an officer can and cannot utilize the technology. Additionally, the system administrator conducts routine audits to ensure users are using the system within Department Policy and Procedure.

**9) What training do investigators receive on the correct uses of the ALPR systems? (“Personnel using Automated License Plate Recognition (ALPR) technology shall be specifically trained in its operation and authorized by the Chief of Police or their designee.”)**

- i. What is the curriculum of the initial training?**
- j. What is the curriculum of the annual refresher training?**
- k. Have any users had their access revoked for being out of training/retraining compliance?**
- l. Please provide a copy of the packet given to comply with this training requirement: “All employees who utilize ALPR technology shall be provided a copy of this Surveillance Use Policy, along with instruction on the constitutional protections (e.g., Fourth Amendment, etc.) and case law requirements associated with its use.”**

I have included the required training documents, except the Use Policy and Department procedure, which are located on the Department's webpage, and the training videos.

A video is part of the training that provides information on how to effectively utilize the search feature within the Flock Safety system database. This investigative tool allows users to search and review ALPR data. The training provides recommendations on using filters, date ranges, maps, etc., to provide the most relevant results for a user's search. The training also reviews the multiple ways a search can be conducted within the system by using more advance search options available. The goal of the training is to familiarize the user with how to use the search feature and how to narrow down the amount of data returns into something more manageable and useful for their investigation.

Yes, regarding users having access revoked, two users had access revoked for entering the wrong metadata under the reason for the search. The searches were evaluated, and aside from entering the wrong metadata, they were determined to be lawful and within the Use Policy guidelines.

**10) How many SDSP personnel are currently authorized to access the ALPR system?**

1,146.