



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: June 21, 2023

TO: David Nisleit, Chief of Police  
via Christopher McGrath, Executive Assistant Chief

FROM: Charles Lara, Acting Captain, Special Projects/Legislative Affairs

SUBJECT: The San Diego Police Department's Response to the June 16, 2023 Privacy Advisory Board's Questions Regarding the Smart Streetlights Program

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**Summary:**

The Privacy Advisory Board ("PAB") was created by the Transparent and Responsible use of Surveillance Technology Ordinance ("Surveillance Ordinance") adopted on September 9, 2022. The Surveillance Ordinance mandates a process of community meetings, Use Policies, Impact Reports and reporting out to the PAB and San Diego City Council prior to acquiring or using surveillance technology. On April 27, 2023, the San Diego Police Department reported out on Smart Streetlights (with embedded ALPR technology) to the PAB after having completed community meetings, Impact Reports and Use Policies. Following the presentation, the PAB posed 80 written questions to the Department pertaining to the Smart Streetlights proposal, which the Department received on May 15, 2023. The Department responded in writing May 25, 2023. On June 13, 2023, the PAB asked 28 more questions and on June 16, 2023, the PAB added 3 more questions.

This memorandum June 21, 2023, will outline each PAB question, followed by SDPD's response.

**PAB Questions Dated June 13, 2023:**

- 1. On multiple occasions, the PAB has requested to meet with SDPD representatives to collaborate and bring these impact reports and use policies into compliance with the Trust Ordinance but has not received a response. The current documents do not meet the requirements of the Ordinance. Is SDPD open to meeting? If so, when?**

The San Diego Police Department disagrees with this statement and believes the documentation provided complies with the Surveillance Ordinance. The Department is open to a review of this process by the City's Chief Compliance Officer or other City officials.

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Additionally, SDPD has been present at the last two Privacy Advisory Board (PAB) meetings without a single question being asked of its representatives. The Department has answered all written questions provided by the PAB. SDPD is open to meeting with the PAB at mutually acceptable times but believes discussions should primarily be conducted during regularly scheduled PAB meetings that are open to the public to ensure accountability and transparency in this process. In reviewing this proposal, PAB will have conducted three public meeting with SDPD representatives in attendance, which will be followed by more meetings with City Council to ask question of Department members.

- 2. The Ordinance requires information specific to the vendor and proposed technology. SDPD has not provided any information regarding the ALPR vendor. When can the PAB expect to receive an impact report and use policy for ALPRs that is compliant with the Ordinance (provides information about the vendor)?**

The Surveillance Ordinance contemplates review of existing technologies, where a manufacturer has already been chosen and performed work for the City, and new technologies where proposal elements and potential vendors are still being evaluated by the City. There is no contract currently in place for Smart Streetlights (with embedded ALPR technology). The Smart Streetlights proposal is new because it includes Automated License Plate Reader (ALPR) technology that must be reviewed by numerous City departments in the purchasing process, while simultaneously being reviewed by the PAB. The PAB should anticipate this will happen repeatedly in the future since the Ordinance requires compliance prior to: "soliciting proposals with any entity to acquire, share, or otherwise use surveillance technology; or formally or informally facilitating in a meaningful way or implementing surveillance technology in collaboration with other entities, including City ones." In short, because of the way the ordinance was drafted, City departments will have to bring proposals forward without the purchasing and contracting process being completed, and all potential vendors being identified or selected. In this instance, the PAB must review the merits of Smart Streetlights (with ALPR) technology proposal as outlined in the submitted impact and use policies, while other City department conduct their required reviews pursuant to the City's municipal code.

- 3. When does SDPD anticipate providing an updated impact report and use policy providing information about the Smart Streetlights vendor? The current documents do not reflect the information SDPD provided in its written responses but can be updated to provide additional details and information as required by the Ordinance.**

As indicated above, a vendor is not yet under contract to provide Smart Streetlights (with embedded ALPR technology). Per the Ordinance, SDPD requests specific information and language the PAB would like included in its impact report and use policies. The Ordinance requires the following: "If the *Board* proposes that the *Surveillance Use Policy* be modified, the *Board* shall propose such modifications to *City staff*. *City staff* shall present such modifications to City Council when seeking City Council approval under section 210.0103." The Ordinance is interpreted by the Department to mean the Board shall develop the proposed modified language for inclusion in the use policy and impact report, and the Department looks forward to reviewing the modifications as proposed by the PAB.

- 4. As required by the Ordinance, please provide specific, affirmative technical and procedural measures that will safeguard the public in the impact report. Such information can include details about data handling and sharing processes, trainings, and retention periods.**

When the Department has a contract with a specific vendor, more specific procedural safeguards can be employed and written. Training and technical procedures will be individually tailored to the approved vendor when a contract is finalized. Technical measures and procedural measures are already in existence. They include limitations on personnel permitted access to a given system, passwords, need to know and right to know, the understanding that inappropriately using databases, computer systems or technology tools is potentially a violation of Penal Code 502, 11142, 11143, 11105, 13300, 13302-13304 and Government Code 6200. All SDPD computer systems must be used in accordance with City of San Diego Administrative Regulations 90.62, 90.63, and 90.64, and Department Procedure 1.45 (Use of City / Department Computer Systems). Any system approved by the Department would require specialized access and an audit trail of all personnel who access a given system. These audit trails can be used to ensure auditing and time/date stamped records of who accesses the system, for what purpose and at what time. These pre-existing safeguards represent the floor and not the ceiling of training and restrictions possible upon having a finalized contract with a specific vendor. Concerns and questions about law enforcement partnerships with ICE and CBP are continually addressed by citing the Department's commitment to the California's Values Act, SB 54, and explaining that the Department does not conduct immigration enforcement but rather continually works with these agencies to address criminal actions like those exposed through Operation Better Pathways related to human trafficking.

Retention periods are articulated in the Use Policies for ALPR and Smart Streetlights – 30 days for ALPR and 15 days for Smart Streetlights.

- 5. As required by the Ordinance, please provide specific data controls to safeguard against unauthorized access or disclosure. The current impact report does not provide any meaningful details.**

Access to information collected by Smart Streetlights with ALPRs is restricted to law enforcement personnel. Criminal Justice Information Services (CJIS) data is only made available to law enforcement agencies who have signed a Memorandums of Understanding (MOU) that governs the sharing of this data between the Smart Streetlight vendor and SDPD. No CJIS data is shared with non-Law Enforcement vendor customers. Access to all CJIS data, along with all activities taken by users of the Smart Streetlights system will be logged and available for auditing. The vendor will have protocols to monitor the health of the cameras; however, no vendor employee will monitor the footage taken by SDPD cameras unless they are given express permission from SDPD (this permission and activity will also be logged).

Technical measures and procedural measures are already in existence. They include limitations on personnel permitted access to a given system, passwords, need to know and

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right to know, the understanding that inappropriately using databases, computer systems or technology tools is potentially a violation of Penal Code 502, 11142, 11143, 11105, 13300, 13302-13304 and Government Code 6200. All SDPD computer systems must be used in accordance with City of San Diego Administrative Regulations 90.62, 90.63, and 90.64, and Department Procedure 1.45 (Use of City / Department Computer Systems).

- 6. As required by the Ordinance, please provide an updated impact report identifying all third party dependencies where data will be handled by third parties. This should include all Ubicquia subprocessors/vendors and, in particular, information about the ALPR vendor.**

The only third parties that may hold potential vendor data are AWS and AWS Government Cloud. AWS is audited by a multitude of compliance frameworks. These include ISO 27001 and SOC2 type 2. For additional information and a whitepaper on AWS risk and compliance frameworks reference the following link:

<https://docs.aws.amazon.com/whitepapers/latest/aws-risk-and-compliance/welcome.html>

Regarding the ALPR vendor please refer to the Department's response in question two.

- 7. As required by the Ordinance, please describe all alternatives that were considered, including non-technical ones, to meet stated goals of preventing, deterring, detecting, and investigating crimes.**

The Department's primary method of meeting its stated safety goals is with the use of Department personnel, specifically sworn officers. A simple review of the Department's budget shows the budgeted salary of a POII is approximately \$103,000. But when fringe benefits like pension costs, medical insurance plans and vacation time are added, the total costs of this single sworn officer rises to at least \$150,000 annually.

This proposal estimates a maximum of \$4,000,000 be spent in FY2024 to acquire, install, use, and maintain this technology, with the cost dropping to \$2,000,000 in FY2025 after one-time costs are expended. Assuming the Department could find personnel to recruit, which is a big assumption in this current hiring climate, SDPD could budget for an additional 13 officers - assuming the Department used the proposed budget associated with this project (\$2 million in ongoing expenses divided by \$150,000 annually).

Officers are budgeted to work 2,080 hours a year, which is 40 hours a week multiplied by 52 weeks in a year. However, the Department estimates an officer works approximately 1,700 hours a year when vacation and sick time are considered, along with mandatory training requirements, and other leaves such as maternity / paternity, and military leave. This means the 13 officers potentially hired in lieu of this technology proposal would potentially produce 22,100 hours of work on behalf of the City and its communities.

In contrast, the technology being proposed works 24 hours a day per unit or 8,760 hours a year. The proposed 500 units have the potential to capture video evidence and develop leads for investigators by working 4,380,000 hours in a year and if they become disabled, contract provisions being considered allow the Department not to pay for the technology while it is being repaired or replaced within certain time frames. When evaluating these numbers, the Department has long recognized that technology is a cost-effective force multiplier to assist its understaffed Department and enhance public safety.

- 8. As required by the Ordinance, please describe experiences of other entities as well as quantitative information about the effectiveness of both technologies. The current impact report and responses to questions do not address how effective these technologies were in other jurisdictions at meeting stated goals (prevent, deter, detect, investigate), nor information about research on effectiveness, or court cases and controversies.**

Searches for success stories with this technology began in San Diego. SDPD referred to the numerous successes in prosecution and exoneration at the presentation to the PAB and in the nine community meetings. We then extended our search to other jurisdictions. SDPD extensively reviewed the Major Cities Chiefs Association Automated License Plate Reader Technology in Law Enforcement report which highlights the many success stories regarding the use of ALPR technology. ALPRs have proven efficacy around the United States (see below):

**Prevent** – Centralia, WA (pop. 18k) reported using ALPR technology to recover more stolen vehicles in three months than in the previous two years and did while preventing police pursuits.

**Deter** – San Marino, CA (pop. 12k) reported a 70% reduction in residential burglary, thanks, in part to ALPRs.

**Detect** – Cobb County, GA (pop. 766k) reported that they solved 100 % of homicides in the past two years (compared to the national avg of less than 50%), thanks in part to ALPRs and other technology, including arresting the Midtown mass shooter in May 2023.

**Investigate** – Shaker Heights, OH (pop. 30k) reported that they have recovered 38 missing persons thanks to ALPRs.

The Department will not examine court cases. The Fourth Amendment implications of Smart Streetlights have been addressed. The San Diego County Grand Jury's Final Report (June 23, 2022) stated the following, "In the Grand Jury's investigation, no objective data was presented that the use of Smart Streetlights by the San Diego Police Department presents any abuse of privacy issues. The Smart Streetlight technology was non-discriminatory." The Grand Jury report's Facts and Findings section continued, "Finding 1: The use of Smart Streetlight cameras as previously used prior to September 2020, enhances public safety." And "Finding 2: A resumption of utilization of Smart Streetlights would not create any valid privacy issues." Privacy concerns under the Fourth Amendment have already been addressed by this independent body.

- 9. As required by the Ordinance, please provide an updated use policy describing an exhaustive list of purposes and authorized uses. It is unclear based on the impact**

**reports, use policies, responses, presentations, and public meetings whether the stated goal(s) are to deter/prevent crime, for tactical real-time uses, or for investigative purposes. Similarly, specific authorized uses should be clearly listed.**

The use of both technologies are triggered after the fact, when a felony crime has taken place against property or a person. Crimes such as murder, robbery, rape, carjacking, assaults with deadly weapons, mass shooter / active shooter investigations, and fatal hit and run collisions represent the types of crimes which would be addressed by Smart Streetlights with embedded ALPR technology. The list is not exhaustive but the technology will not be used to write traffic tickets, parking citations, or address low level misdemeanor crimes. Public support for the cameras diminishes for lower-level crimes. The San Diego Police Department will use video evidence, along with data and information from authorized technologies embedded within Smart Streetlights (i.e., ALPR data), to conduct felony criminal investigations against persons and property, enhance responses to critical incidents and public threats, safeguard the lives of community members by using this technology to locate at-risk missing persons (including responding to Amber and Silver Alerts) and protect assets and resources of the City of San Diego. ALPR technology, embedded in Smart Streetlights, will also work to locate stolen, wanted, or subject of investigation vehicles. Locating vehicles belonging to witnesses and victims of a violent crime. Locating vehicles associated with missing or abducted children and at-risk individuals.

**10. What metrics are proposed to assess the effectiveness of this program in meeting stated goals? How would the public know if the program is succeeding at meeting these goals?**

The Department will evaluate video evidence and data collected that enhances and contributes to investigation of arrests, prosecutions/exonerations, crime reporting and closure of crime cases, along with incidents that result in traffic collisions that produce serious injuries and fatalities. Many of these cases also result in costly civil litigation against the City of San Diego that may be mitigated with video evidence collected by this technology. Our annual reporting requires that we quantify the successes of this technology. The Department will also quantify the reduction of violent crime and gun violence in areas where the cameras were deployed. The metric of a "before and after" snapshot of a given area's gun violence and violent crime in areas where cameras were deployed will provide measurement of the technology's efficacy.

**11. As required by the Ordinance, please provide an exhaustive list of data collected/captured. The current policies refer to contracts that have not been provided for review.**

For ALPR, vehicle images are captured and analyzed for vehicle body, make, color, license plate number and state, camera capture time and location, license plate number and state.

For Smart Streetlights, high-definition video and associated metadata to include timestamp, location and node ID.

**12. Regarding the access section of the Smart Streetlights Use policy, who are individuals that are "otherwise authorized" to access information?**

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Crime analysts are civilian non-sworn employees who help officers and detectives enhance investigations. They are not sworn police employees but are vetted, backgrounded employees who have access to the databases and investigative tools we use at the Department. They help to advance investigations, offer technical insight, or make connections between cases which cross the boundaries of the various divisions of the police department.

- 13. The proposed use policy does not provide meaningful information about security standards or sharing policies. Please provide more information in a revised use policy. Department procedures should be explicitly incorporated into the use policies; otherwise, they should not be referenced.**

The Ordinance contains the following requirement for use policies: "Third Party Data Sharing: If and how information obtained from the *surveillance technology* can be used or accessed, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information."

The Department feels it adequately answered the use policy requirements by stating the following: ALPR data and Smart Streetlights videos may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes, which includes enhancing criminal investigation and prosecution as allowed by law. See DP 1.51 and DP 3.33 for additional details related to the use and release of evidence from Smart Streetlights.

In its answer the Department has met the requirements of the Ordinance and stated data and information can be released and given by SDPD to other authorized law enforcement officials if they have legitimate law enforcement purposes. It goes further by providing links to its procedures, which Department members are required to follow, and SDPD does not incorporate excessive details in the use policy associated with this Ordinance, because other cities are overwhelmed by the size of their use policies and it has overly burdened their review process.

If the PAB has a recommendation to include this information for City Council to consider then it is encouraged to make it, but SDPD requests the PAB carefully consider the information from the following article before it makes this request: [https://urldefense.com/v3/\\_\\_https://www.seattletimes.com/business/technology/seattles-oversight-of-surveillance-technology-is-moving-forward-slowly/\\_\\_;!!EMTEEnRo!Ks4ifGCH4P43-AEbx4rhMKzX8Etp9bdRjexvZar1n4cgdY83\\_iOFjQI082Xx8saccRVlyHI1e-gNov25xeqGzKW\\_zvhbeg\\$](https://urldefense.com/v3/__https://www.seattletimes.com/business/technology/seattles-oversight-of-surveillance-technology-is-moving-forward-slowly/__;!!EMTEEnRo!Ks4ifGCH4P43-AEbx4rhMKzX8Etp9bdRjexvZar1n4cgdY83_iOFjQI082Xx8saccRVlyHI1e-gNov25xeqGzKW_zvhbeg$)

- 14. As required by the Ordinance, the use policy should describe procedures for ensuring security and integrity of the technology. Please provide an updated use policy with more details.**

Technical measures and procedural measures are already in existence. They include limitations on personnel permitted access to a given system, passwords, need to know and right to know, the understanding that inappropriately using databases, computer systems

or technology tools is potentially a violation of Penal Code 502, 11142, 11143, 11105, 13300, 13302-13304 and Government Code 6200. All SDPD computer systems must be used in accordance with City of San Diego Administrative Regulations 90.62, 90.63, and 90.64, and Department Procedure 1.45 (Use of City / Department Computer Systems). Any system approved by the Department would require specialized access and an audit trail of all personnel who access a given system. These audit trails can be used to ensure auditing and time/date stamped records of who accessed the system, for what purpose and at what time. These pre-existing safeguards represent the floor and not the ceiling of training and restrictions possible upon having a finalized contract with a specific vendor. Concerns and questions about law enforcement partnerships with ICE and CBP are continually addressed by citing the Department's commitment to the California's Values Act, SB 54, and explaining that the Department does not conduct immigration enforcement, but rather continually works with these agencies to address criminal actions like those exposed through Operation Better Pathways related to human trafficking.

- 15. Please provide all factors that go into deciding where to place units. It's not clear what criteria the commanding officers used. Please also explain whether any Part 2 or other nuisance crimes were used in the model to determine locations.**

The factors and information that determined the placement of the technology units proposed were extensively outlined in the accompanying impact reports, which also include data tables with UCR Part II crimes that were considered. Next, Commanding Officers are expected to know, and are questioned about, crime statistics, response times, calls for service, traffic enforcement, investigations, arrests, and prosecutions, along with personnel, community complaints and outreach efforts, and unique problems within their areas of responsibility. They are responsible for knowing where crimes take place and where crime fighting strategies would be best employed to combat crime. They receive input from their community resource officers ("CROs"), divisional investigators, patrol officers and patrol supervisors as well as community input from community meetings and meetings with divisional stakeholders. Divisional captains have access to crime dashboards produced by our Crime Analysis Unit which show FBI Uniform Crime Reporting ("UCR") and National Incident Based Reporting System ("NIBRS") data. Thus, divisional captains have a great deal of information to draw from regarding how to deploy crime fighting strategies. Their intimate knowledge and expertise on these subjects was evident in feedback regarding the placement of these technology units.

- 16. What ALPR data will be shared with other jurisdictions (e.g., a car belonging to a resident of Oceanside, or a collection of license plates that are registered in different counties or states)?**

ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes.

- 17. Per SDPD department procedure, regular operation of ALPR should be considered as a force multiplying extension of an officer's regular patrol efforts. A common theme among victims of crime in San Diego is that the Department can sometimes be too understaffed to more quickly respond to crimes when the Department is notified of a crime. What kind of analysis was done to ensure that funds used for Smart Streetlights**



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**and ALPR could not be better served to fund more officers to directly respond to crimes?**

The Department has reviewed its staffing levels from FY2006 to present day. In the last 20 plus years, SDPD has not once reached its budgeted staffing level, which means budgeting additional monies from this proposal would not result in the hiring of more officers to directly respond to crimes. However, this technology can allow the Department to use the officers more effectively. We know from cases prosecuted in the City that the evidence produced by Smart Streetlights results in solid, often incontrovertible evidence which helps us prosecute crimes, exonerate the innocent and reduce time we spend investigating serious crimes. We are looking for very specific persons, descriptions, or vehicles. Some cases could not be successfully prosecuted without the cameras. We know the cameras are effective and enables the Department to better serve its communities. See response to question 7 as well.

**18. The consequences of unauthorized access and misuse of the ALPR system result in an internal investigation consistent with the Public Safety Officers Procedural Bill of Rights Act and the appropriate employee organization MOU. Are there any assurances that can be made to the public of external accountability in these investigations? If the board were to demand external auditing of these investigations, what would be the extent to which the Department would be willing to comply?**

Our investigations are already subject to external vetting. Recently enacted Senate Bills 2 and 1421, along with Assembly Bill 748, have significantly modified the California Public Records Act (CPRA) to allow for greater public access to certain records of police misconduct and subsequent review of materials for potential decertification by California's Commission on Peace Officers Standards and Training (POST). Locally, San Diego's independent Commission on Police Practices (CPP) is charged with investigating and reviewing police misconduct to ensure external accountability. The Department would comply with auditing demands consistent with state law, and in accordance with the requirements of the City's Charter and associated ordinances.

**19. Since this is a potential 4th amendment issue, what is the legal standard for using the technology? Is it probable cause, reasonable suspicion, or mere suspicion?**

This question has already been answered previously, the technology proposed does not require probable cause or reasonable suspicion to employ the technology as it relates to federal and state laws. The Department has also already described how it intends to use it in its use policies. This technology is also utilized after a crime has taken place or a person has gone missing.

**20. When the technology is employed, will SDPD keep track of and note the legal standard for using it in the system?**

This question has been answered previously. The Department tracks its uses of technology. However, use of this technology is merely an observation of activity occurring in public places. This observation is the equivalent of what a police officer would see in public places while on patrol. Activities viewed by officers (or cameras) in plain view in public areas are merely observations which do not trigger the application of standards of reasonable

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suspicion or probable cause. The Police Department will abide by state and federal law, policy use, impact report, and department policy and procedures to govern the use of the technology.

- 21. The State of California implemented The Racial and Identity Profiling Act (RIPA) as part of AB953 (Weber, 2016). The goal of RIPA was to eliminate racial and identity profiling and improve diversity and racial and identity sensitivity in law enforcement. Beginning July 1, 2018, law enforcement agencies began collecting stop data and reporting the information to the DOJ. In many ways, the proposed use of cameras operates similarly to vehicle stops. Will SDPD collect information on the race, gender, and, when appropriate, sexuality of individuals affected by the cameras and ALPRs? Will they use the RIPA protocol when they employ technology and report it to the DOJ?**

This proposal does not mandate any RIPA activities by Department members. As part of RIPA, individuals are physically contacted, and information is gathered to document the contacts. The Smart Streetlights with embedded ALPR technology do not collect data based on race, gender, sexuality, or any other protected group. Furthermore, the cameras and ALPR are reactive in nature and are only used after a qualifying crime has taken place.

- 22. In Oakland, OPD refused to provide logs of the technology's use and who accessed it to the city's privacy board. They disregarded multiple requests for the audit logs by their local privacy advisory board. Also, they disclosed that federal agencies, such as the FBI, accessed the technology. How will SDPD ensure logs of the data are shared regularly? What sort of accountability will be implemented to ensure the data is provided upon request by the PAB?**

SDPD is required to meet the terms of the Ordinance, which requires the following in the Annual Surveillance Report: "The results of any internal audits or investigations relating to *surveillance technology*, any information about violations of the *Surveillance Use Policy*, and any actions taken in response. To the extent that the public release of such information is prohibited by law, *City staff* shall provide a confidential report to the City Council regarding this information to the extent allowed by law."

- 23. Will the logs note who accessed the data, including federal agencies?**

When the Department previously operated similar technology it maintained records related to personnel who accessed data and the agencies it was shared with to enhance investigations. This practice, documenting the sharing of data, would be maintained going forward and detailed in an annual report as required by the Ordinance.

- 24. Related to questions 6, 10, and 12 (audit reports, security policies, and code review process, respectively): Please provide more details as well as documentation of certifications. Does the vendor have an ISO/IEC 27001 certification? What accreditation body provided the certificate?**

Ubicquia, a potential vendor, is ISO 27001 certified. The certification is issued by Schellman Compliance, LLC. The Department expects that the ALPR vendor will have a System and Organization Controls (SOC 2) Type II Certification with an independent accounting firm validating systems and suitability of design and operating effectiveness of controls relevant to Security, Availability and Confidentiality.

- 25. SDPD states that "This data is never sold, licensed, or provided to any third party." How is this verified?**

Data ownership and its uses are detailed in a legally enforceable contract between the parties. The Department, along with the City, continually monitors access and use of data and systems by its own personnel and outside vendors to validate its appropriate use. Ubicquia represents and warrants that it will not sell, license, or provide customer data to a third party without written consent of the customer. The ALPR vendor will have similar terms and conditions. The vendors will be contractually obligated to comply and neither vendor will own any customer data.

- 26. Related to question 22 (encryption architecture): Please describe the architecture in more detail. It seems the data entering from the cameras must travel to the Trust-M chip for encryption, and is in the clear until in the chip? The Trust-M specs say the TLS engine is not in the chip, so is the data decrypted before being sent to the TLS engine? Does the vendor have the Trust-M key? Vendor using SSE-KMS seems to indicate they selected the option of user-controlled keys, which means the vendor has the keys and AWS doesn't, just to confirm? How does the vendor protect and store these keys?**

If Ubicquia is chosen as a vendor, ALPR data would be captured and encrypted on Axis-brand cameras running vendor software that is attached to the Ubicquia Hub for power and connectivity. All footage taken by the camera is deleted from the device once uploaded to the cloud. The ALPR cameras will have no public IP, and therefore, it will not be possible for anyone to connect to the camera remotely to access footage. Once the footage is ready to be uploaded and in turn be processed, the camera will push the footage to the cloud. The footage will be sent using secure sockets and a proprietary handshake developed by the vendor. Additionally, all footage will be encrypted in transit.

Regarding the situational awareness video captured by the Ubicquia cameras, a lens and imager physically capture raw video data at which point it is serialized and transported to the processor where it is deserialized and encrypted using the hardware key burned in at manufacture. These data lines are not exposed externally on the device. If they were to be physically interrupted, power to the imager would also be interrupted and video capture would cease. Ubicquia has the SSE keys and AWS doesn't. Ubicquia protects its keys within

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the AWS Management Console through its identity and access management (IAM) policies limiting access to administrators with a need and responsibility.

**27. Has SDPD conducted comprehensive research into the effectiveness of ALPRs and Smart Streetlights, including court cases, peer-reviewed articles, and current controversies? If so, please provide details of your research.**

SDPD has conducted substantial research into the effectiveness of the technologies proposed, and success stories are abundant from a simple Google search. For instance, please see the following link:

<https://www.theiacp.org/sites/default/files/ALPR%20Success%20News%20Stories%202018.pdf>

Next, SDPD has already provided answers to these questions in the materials provided to the PAB and located on its website, which summarizes court cases, controversies, and use studies. See the following links:

[sdpdtech.sandiego.gov/Automated License Plate Recognition \(ALPR\)/MCCA+Automated+License+Plate+Reader+Technology+in+Law+Enforcement.pdf](https://sdpdtech.sandiego.gov/Automated+License+Plate+Recognition+(ALPR)/MCCA+Automated+License+Plate+Reader+Technology+in+Law+Enforcement.pdf)  
<https://sdpdtech.sandiego.gov/Smart%20Streetlights/Smart+Streetlight+Cases.pdf>

**28. Please provide all proposed contracts to the PAB subcommittee.**

The contracting process for this technology proposal is ongoing within several City departments, and a proposed contract is not available to review for the PAB.

On June 16, 2023, the PAB sent three more questions to the Department:

**29. How much has the city spent settling lawsuits related to police misconduct over the last 5 years, including legal costs, settlements, and awards?**

This question has no nexus to the Smart Streetlights program or technology and is decoupled from both the "Description" and "Purpose" which shapes the PAB's mandate (see <https://onboard.sandiego.gov/board/4526>). An inquiry into how much the City has spent settling lawsuits related to police misconduct over the last 5 years, including legal costs, settlements, and awards has no connection to the language which guides the PAB's mandate and mission.

**30. How many complaints have been filed against the city of SD for alleged fourth amendment violations? How many lawsuits have been filed against the city for alleged fourth amendment violations? How much has the city paid for fourth amendment violations?**

This question has no nexus to the Smart Streetlights program or technology and is decoupled from both the Description and Purpose which shapes the PAB's mandate (see <https://onboard.sandiego.gov/board/4526>). An inquiry into how many complaints have been filed against the City of San Diego for alleged Fourth Amendment violations, how many lawsuits have been filed against the City for alleged Fourth Amendment violations and how

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much has the City paid for Fourth Amendment violations has no connection to the language which guides the PAB's mandate and mission. Simultaneously, it is important to note the San Diego County Grand Jury's Final Report (June 23, 2022) stated the following, "In the Grand Jury's investigation, no objective data was presented that the use of Smart Streetlights by the San Diego Police Department presents any abuse of privacy issues. The Smart Streetlight technology was non-discriminatory." The Grand Jury report's Facts and Findings section continued, "Finding 1: The use of Smart Streetlight cameras as previously used prior to September 2020, enhances public safety." And "Finding 2: A resumption of utilization of Smart Streetlights would not create any valid privacy issues." Privacy concerns under the Fourth Amendment have already been addressed by this independent body. An inquiry into how many complaints have been filed against the City of San Diego for alleged Fourth Amendment violations, how many lawsuits have been filed against the City for alleged Fourth Amendment violations and how much has the City paid for Fourth Amendment violations has no connection to the language which guides the PAB's mandate and mission. Furthermore, an independent oversight body has already weighed in on the Fourth Amendment (privacy) aspects of this technology and found no issues.

**31. How many civil rights complaints have been filed based on 4th amendment violations over the last 5 years? What is the total costs of civil suits the city has paid based on 4th amendment violations?**

This question has no nexus to the Smart Streetlights program or technology and is decoupled from both the Description and Purpose which shapes the PAB's mandate (see <https://onboard.sandiego.gov/board/4526>). An inquiry into how many civil rights complaints have been filed based on Fourth Amendment violations over the last five years and the total costs of civil suits the City has paid based on Fourth Amendment violations has no connection to the language which guides the PAB's mandate and mission. This question lacks a nexus to the PAB's Purpose or Description. Simultaneously, it is important to note the San Diego County Grand Jury's Final Report (June 23, 2022) stated the following, "In the Grand Jury's investigation, no objective data was presented that the use of Smart Streetlights by the San Diego Police Department presents any abuse of privacy issues. The Smart Streetlight technology was non-discriminatory." The Grand Jury report's Facts and Findings section continued, "Finding 1: The use of Smart Streetlight cameras as previously used prior to September 2020, enhances public safety." And "Finding 2: A resumption of utilization of Smart Streetlights would not create any valid privacy issues." Privacy concerns under the Fourth Amendment have already been addressed by this independent body. An inquiry into how many complaints have been filed against the City of San Diego for alleged Fourth Amendment violations, how many lawsuits have been filed against the City for alleged Fourth Amendment violations and how much has the City paid for Fourth Amendment violations has no connection to the language which guides the PAB's mandate and mission. Furthermore, an independent oversight body has already weighed in on the Fourth Amendment (privacy) aspects of this technology and found no issues.

**Conclusion:**

The San Diego Police Department has carefully considered all questions about the Smart Streetlights program put forth by the Privacy Advisory Board. For this round of questions, SDPD reviewed and responded to 31 questions. However, in total the Department has responded to over 111 questions.

The San Diego Police Department will comply with the Surveillance Ordinance. The PAB is a new processes of technology vetting added to a system of pre-existing City vetting processes. Smart Streetlights are both information technology and surveillance technology as defined by the Surveillance Ordinance. Information technology is already subject to vetting at the Department through our own IT processes, and through the City's IT Governance Processes. The Department and the City work tirelessly to ensure our information technology systems are sound, protected from malicious intrusions and protect the civil liberties and data of San Diegans. The process of complying with the Surveillance Ordinance is unprecedented, uniquely challenging, and all parties are learning their roles and responsibilities. The Department protects public safety while simultaneously protecting civil liberties. Our responsiveness to the PAB and its questions is the newest aspect of vetting surveillance technology.

Respectfully,

Acting Captain Charles Lara  
Special Projects/Legislative Affairs