



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Larry Esquivel

SUBJECT: SEE BELOW

DATE: February 10, 2014

Approved

Date

2/20/14

SUBJECT: ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER AND CHIEF OF POLICE TO EXECUTE A JOINT THREE-YEAR MEMORANDUM OF UNDERSTANDING (MOU) AND SYSTEM USE AGREEMENT (AGREEMENT) BETWEEN THE SANTA CLARA COUNTY SHERIFF'S OFFICE AND MEMBER AGENCIES WITHIN THE SOUTH BAY REGION NODE TO CONTINUE PARTICIPATION IN THE SOUTH BAY INFORMATION SHARING SYSTEM (SBISS)

RECOMMENDATION

Adopt a Resolution:

- (a) Authorizing the City Manager and the Chief of Police to execute the Memorandum of Understanding (MOU) between the Santa Clara County Sheriff's Office and the South Bay Region Node Member Agencies to continue participation in the South Bay Information Sharing System (SBISS);
- (b) Authorizing the City Manager and the Chief of Police to execute the SBISS System Use Agreement (Agreement); and
- (c) Authorizing the SBISS Board of Directors to amend the SBISS MOU by affirmative majority vote of the Board without approval by the City Manager or the City Attorney.

OUTCOME

Approval of the recommended actions will allow the City to continue participation in the South Bay Information Sharing System (SBISS) South Bay Region Node for law-enforcement information-sharing and communication.

EXECUTIVE SUMMARY

In March 2010, the City Council approved a three-year Memorandum of Understanding (MOU) establishing SBISS to assist these agencies in addressing homeland security and local crime issues. The SBISS is a law enforcement, internet based system that connects various, disparate database systems such as Records Management Systems (RMS), geomapping, Jail Management Systems (JMS) and mug shot and facial recognition systems in the South Bay Node.

This action is for an updated MOU that will add Member Agencies within the South Bay Node from the District Attorneys Offices, University Police, and Probation. The updated MOU also incorporate changes which have occurred since the creation of SBISS. The key changes in this MOU include eliminating a termination date in the MOU. However, there will be an administrative review by the SBISS Board, of which the Chief of Police is a voting member, rather than a renewal of the MOU every three years. Any future changes or amendments to the MOU will be implemented through a majority vote of the SBISS Board.

Approval of the recommended actions will allow the City to continue participation in the SBISS South Bay Region Node for law-enforcement information-sharing and communication and institute the SBISS System Use Agreement.

BACKGROUND

As a result of the lessons learned on September 11, 2001, law enforcement agencies across the country have prioritized information sharing. Law enforcement agencies in Santa Clara, Santa Cruz, Monterey and San Benito Counties, known as the South Bay Node, agreed to form a regional, automated data sharing system to share information related to criminal investigations. This partnership was formalized in March 2010, when the City Council approved a three-year MOU establishing SBISS to address homeland security and local crime issues and established the Santa Clara County Sherriff's Office as the SBISS fiscal agent.

The SBISS allows the above agencies to access each other's systems for information via a law enforcement, internet based system that connects various, disparate database systems such as Records Management Systems, geomapping, Jail Management Systems and mug shot and facial recognition systems in the South Bay Node. The SBISS has been operational since September 2010, and also connects with other regional nodes throughout the Bay Area and California.

The Office of Homeland Security has allocated Urban Areas Security Initiative (UASI) grant funding to pay for hardware, integration costs, project management, connectivity and personnel to implement the system. The System utilizes an IBM product known as "COPLINK." The purpose of the COPLINK software application is to allow for the collection and analysis of criminal justice data to include, but not be limited to: crime and miscellaneous report summaries, field interviews and contacts, vehicle accidents, arrest records, citations, and arrest photos. COPLINK is already operating in the counties of Los Angeles, San Diego, Orange and Sacramento. To ensure data management was standardized and therefore easily accessible by all

participating agencies, COPLINK was the sole source vendor selected for all law enforcement agencies in California.

The SBISS is governed by a Board of Directors. The South Bay Information Sharing System Node Board of Directors is comprised of eleven (11) Directors, with each also having an alternate, from the following agencies:

- Santa Clara County Sheriff
- Chief of the San José Police Department
- Santa Clara County Police Chief's Association representative
- Santa Cruz County Sheriff
- Chief of the Santa Cruz Police Department
- Santa Cruz County Police Chief's Association representative
- Monterey County Sheriff
- Chief of the Salinas Police Department
- Monterey County Police Chief's Association
- San Benito County Sheriff
- Chief of the Hollister Police Department

The initial MOU period is about to expire and needs to be updated and renewed

ANALYSIS

Updating and renewing the MOU will do a number of things. First, it will add the following agencies to the membership participating in the MOU:

District Attorney Member Agencies

- Santa Clara County District Attorney's Office
- Santa Cruz County District Attorney's Office
- Monterey County District Attorney's Office
- San Benito County District Attorney's Office

University Police Member Agencies

- California State University, Monterey Bay Police Department
- San José State University Police Department

Probation Member Agencies

- Santa Clara County Probation Department
- San Benito Probation Department
- Monterey County Probation
- Santa Cruz County Probation Department

The updated MOU will also incorporate any agreed-upon changes which have occurred since the creation of SBISS. The key changes in this MOU include:

- There is no termination date in the MOU. However, there will be an administrative review by the SBISS Board, of which the Chief of Police is a voting member, rather than a renewal of the MOU every three years.
- Any changes or amendments to the MOU can be implemented through a majority vote of the SBISS Board.
- Holding one board meeting a year instead of two.
- Authorizing the Chair of the Board to sign MOU and Inter-Agency agreements with other COPLINK nodes.
- Adding District Attorneys, University Police Departments and Probation Departments as Member Agencies.
- The inclusion of the SBISS Automated License Plate Reader Policies and Procedures.

In addition to the updated MOU, the SBISS is implementing a System Use Agreement to outline the terms and conditions under which participating agencies will share and use information in various vendor tools, including COPLINK and to detail various indemnifications, relationships, and obligations among the Agencies and vendors. The SBISS has also drafted Policies and Procedures specific to Automated License Plate Reader (ALPR) technologies.

EVALUATION AND FOLLOW UP

The MOU will be reviewed every three years. It is estimated to take effect April 1, 2014, with the first review on April 1, 2017.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1,000,000 or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This memorandum does not meet any of the above Criteria; however, it will be posted on the City's website for the March 4, 2014, City Council Agenda.

COORDINATION

This Council Memo has been coordinated with the City Manager's Office and the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

This action is consistent with the following General Budget Principles: "We must focus on protecting our vital core city services for both the short- and long-term; we must continue to streamline, innovate and simplify our operations so that we can deliver services at a higher quality level, with better flexibility, at a lower cost; and the Strategic Initiative, "Make San José a Tech-Savvy City; lead the way in using technology to improve daily life."

COST SUMMARY/IMPLICATIONS

The UASI grants from the U.S. Department of Homeland Security in FY 2008 through FY 2013 have paid for the necessary hardware infrastructure for the South Bay Node. 100% of the data integration costs for each Member Agency, the enterprise software license fee, and three years of maintenance. Grants were jointly applied for, with the Santa Clara County Sheriff's Office acting as the SBISS fiscal agent, to cover as much of the project as possible. SBISS will continue to apply for grant funding through UASI as new funding cycles become available for sustainment and enhancement of the information sharing system.

The table below represents the City of San José's share of the cost sharing model, which is based upon 2010 census data and sworn counts based on California Peace Officers Standards and Training (POST) statistics for current employed full-time sworn staff which shows SJPD at 1045. These costs include, but are not limited to Host and Resource Annual costs, staff (.5 FTE with Santa Clara County Sheriff's Office), Integration Services Maintenance & Technical Support license fees, and network hardware. The increase in FY 2015-2016 reflects current cost estimates; however, if further federal grant applications are successful, this amount could decrease.

Agency	2010 Population	% of Total Population	Annual Cost Allocation for FY 2012-2013 to FY 2014-2015	Annual Cost Allocation beginning FY 2015-2016
San José PD	958,966	52.68%	\$ 29,211.17	\$ 87,172.06
Total annual maintenance all counties			\$ 77,445.00	\$ 277,020.76

HONORABLE MAYOR AND CITY COUNCIL

February 10, 2014

Subject: Coplink

Page 6

CEQA

Not a Project, File No. PP10-066(e), Services that involve no physical change to the environment.

/s/

LARRY ESQUIVEL

Chief of Police

For questions, please contact Deputy Chief Dave Hober at (408) 537-5176.

LE: DH:mmj

Attachment:

- *South Bay Information Sharing System ALPR Policies and Procedures*

South Bay Information Sharing System ALPR Policies and Procedures

GOALS OF THE SOUTH BAY INFORMATION SHARING SYSTEM

The South Bay Information Sharing System (SBISS) was established to maximize the sharing of data and communication within the South Bay region while maintaining the confidentiality of privileged or otherwise protected information shared through the system. Currently, the Sheriff's Office is the collection point for data that is vital in the information sharing, analysis and dissemination of criminal threat information.

AUTOMATED LICENSE PLATE READER (ALPR) TECHNOLOGIES

To provide technical operations support to local, state, federal, and tribal public safety agencies SBISS utilizes new technologies to assist with the collection and identification of threat information. One of the technologies used by SBISS is Automated License Plate Reader (ALPR) systems. ALPRs are attached to Law Enforcement vehicles or deployed at fixed locations, to collect license plate information from vehicles on public roadways or property.

ALPR AUTHORIZED USES

To support the mission of the South Bay Information Sharing System, sworn law enforcement, analysts, or support personnel will utilize ALPR technology to:

- Collect information on the location of vehicles to support situational awareness
- Locate stolen, wanted, and subject-of-investigation vehicles
- Locate witnesses, victims of violent crime, missing persons, and respond to Amber Alerts
- Support local, state, federal, and tribal public safety departments in the identification of subjects associated with targets of criminal investigations
- Protect critical infrastructure sites, special events, or other large gatherings

NOTIFICATIONS

ALPR operators shall provide the local law enforcement jurisdiction (Police, Sheriff's, Regional Auto Theft Task Forces, and/or California Highway Patrol) with advanced notification that SBISS member agencies, will be conducting ALPR operations in their areas.

South Bay Information Sharing System ALPR Policies and Procedures

ALPR operators are encouraged to obtain local agency support, radio or personnel, prior to the deployment of an ALPR within a local jurisdiction.

ALPR operators who locate vehicles through hits to the Regional Information Sharing System (RISS), California State Intelligence Index (CSII), or Cal Gang will contact the Western States Information Network (WSIN) to pass information to the submitting officer. The ALPR operator will make a notation in the system of the submitting officer's contact information and input the level of notification the officer is requesting in case of future contacts with the subject vehicle.

ENFORCEMENT ACTIVITIES

ALPR operators may not contact occupants of stolen, wanted, or subject-of-investigation vehicles unless the ALPR operators are sworn law enforcement officers and have a reasonable cause to believe that the occupants of the vehicle pose an immediate threat to public safety or officer safety.

ALPR operators acknowledge that the data collected from the ALPR device, and the content of referenced hotsheets, consists of information that may or may not be accurate. Vehicle and subject information must be verified from a separate Law Enforcement system to confirm the vehicle or subject's identity and justification for contact. The ALPR alone does not provide probable cause and should never be used as the sole reasoning for intercepting a vehicle or passengers.

ALPR operators must rely on their parent agency rules and regulations regarding equipment, protection, self-identification, and use of force when stopping vehicles or making contact.

STORAGE AND SECURITY

Data collected by ALPR systems is stored in a secured Law Enforcement facility with 24/7 staffed security. Also, the physical servers reside behind network firewalls and each record exists in a separate database system compartmentalized from all Criminal Intelligence or other Law Enforcement databases. Access is restricted only to Law Enforcement officers and support staff with a need and right to know; all utilization is tracked and logged for audit purposes.

South Bay Information Sharing System ALPR Policies and Procedures

DISSEMINATION

A member agency may disseminate ALPR data to any public safety agency with a right and need to know the information, in support of public safety or active investigations. The NCRIC assumes no responsibility or liability for the acts or omissions of other agencies, and makes no guarantee regarding the accuracy of information provided.

Information may be disseminated to critical infrastructure locations if they are believed to be the target of surveillance for the purpose of terrorist attack or criminal activity. A member agency will also make notification to the Federal Bureau of Investigation – Joint Terrorism Task Force (FBI-JTTF), Department of Homeland Security (DHS), local Terrorism Liaison Officer (TLO) and the State Threat Assessment Center (STAC). Information collected by the ALPR system shall not be disseminated to private parties, other than critical infrastructure, unless authorized by the SBISS Chair or member agency Chief, Sheriff, or designee. ALPR information shall not be disseminated for personal gain or non-law enforcement purposes.