



SACRAMENTO COUNTY SHERIFF'S OFFICE

Jim Cooper
Sheriff

August 12, 2024

The Honorable Bunmi Awoniyi
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Subject: Response to Keep Your Eyes Off My Privacy!

Dear Judge Awoniyi:

Pursuant to Penal Code Sections 933 and 933.05, the following response is respectfully submitted to you regarding the 2023-2024 Grand Jury's Findings and Recommendations on the report titled: Keep Your Eyes Off My Privacy!

INTRODUCTION

The 2023-2024 Sacramento County Grand Jury's Report heavily referenced a California State Audit Report from 2020. The Sacramento County Sheriff's Office has implemented several policy and procedure changes based on the audit findings. The Sheriff's Office's ALPR program operates in compliance with the law.

RESPONSE TO FINDINGS

Finding 1: SSO's practice of sharing ALPR information with out-of-state entities violated SB 34 and unreasonably risked the aiding of potential prosecution by the home-state of women who traveled to California to seek or receive healthcare services.

Response to Finding 1: The SSO disagrees with the findings. We do not allow out-of-state or Federal agencies access to our ALPR information. The SSO is committed to using ALPR technology for legitimate law enforcement purposes and in compliance with the 2020 audit report.

Finding 3: SSO's failure to require case number entries with sufficient specificity to track the validity of the request puts ALPR information at risk for unauthorized access, misuse, or disclosure.

Response to finding 3: The SSO disagrees partially with the finding. All users must enter a case number or reason for their inquiry. There is no mechanism in the system to bypass user error. Training and audits are the only available means to ensure justification and, if applicable, case information.

Finding 4: SSO conducts periodic cursory internal audits of their data, equipment, and processes that do not adequately protect an individual's privacy. The audits are not scheduled or consistent, thereby raising the risk of misuse and abuse of the data.

Response to Finding 4: The SSO partially disagrees with the findings. SSO currently conducts annual audits, which are scheduled at regular intervals.

Finding 5: SB 34 requires local LEAs to make their ALPR policies available to the public and post it conspicuously on the agency's website. The failure of most local LEAs to clearly post ALPR policies that can be easily found by the public is noncompliant with California state law.

Response to Finding 5: The SSO disagrees with the findings. SSO ALPR policy is posted online under our transparency page. A "Sacramento Sheriff ALPR" web search will direct you to our current policy.

RESPONSE TO RECOMMENDATIONS

Recommendation 1: The SSO should update and post its policies and procedures conspicuously on its website to reflect its change in policy to no longer share ALPR data with out-of-state LEAs or the federal government no later than October 1, 2024.

Response to Recommendation 1: The recommendation has not been implemented. SSO does not allow out-of-state or Federal agencies access to our ALPR data. Per this recommendation we have added a policy amendment to reflect "in compliance with the law."

Recommendation 3: The SSO and other Sacramento County ALPR system administrators should require sufficient and verifiable information which will enable complete and accurate audits on all ALPR data requests no later than January 1, 2025.

Response to Recommendation 3: The recommendation has been implemented. All users must enter a case number or reason for the inquiry. Regular audits are conducted to ensure this process is being completed properly. Users are admonished and assigned training to safeguard the proper use of the system. Training and audits are the only means available to ensure justification and, if applicable, case information.

Recommendation 4: The SSO should administer quarterly internal audits of ALPR data requests to include user searches and utilize a third-party, external entity to conduct annual audits beginning January 1, 2025. Audit results should be posted conspicuously on the agencies website no later than thirty days after each internal and external audit.

Response to Recommendation 3: The recommendation requires further analysis to determine the feasibility of an external third-party audit. Concerns with a third-party audit would be potential costs and possible policy violation of "need-to-know, right-to-know" for access to the data/system. SSO currently conducts annual audits. Effective January 1, 2025, SSO will be conducting quarterly audits.

The Sheriff's Office does not intend to post confidential audit findings online. The information contained in an audit would release the public's personal data and sensitive case investigative information.

Recommendation 5: All Sacramento LEAs should ensure that their ALPR policies are made available to the public and posted conspicuously on the agencies' websites no later than January 1, 2025.

Response to Recommendation 5: The recommendation has been implemented. SSO has an ALPR policy online. A "Sacramento Sheriff ALPR" web search will map directly to our current policy.

The SSO is required by law to post all of its policies on-line in a conspicuous place. We currently have over 400 policies on-line. These policies consist of many high priority topics such as Use of Force, transparency, bias policing, and Corrections policies that fall under the Mays Consent Decree. They are all searchable and available to the public. It is unreasonable to place one policy over the importance of another in a stand-alone format.

Sincerely,



JIM COOPER, SHERIFF