

Danville Police Department CA
PRA Office
510 La Gonda Way
Danville, CA 94526

July 3, 2023

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Nov. 3, 2022. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

View request history, upload responsive documents, and report problems here:
<https://www.muckrock.com/respond/1520786/>

If prompted for a passcode, please enter:
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Filed via MuckRock.com
E-mail (Preferred): 136227-60142226@requests.muckrock.com

PLEASE NOTE OUR NEW ADDRESS
For mailed responses, please address (see note):
MuckRock News
DEPT MR 136227
263 Huntington Ave
Boston, MA 02115

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Nov. 2, 2022:
Subject: California Public Records Act Request: Automated License Plate Readers (Danville Police Department CA)
Dear Custodian of Records:

This letter constitutes a request under the California Public Records Act ("CPRA") from the Electronic Frontier Foundation, submitted with the assistance of MuckRock News.

We request the following records related to Automated License Plate Readers ("ALPRs") and your law enforcement agency ("Agency").

Part A - Information related to ALPR data sharing.

A1. The names of agencies and organizations with which the Agency shares ALPR data;

A2. The names of agencies and organizations from which the Agency receives ALPR data;

A3. The names of agencies and organizations with which the Agency shares "hot list" information;

A4. The names of agencies and organizations from which the Agency receives "hot list" information.

The information requested in items A1-A4 is readily available for extraction through the ALPR software you use. For example, with Vigilant Solutions/Motorola Solutions, this data can be exported easily using the Data Sharing Report function. With Flock Safety, this information is available through the transparency portal function. Other software, such as BOSS, has similar functionality.

Most agencies have encountered little difficulty in providing this information (see below). In a small number of cases, an agency has interpreted items A1-A4 as requesting the creation of a record that does not exist. We disagree: this data is maintained by your software, can be exported through software your agency has already purchased, and is therefore subject to CPRA.

However, should you disagree, you may alternatively produce the following records:

A5. All agreements, memoranda of understanding, requests, or other certifying documents that external agencies have signed to comply with Sec 1798.90.52(b) for accessing your agency's ALPR data. These documents are also often required under the "Releasing ALPR Data" subsection of a California law enforcement agency's SB 34 policy.

A6. All agreements, memoranda of understanding, requests, or other certifying documents that your agency has signed pursuant to Sec 1798.90.52(b) to access other agencies' ALPR data.

A7. All "records of access" required by Sec. 1798.90.52(a) for the periods January 1, 2021 until the date of processing this request.

Items A5-A7 are not necessary if your agency provides the information requested in items A1-A4. We feel that items A1-A4 are more focused and would require less labor from your agency to produce.

Part B - Information Related to Numbers of "Detections" (plate scans) and "Hits" (plate scans that matched to a hotlist)

B1. The aggregate number of "detections" collected during 2021.

B2. The aggregate number of "hits" during 2021.

B3. The aggregate number of "detections" from January 1, 2022 until the date this request is processed. If your agency has a retention period shorter than 1 year, please provide whatever data is available based on your retention period. For example, most Flock Safety systems may not have this data beyond 30 days.

B4. The aggregate number of "hits" from January 1, 2022 until the date this request is processed. If your agency has a retention period shorter than 1 year, please provide whatever data is available based on your retention period.

The information requested in items B1-B4 is readily available through the ALPR software you use. For example, with Vigilant Solutions/Motorola Solutions, this data can be exported easily using the Hit Ratio Report function. With Flock Safety, this information is available through the transparency portal function. Other software, such as BOSS, has similar functionality. As noted above, this information exists within your system and can be easily exported with existing software.

Part C - Assistance, Description, and Recommendations.

We make the following requests under section 6253.1 of the California Public Records Act

C1. A description of the information technology and physical location in which

the records exist.

C2. Assist us identifying records and information that will help the public understand how ALPR data and hotlists are shared, how much data is collected year-to-year, and how much of that data matches a hot list; and

C3. Provide suggestions for overcoming any practical basis for denying access to the information sought.

Please note that more than 80 California law enforcement agencies have provided the information requested in Parts A1-A4 and B1-B4 in previous years. For your reference we have included a list below with the names of the agencies that have historically provided these records.

American Canyon Police Department
Auburn Police Department
Bakersfield Police Department
Beaumont Police Department
Bell Gardens Police Department
Bell Police Department
Belvedere Police Department
Beverly Hills Police Department
Brawley Police Department
Brentwood Police Department
Buena Park Police Department
Burbank Police Department
Carlsbad Police Department
Cathedral City Police Department
Chino Police Department
Chula Vista Police Department
Citrus Heights Police Department
Claremont Police Department
Clayton Police Department
Contra Costa County Sheriff's Office
Coronado Police Department
CSU Fullerton Police Department
Cypress Police Department
El Segundo Police Department
Fairfield Police Department
Folsom Police Department
Fontana Police Department
Fresno Police Department
Fullerton Police Department
Galt Police Department
Garden Grove Police Department
Gardena Police Department
Glendale Police Department
Hemet Police Department
Hermosa Beach Police Department
Imperial Police Department
Irvine Police Department
La Habra Police Department
La Mesa Police Department
La Verne Police Department
Laguna Beach Police Department
Livermore Police Department
Lodi Police Department
Long Beach Police Department
Marin County Sheriff's Office
Martinez Police Department
Merced Police Department
Mill Valley Police Department
Modesto Police Department
Monterey Park Police Department
Newport Beach Police Department
Oakley Police Department

Orange County Sheriff's Office
Orange Police Department
Palm Springs Police Department
Palos Verdes Estates Police
Pasadena Police Department
Pleasant Hill Police Department
Pomona Police Department
Redlands Police Department
Redondo Beach Police Department
Ripon Police Department
Roseville Police Department
Salinas Police Department
San Bernardino County Sheriff's Office
San Diego County Sheriff's Office
San Diego Police Department
San Mateo County Sheriff's Office
Sausalito Police Department
Simi Valley Police Department
Stanislaus County Sheriff's Office
Stockton Police Department
Tiburon Police Department
Torrance Police Department
Tracy Police Department
Tustin Police Department
West Sacramento Police Department
Westminster Police Department
Woodland Police Department
Yolo County Sheriff's Office

(This URL links to a dataset with links to the records:

<https://www.eff.org/document/data-driven-2-california-dragnet-data-set>)

CPRA requires you to undertake reasonable efforts to locate responsive records and to work in good faith with requesters to respond to their request. See *CYAC v. City of National City*, 220 Cal.App.4th 1385, 1430 (2013). Thus under the CPRA you are obligated to conduct a reasonable search and cannot deny a request merely because it might generate a large volume of records.

We ask that you please respond to this request within 10 days either by providing all the requested records or by providing a written response setting forth the legal authority on which you rely in withholding or redacting any document, as well as stating when documents will be made available. Should you choose to withhold or reject this request, we ask that you provide an explanation of why your agency is responding differently compared to the many others that have complied with our request.

We also request that any records maintained in an electronic format be provided in that same format (such as a PDF, CSV or XLS file), to avoid copying costs.

However, should you be unable to do so, EFF will reimburse you for the direct costs of copying these records (if you elect to charge for copying) plus postage. If you anticipate that these costs will exceed \$25.00, or that the time needed to copy the records will delay their release, please contact me so that I can arrange to inspect the documents or decide which documents I wish to have copied. Please also provide an invoice and a cost breakdown of the fee estimate. If the fees are less than \$25.00, please copy and send the records and invoice as soon as possible, and we will promptly pay the required costs.

Thank you for your consideration of this request. If you have any questions or concerns, or if I can provide any clarification that will help identify responsive documents or focus this request, please do not hesitate to contact me at (415) 436-9333 x151 or dm@eff.org. You may also mail correspondence to the Electronic Frontier Foundation, 815 Eddy St. San Francisco, CA, 94109.

Sincerely,

Dave Maass
Director of Investigations
Electronic Frontier Foundation

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Organized Retail Theft Prevention Grant Program Budget Section

Instructions for Completing the Organized Retail Theft Prevention Grant Program Budget Table and Narrative

Applicants are solely responsible for the accuracy and completeness of the information entered in the Budget Section. All project costs must be directly related to the objectives and activities of the project. The Budget Table must cover the entire grant period.

- ▶ Enter the name of the Applicant at the top of the Project Budget worksheet in cell D3.
- ▶ The maximum amount a Medium Scope applicant may apply for is up to \$6,125,000.
The maximum amount a Large Scope applicant may apply for is up to \$15,650,000.

Applicants are encouraged to request only the amount of funds needed to support their proposal and the amount that can be justified with supporting documentation/information. All Applicants must build their proposal, objectives, activities, timelines, and budget information for all 44 months of the purchase period (October 1, 2023 to June 1, 2027).

- ▶ Request funds in whole dollars only. Do not use decimals.
- ▶ Applicants are limited to the use of the budget line items listed. Applicants are not required to request funds for every line item. If no money is requested for a certain line item, enter "N/A" in the corresponding narrative.
- ▶ This workbook is protected. Applicants may only enter information in unshaded cells. All other cells in the Project Budget worksheet will auto populate based the Applicant's entries.
- ▶ The purpose of the narrative for each corresponding line item is to provide a narrative description of the item(s) and how the items and amounts requested will serve to meet the stated goals, objectives and planned activities of the project. To start a new paragraph within a narrative cell, hold down the Alt key and then press Enter.
- ▶ All funds must be used consistent with the requirements of the BSCC Grant Administration Guide, located on the BSCC website, including any updated version that may be posted during term of the Grant Agreement. The BSCC will notify grantees whenever an updated version is posted.

Budget Line Item Instructions

1. **Salaries and Benefits:** List the classification/title, percentage of time, salary or hourly rates, and benefits (if applicable) for every staff person from the Applicant agency that will be funded by the grant (please show the math behind the benefit calculations). Briefly describe their roles/responsibilities within the Organized Retail Theft Prevention Grant. Include salaries and benefits for staff of the applicant ONLY. Salaries and benefits associated with partner agencies, subgrantees, or subcontractors should be included in the applicable line item (e.g. Professional Services, NGO Subcontracts, etc.).
2. **Services and Supplies:** Include and itemize all services and supplies to be purchased by the Applicant. Services and supplies purchased by partner agencies, subgrantees, or subcontractors must be included in the applicable line item (e.g. Professional Services, Public Agency Subcontracts, etc.).

NOTE: Do not include Services and Supplies information for Professional Services or Public Agency Subcontracts in this section. Please use the applicable line item(s).

Be advised: Meals, snacks, incentives and participant support items require separate and prior approval by the BSCC, even if included here.

3. **Professional Services or Public Agencies:** List the names of any public agencies or professional consultants that will work on the project. Show the amount of funds allocated to each and itemize the services that will be provided. List any positions to be funded, including classification/title, percentage of time, salary or hourly rates, and benefits (if applicable).
4. **Non-Governmental Organization (NGO) Subcontracts:** If applicable, list the names of all NGOs that will work on the project. Show the amount of funds allocated to each and itemize the services that will be provided. Include any positions to be funded, including classification/title, percentage of time, salary or hourly rates, and benefits (if applicable). If an NGO partner has not been selected as of the date of the submission of the application, identify the amount of grant funds that will be allocated and describe the services to be provided.
5. **Data Collection and Evaluation:** Applicants are required to set aside at least \$75,000 but not more than 5% percent of the total grant award for data collection and evaluation efforts, to include the development of the Local Evaluation Plan and a Final Local Evaluation Report. Include and itemize all grant fund costs associated with evaluation efforts for this project, even if they are associated with a subcontractor or consultant.
6. **Equipment and Fixed Assets:** Include grant funds associated with equipment and fixed assets purchased by the Applicant. Equipment and fixed assets are defined as nonexpendable personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Items that do not meet this threshold should be included in the Services and Supplies category. Itemize all equipment and fixed assets to be purchased by the Applicant Agency or the Lead Public Agency (LPA).
- NOTE:** Do not include Equipment and Fixed Assets information for Professional Services or Public Agency Subcontracts in this section. Please use the applicable line item(s).
- Be advised: Equipment and fixed assets over \$3,500 require separate and prior approval by the BSCC, even if included here.
7. **Financial Audit:** Up to \$25,000 in grant funds may be allocated for the required financial audit. The audit provides assurances that an organization's financial statements are free of material misstatement based upon the application of generally accepted accounting principles.
8. **Other (Travel, Training, Etc.):** Itemize all costs that do not fit into the categories listed above, including travel and training. Applicants should budget for three one-day trips to Sacramento for grantee team meetings. For this line item, include "other" costs for use by the Applicant only. Similar type costs allocated by subcontractors must be included in the applicable line item.
- Note: Out-of-state travel using grant funding is permissible in rare cases. The use of state funds for out-of-state travel is monitored very closely and granted only in limited cases. Out-of-state travel included in the proposed budget does not guarantee automatic approval; out-of-state travel requests require separate and written prior approval by the BSCC. Participant travel that exceeds \$100 per day requires separate and prior written approval by BSCC, even if included here.
9. **Indirect Costs:** Indirect costs are shared costs that cannot be directly assigned or identified to a particular activity but are incurred and necessary to the operation of a grantee-organization and the performance of the project. Examples of indirect costs include, but are not limited to, rent and utilities, office supplies, administrative salaries and fringe benefits (such as managerial, clerical, accounting, human resources, and information technology).
- For the Organized Retail Theft Prevention Grant, indirect costs may be charged to grant funds using only one of the following two options:
- Organizations with a federally approved indirect cost rate may request reimbursement for indirect costs not to exceed twenty percent (20%) of the total grant award. Organizations may not request more than their federally approved rate and will be required to submit their federally approved rate documentation in order to receive reimbursement.
 - Organizations that do not have a federally approved indirect cost rate may request reimbursement for indirect costs not to exceed ten percent (10%) of the total grant award. Organizations will be required to provide a methodology or list of costs/activities to support the indirect costs charged to the grant upon request.
- In the Indirect Costs Narrative section please identify the types or categories of expenses that will be supported by the indirect costs rate and what record keeping process will be used to provide source documentation.

