

Memorandum

To: CLETS Advisory Committee
Members

Date: March 11, 2010

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From: 
Valerie Fercho-Tillery
CLETS Executive Secretary

Subject: CLETS Devices in Fire Vehicles

Attached is an Issue Memo regarding CLETS devices in fire vehicles. As you will read in the background portion, the DOJ denied Sunnyvale Department of Public Safety (DPS) CLETS devices in their fire vehicles. The Sunnyvale DPS has appealed the denial and asked that the CLETS Advisory Committee reconsider the request. A representative from the Sunnyvale DPS will appear before the CLETS Advisory Committee and present their argument.

Please review the attached Issue Memo and be prepared to vote on this matter at the March 25, 2010, meeting.

CLETS Devices in Fire Vehicles

March 11, 2010

Objective:

Should CLETS subscribing public safety departments be authorized to install CLETS devices in fire vehicles?

Background:

The Sunnyvale Department of Public Safety (DPS) submitted a CLETS application requesting approval to add laptops to patrol/fire vehicles using Mobility XE VPN Client/Server with two-factor authentication using smart cards through the public Internet. Although assigning CLETS devices to patrol vehicles is a common practice, assigning CLETS devices to a fire truck is not. The Department of Justice (DOJ) approved their application to add the laptops to the patrol vehicles, however, denied the placement of devices in the fire vehicles. As a result, the Sunnyvale DPS appealed the denial and requested the issue be brought before the CLETS Advisory Committee.

Discussion:

The Sunnyvale DPS employs approximately 210 sworn personnel who are cross-trained as peace officers and firefighters. These personnel are classified as Public Safety Officers, Public Safety Lieutenants, and Public Safety Captains and are assigned to either police services or fire services each year as their primary assignment. As the need arises, the sworn personnel are required to assist in either the fire fighting or enforcement capacity as the need arises. Officers assigned to patrol will assist fire fighting operations at major incidents, including structure fire operations, and are qualified to operate fire apparatus. In major patrol cases, a fire vehicle may be summoned to police events and is required to be operationally ready for immediate assignment to assist patrol in an enforcement capacity. Gun lockers are provided on all fire apparatus for the storage of firearms.

CLETS policy does not prohibit placing a CLETS device in a fire vehicle; however, CLETS is to be used for law enforcement purposes only. In addition, CLETS policy does require reasonable precautions be taken to locate terminals in an area with adequate physical security and to provide protection to preclude access to information by non-authorized personnel, which includes viewing or access to the terminals.

During the review of Sunnyvale DPS' request, it was brought to the attention of the DOJ that the Rohnert Park DPS is also a fully integrated public safety agency whose public safety officers are fully trained and POST certified as sworn peace

officers as well as being fully trained and California State Fire Marshall certified firefighters. Although the Sunnyvale DPS submitted their request to the DOJ to install the CLETS devices in the fire vehicles, the Rohnert Park DPS installed CLETS devices in two of their fire vehicles without the knowledge, nor consent of the DOJ.

In an e-mail received from the Rohnert Park DPS, it was requested that the CLETS Advisory Committee be made aware of the uniqueness of both agencies. Fire personnel are armed with firearms, ballistic vests, handcuffs, etc. while operating the fire apparatus just as patrol personnel maintain fire turnouts in their vehicles to assist in combating fires.

Consideration:

The CLETS Advisory Committee's decision will impact both the Sunnyvale DPS as well as the Rohnert Park DPS.