

Capitola City Council

Agenda Report



Meeting: March 28, 2024

From: Police Department

Subject: Automated License Plate Reader Cameras

Recommended Action: Authorize the City Manager to execute a 24-month Master Services Agreement for the lease of 10 Automated License Plate Reader cameras from Flock Group, Inc. (Flock) in an amount not to exceed \$68,350 (\$36,350 at signing and annual recurring at \$32,000).

Background: Camera technology and its application towards public safety and awareness has evolved and has become fiscally achievable for many agencies in California. Over the past few years, cameras, and Automated License Plate Reader (ALPR) technology have been used by police agencies to help solve crimes, especially those where an automobile has been used. Traditional ALPR systems included expensive fixed camera locations or mobile devices mounted in patrol cars. ALPR technology has continued to evolve and has become less cost-prohibitive.

Currently, still images and video from public and private security systems are critical tools in investigating and gathering information about crime incidents. Capitola's police officers often make multiple visits to businesses and residences after an incident, particularly a violent crime, in search of camera images or video that will help identify suspect vehicles, suspects, and other elements of the crime.

Discussion: The Flock ALPR System is a deployment of cameras throughout an area to provide greater coverage and more detailed information for law enforcement. The Flock Agreement includes 10 cameras which can be spread throughout the city. Flock cameras capture date, time, location, license plates, vehicle details, and other objects. Flock cameras do not include any facial recognition capabilities.

There are key differences between Flock and other ALPR companies. Most notably, they are the only company that leases ALPR services and provides all system maintenance. Another difference is that these cameras capture the motion of objects instead of just license plate information.

Additional benefits of Flock include a two-year warranty, an annual flat rate lease per camera of \$3,000, wireless capability, and the option for solar or direct power. This system is Criminal Justice Information Services (CJIS) compliant, offers cloud-based hosting, unlimited user licenses, ongoing software enhancements, camera setup, mounting, shipping, handling, and a cellular connection. Lastly, this lease program prevents the City from being burdened with maintaining costly equipment at the end of the agreement, which could require equipment replacement and additional costs.

Since Flock is the sole manufacturer and developer of the Flock Safety Camera, and they are the only vendor who leases ALPR cameras, there are no local vendors available to provide this service.

Legal Considerations: Civil Code section 1798.90 *et seq* regulates the use of ALPR cameras. Among other things, the provisions therein address privacy concerns by requiring ALPR users to:

- Maintain reasonable security procedures and practices to protect ALPR information from unauthorized access, destruction, use, modification, or disclosure (Civ. Code § 1798.90.51(a); 1798.90.53(a).)
- Implement a usage and privacy policy to ensure that collection, use, maintenance, sharing and dissemination of ALPR information is consistent with individuals' privacy and civil liberties. The

usage and privacy policy shall be available to the public in writing and must be posted conspicuously on the City's website. (Civil Code § 1798.90.51(b)(1); 1798.90.53(b)(1).) Civil Code section 1798.90.53(b)(2) specifically lists certain requirements for elements of the usage and privacy policy.

The Civil Code also states that public agencies may not sell, share, or transfer ALPR information, except to another public agency, and only as otherwise permitted by state law. (Civ. Code § 1798.90.55.)

In 2020, the California State Auditor conducted an audit of four law enforcement agencies to evaluate privacy concerns that may arise from ALPR use. The four agencies were the Fresno Police Department, Los Angeles Police Department, Marin County Sheriff's Office, and Sacramento County Sheriff's Office. The audit found that having clear guidelines governing the use of ALPR data will better protect the privacy of residents.

The Police Department created Police Policy 426 governing its use of Automated License Plate Readers addressing the requirements listed in Civil Code section 1798.90.5 *et seq.* This policy includes a requirement to conduct an annual audit, lists restrictions on the release of the data, and requires training for officers in the use of the ALPR system. Section 426.2 states that "The Capitola Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, pursuant to the California Values Act (Government Code §7282.5; Government Code §7284.2 *et seq.*)—these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CPB)." This policy is included as Attachment 2. The Policy does not allow for proactive monitoring of ALPR cameras, and only allows their use in the context of solving reported criminal activity.

Fiscal Impact: If approved, the 10 Automated License Plate Reader (ALPR) Cameras will be leased in an amount not to exceed \$68,350. The funding for this request will be covered by the State of California Supplemental Law Enforcement Services Fund (SLESF) for two years. The Police Department is exploring grant opportunities for future funding needs.

Attachments:

1. Master Services Agreement – Flock/Capitola PD
2. Policy 426 - ALRP
3. City Sole Source Letter

Report Prepared By: Andrew Dally, Chief of Police

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager