



PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk's Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email PublicComment@losaltosca.gov

From: [Eugene M Hyman](#)
To: [Public Comment](#)
Subject: ALPR camera Feb 28 Council meeting
Date: Friday, February 24, 2023 4:46:44 PM

To the Los Altos City Council:

I write to you in support of Chief Averiett's request to approve a contract between the City and Flock Safety for the ALPR camera program.

I have been a resident of Los Altos for over 30 years, living at 142 Mt Hamilton Ave, Los Altos, CA 94022.

Previously, I was a police officer for the City of Santa Clara for almost five years.

Lastly, I was a Superior Court Judge for Santa Clara County for twenty years.

I believe that my past employment is of assistance in the evaluation process of this program.

Los Altos is unable to hire as many police officers as we would ideally like to hire. The majority of police agencies in the county presently have this program and we would benefit from being part of this network.

The program will be helpful with auto theft, burglary, property crime, robberies, and other associated crimes. Statistics will be collected to assist in the evaluation of the program.

While Los Altos is a safe city and our police do a great job, the simple fact is that crime is always a concern and an issue.

Flock Safety has a great reputation and my understanding is there there are no major complaints of concern by any agency now using their program.

The proposed protocols for the use of the program are similar to the ones used by the City of Vallejo and the ACLU vetted them and is satisfied that the protocols protect citizens' privacy and other Constitutional rights. The data, once collected, will be deleted after 30 days, unless there is information that there is a connection to a crime.

It is my understanding that an individual person can request that a vehicle, registered to them, can be removed from the database.

There are protections, in the protocols, to reveal the users of the program listing the name and reason for the program's use.

The Chief has stated that there will be a full audit of the program, after six months, to provide transparency to the community.

Every program has the potential for abuse just as every drug has potential side effects. When a full examination is made of the proposal, I suggest that the benefits outweigh the negatives.

Thank you for this opportunity to express my support for the camera safety program.

Kind regards,

Eugene M. Hyman

From: [Roberta Phillips](#)
To: [City Council](#); [Public Comment](#)
Subject: Support License Plate Reader Cameras Item #7 Council meeting Feb 28
Date: Saturday, February 25, 2023 12:16:16 PM

Dear City Council

I fully support implementing License Plate Reader Cameras for Los Altos. It is a tool that will help the police prevent and solve crimes. As I know you are aware, crimes in Los Altos are on the increase. This is just one tool that will not solve all the problems, but it will help the police protect us. We are one of only 3 cities that does not have cameras. The thieves know that and target us.

Some people are concerned about privacy, but the policy clearly states what the cameras can be used for and what is not allowed. Please support funding this item.

Thanks

Roberta Phillips



From: [Curtis Cole](#)
To: [Public Comment](#)
Subject: Agenda item #7. Automated License Plate Reader Cameras
Date: Saturday, February 25, 2023 2:17:14 PM

Agenda item #7, 28 February 2023 Automated License Plate Reader Cameras

City Mayor and Council Members,

I support the ALPR pilot project with the updated Los Altos police department policies. I think it is a wise and relatively low cost way to provide additional tools to our department for the deterrence and investigation of property crimes. In addition, **I encourage you to allow the department to access privately owned Flock cameras in Los Altos cost-free.**

Approximately one year ago, our neighborhood suffered multiple home burglaries and car break-ins. These events had limited data from home security systems and thus the police department was unable to solve those crimes. Consequently, our neighborhood of 100+ homes purchased two Flock ALPR cameras which we installed on private property to image cars entering our area. Currently, only I (the system administrator) have access to search the ALPR data stored on Flock's system. The police department receives no hot-list alerts (stolen plates, Amber or Silver) from our system. They must contact me to search ALPR data within the 30 day retention window.

We support the pilot project proposed by the police department. To assist in their goal to improve crime solvability, we offer access to our cameras, subject to the updated police department policies. Flock readily enables sharing private camera systems with police departments via a simple MOU and at no cost. The cameras, their fees and maintenance remain our responsibility.

We are glad the department is updating their policies using guidance from the Vallejo Police Department, noting that those policies were vetted by the ACLU and other privacy advocates.

Finally, I believe a one year pilot is short and I'll encourage a second year in the pilot study before making any final evaluations.

I'm happy to answer any questions.

--

- Curtis Cole

[REDACTED]

 *Think Green. Please print this email only when necessary*

From: [Cheryl Herms](#)
To: [Public Comment](#)
Subject: Automated License Plate Reader Cameras - Yes, Yes, Yes!
Date: Saturday, February 25, 2023 4:35:11 PM

6. Please approve the "Automated License Plate Reader Cameras - a one year pilot program of Automated License Plate Readers". Also make them permanent.

Los Altos Hills has it, and so should we. The break in crime rate is not acceptable in our quiet town and the criminals know they can get away with it, even though many of us have cameras and alarms that are managed. I get to read about it on Next Door!

Thank you,

Cheryl & Richard Herms

531 Hawthorne Court

Los Altos

From: [Webb McKinney](#)
To: [Public Comment](#)
Subject: Fwd: Agenda #7, ALPR License Plate Readers
Date: Sunday, February 26, 2023 12:12:09 PM

Sent from my iPhone

Begin forwarded message:

From: Webb McKinney [REDACTED]
Date: February 26, 2023 at 10:09:00 AM HST
To: council@losaltosca.gov
Subject: Agenda #7, ALPR License Plate Readers

Dear City Council,

I am writing to express my support for the ALPR pilot project, and for granting the police department access to our privately owned Flock cameras.

Best regards,

The McKinneys
484 Van Buren Street

Sent from my iPhone

From: [Myra & Carl Orta](#)
To: [City Council](#); [Public Comment](#)
Subject: License Plate Readers
Date: Sunday, February 26, 2023 6:54:02 PM

Honorable Mayor and City Council,

2/26/23

I wish to address this issue of license plate readers, item #7 on the agenda. Anyone who has had their home burglarized could have a different opinion about license plate readers from those who were not so unfortunately violated.

We are Los Altos residents for 55 years. Our home was broken into and robbed while we were away. Our burglar alarm went off, police were notified, and we were notified. They came around the back, entered the unlocked gate, smashed the family room glass door and entered our master bedroom. They were delighted to find a large free standing jewelry box containing my lifetime of treasures, in my closet which they grabbed and ran off with. Their getaway car was parked up the street so that our surveillance cameras could not catch their license plate. Perhaps they would have been caught if there was a license plate reader on St. Joseph Ave.

Shortley afterward I was approached by the mayor of Saratoga who informed us that they have license plate readers in Saratoga, and it has cut down on home burglaries significantly. I approached the Los Altos City Council with this idea, but it was defeated by those people who are afraid of the invasion of their privacy. If these same people were burglarized, I believe they would worry less about their privacy.

I urge the City of Los Altos to install license plate readers at the few arterial streets we have in our neighborhoods and hopefully spare others from our misfortune.

Myra Orta
1225 Via Huerta
Los Altos, CA 94024



From: [Sandeepan Banerjee](#)
To: [Public Comment](#)
Subject: Public Comment Agenda Item #7 ALPR for Feb 28th
Date: Sunday, February 26, 2023 8:58:06 PM

Dear Mayor Meadows, Vice Mayor Weinberg, and esteemed City Council members:

I am writing to express my deep concern regarding the proposal to install automated car license plate readers in our city. While I understand the need to maintain public safety, I believe that this technology poses serious risks to our privacy and civil liberties, which must take precedence in the policy if they are to be preserved.

Automated license plate readers are capable of capturing vast amounts of personal data, including the time and location of a person's movements. This data, invariably collected under bland assurances that it is strongly managed by well-trained custodians with privacy in mind, has failed tests of competent privacy-aware usage, time and again, creating around us big surveillance for small gain.

Chief McCulley of the Atherton Police Department has written in support of the cameras. Atherton has a population of under 7000 people. In response to a Right to Information from the Electronic Frontier Foundation in Nov 2022, Chief McCulley's department released an estimate that the cameras deployed in Atherton, would collect 54,642,156 yearly ALPR plate reads in the Town of Atherton. This is an astonishing number, one that essentially points to pervasive cameras monitoring the movement of the population.

The Atherton PD also reported to the Electronic Frontier Foundation that 3,913 search queries of the ALPR system by Atherton PD personnel for the calendar year of 2021. This amounts to over 10 searches every day by a single tiny police department. A California Auditor General's report found that three of the four agencies they reviewed, "share their ALPR images widely using features in the ALPR systems that enable convenient sharing of images with minimal effort. Fresno and Marin have each arranged to share their ALPR images with hundreds of entities and Sacramento with over a thousand entities across the United States. However, we did not find evidence that the agencies had always determined whether an entity receiving shared images had a right and a need to access the images or even that the entity was a public agency. We are concerned that unless an agency conducts verifying research, it will not know who is actually using the ALPR images and for what purpose." This also suggests a larger number - perhaps orders of magnitude - of searches against the ALPR data, with access, usage and retention policy not transparent or even auditable. While the present proposal restricts access to other police or prosecutorial departments, it must be emphasized that these are not validated to be legitimate, they are not restricted to 'hot-list' but also include any information on the behavior of any person (even if 99.9% of data has nothing to do with criminal behavior), and relies on any PD to self-certify their intent without oversight or validation.

In addition the auditor's report states, "Because an agency can enter personal information and criminal justice information into its ALPR system, either as part of a hot list or as a comment added as part of a license plate search, all ALPR data are sensitive and require appropriate safeguards." ALPR technology also requires contractual and auditable guarantees, backed by indemnification, from the ALPR vendor for data protection and other safeguards.

In a report by the Independent Institute (a non-profit, non-partisan, public-policy research and educational organization) an estimate is quoted that 1 out of 10 ALPR reads is wrong. The report says: "Given the error rate of ALPR systems, mistakes and misidentifications are frequent. Since vehicle stops by law enforcement sometimes are based on ALPR "hits," mistakes are magnified ... ALPR-related stops generally are not routine traffic stops, whereby an officer might pull over a car and issue a warning or a citation for speeding. Because ALPRs are intended to be a part of a department's strategy of fighting car theft, kidnappings, and so on, the stops that ALPR hits trigger frequently are considered felony or high risk traffic stops. In these situations, standard police procedures direct officers to respond with "guns at the ready" because the presumption is that the officers are dealing with known or suspected felons who may be armed and dangerous ... This can lead to frightening circumstances for victims of ALPR errors ..." The report also lists examples of lamentable use, such as Virginia State Police officers using ALPRs to scan the license plates of vehicles going to rallies for Barack Obama, and an officer in Washington DC accessing a license plate database for extorting people whose vehicles were parked outside a gay nightclub. This Independent report continues "But police departments appear to have few, if any, standards concerning another agency's request; access usually is granted, no questions asked." Also, "In 2018, it was discovered that the Bay Area Rapid Transit (BART) system had shared information with NCRIC that was accessible to ICE, despite BART's internal sanctuary policies." And "The use of government power to surveil, threaten, and extort or otherwise punish people for holding certain political beliefs or engaging in other perfectly legal activities is a frightening prospect that has only been made easier and more enticing by ALPR technology."

"Recording and retaining the geolocation of a car's whereabouts, however, which ALPR data amounts to, pose serious constitutional questions. The government cannot track a person or vehicle with GPS without a warrant, an issue the Supreme Court affirmed unanimously in [United States v. Jones \(2012\)](#). Justice Sonia Sotomayor's concurrence stressed that the government may violate an individual's expectation of privacy with many forms of surveillance, even when there is no physical intrusion.

ALPR systems are, thus, legally questionable because, while they are not technically the same as a GPS device, ALPR records effectively substitute for GPS by consistently recording a vehicle's location at various points in time. As a vehicle travels about and

passes ALPRs, the ALPR system notes the place and time and effectively tracks the vehicle. Legal scholars have suggested that the practice falls under a Fourth Amendment legal doctrine called “mosaic theory.” The mosaic theory holds that even if collecting an individual data point on a person’s location is not unconstitutional per se, when “many data points are collected over time”, that surveillance amounts to a Fourth Amendment search, which would require a warrant.

In a landmark 2018 case that dealt directly with the 1983 Knotts decision, the US Supreme Court in [Carpenter v. United States](#) took a step going beyond merely prohibiting real-time tracking as it did in Jones. In Carpenter, the Court held that the government may not even use historical information from a cell phone tower to “retrace the steps” of a person without first obtaining a warrant. The Court [belabored](#) the point that “a person does not surrender all Fourth Amendment [privacy] protection by venturing into the public sphere.”

The full report is at <https://www.independent.org/publications/article.asp?id=14254>.

The degree of surveillance-creep, and providing more coercive capability to PDs who often use excessive force, requires serious public debate. A 7-page boilerplate sourced from Lexipol with lines added here-and-there by our police department, is not adequate. It does not address many of the issues of substance. I am concerned that Chief Averiett, who was welcomed into our community on a premise of less-coercive, more community-service-oriented policing, is moving so fast, so enthusiastically on a profoundly regressive proposal.

I urge you to read the California Auditor general's report at <https://www.auditor.ca.gov/pdfs/reports/2019-118.pdf>; it is now a few years old, but perhaps the misuse of ALPR, along with surveillance, has become more acute, not less.

Privacy is a fundamental human right. Council must affirm that. It is not yours to give away.

Sincerely,
Sandeepan Banerjee.
Los Altos, CA.