



AGENDA REPORT SUMMARY

Meeting Date: February 28th, 2023

Subject Automated license plate reader (ALPR) cameras

Prepared by: Angela Averiett, Chief of Police

Reviewed by: Gabriel Engeland, City Manager

Approved by: Gabriel Engeland, City Manager

Attachment(s):

1. Los Altos Police Department Policy 462 with proposed updates to reflect usage of stationary ALPR cameras.
2. Letter of support from Atherton Police Department Chief of Police Steven McCulley

Initiated by:

Police Department

Previous Council Consideration:

N/A

Fiscal Impact:

There is no fiscal impact at this time. If approved, the 23-24 fiscal year budget will fund a one-year pilot program of Automated License Plate Readers for up to 25 cameras and up to \$75,000. On-going budget costs will also be incurred in future fiscal years based on the number of cameras installed. It is anticipated future year on-going budget costs will be around \$75,000 if 25 cameras are installed.

Environmental Review:

N/A

Policy Question(s) for Council Consideration:

- Does the City Council wish to approve the acquisition of Automated License Plate Reader cameras for implementation in the 2023-24 Fiscal Year?
- Does the Council wish to approve or make changes to the attached proposed policy?
- Does the City Council wish to approve or make changes to the proposed pilot program?

City Manager

GE

Reviewed By:

City Attorney

JH

Finance Director

JD



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Summary:

The Los Altos Police Department is seeking resources to assist with its crime prevention and crime solving efforts. The use of this technology has the potential to increase our case solvability rates.

Staff Recommendation:

- Staff recommends the City Council authorize staff to implement a one-year pilot program beginning in the 2023-24 Fiscal Year, as described in this report, of ALPR technology of up to \$75,000 and up to 25 cameras.

Purpose

To obtain authorization to purchase ALPR cameras to act as an objective investigative tool for legitimate law enforcement purposes.

Background

The Los Altos Police Department seeks to utilize technologies that can assist our efforts to solve crime and locate at risk missing persons identified in Amber and Silver alerts. Finding technology that can meet our current and future needs is imperative to increase safety, efficiency and efficacy. Law enforcement agencies use Automated License Plate Reader (ALPR) systems for the purpose of rapidly identifying and locating vehicles of legitimate interest to law enforcement. ALPR cameras are currently being used extensively in the greater Bay Area and across California. In Santa Clara County, only three cities, Los Altos, Cupertino and Palo Alto, are not using ALPR technology. ALPR systems contain the data sets of license plate numbers, photos of vehicles, and geospatial locations from where the images were captured. There is no connectivity in the ALPR system to the vehicle’s registration information or the driver's license information of the owner.

Discussion/Analysis

ALPR systems function to capture an image of a vehicle (not the occupants), the vehicle’s license plate and geospatial location where the image was captured. The license plate is queried through various databases and compared to lists of vehicles of interest to law enforcement, also known as “hot lists.” When a vehicle of interest is located in the databases, such as a reported



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stolen vehicle, local law enforcement is alerted. The license plate is then verified by law enforcement before any enforcement action is taken.

Additionally, the stored license plate data provides law enforcement investigators with a pointer system that may help them identify vehicles associated with suspects, witnesses, or victims, and to develop exculpatory information that assists them with focusing their investigative resources. The data allows law enforcement to connect serial criminal activities that may have occurred in multiple law enforcement jurisdictions. The stored data is kept for a fixed retention period, though it is only accessible by law enforcement given a legitimate law enforcement purpose.

The ALPR system logs each user's activity by unique log in identifier, date, time, and purpose of search associated with a case or incident number. Designated Los Altos Police Department personnel will perform random sample audits to the system to confirm it is functioning properly, and that required data is being appropriately accessed on a need to know right to know basis. Additionally, an outside law enforcement agency will conduct an annual ALPR system audit to ensure the Los Altos Police Department is in compliance with department policy and state law. Improperly accessing the ALPR systems for purposes of personal use, traffic enforcement or immigration enforcement is strictly prohibited per the proposed Los Altos Police Department policy #462.

The proposed one-year pilot program seeks to utilize ALPR technology to increase the solvability or clearance rate of specific property crimes, i.e. catalytic converter thefts (487 PC), stolen vehicles (10851 PC) and residential and commercial burglaries (459 PC), by 10% over the one-year period.

Los Altos Police Department's ALPR policy, #462, addresses our single vehicle mounted ALPR unit. The mobile ALPR unit is currently not in use due to data no longer being processed through the Northern California Regional Intelligence Center (NCRIC), deeming it inoperable. The policy has not been updated to reflect handling of the data captured by the proposed fixed position ALPR cameras.

Los Altos Police Department's current ALPR policy is severely lacking detail, legal consequences for unauthorized access, and transparency in the audit process. The proposed updated policy will address these gaps in accountability. The proposed policy was updated using guidelines from the Vallejo Police Department's ALPR policy. It should be noted the Vallejo Police Department's policy has been vetted by the ACLU and other local privacy advocacy



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groups. Language from this policy will be incorporated into Los Altos Police Department's ALPR policy with the following revisions-

- ALPR data will only be accessed for legitimate law enforcement purposes
- ALPR data will not be used for traffic enforcement, immigration enforcement or personal use.
- It is expressly prohibited for members of the Los Altos Police Department to access ALPR data for the purposes of harassment/intimidation, use based upon a protected class or characteristic, to infringe upon First Amendment rights or as an invasion of privacy.
- ALPR data will not be shared with federal agencies to include Customs and Border Patrol (CBP) and Immigration and Customs Enforcement (ICE), pursuant to the California Values Act (Government Code 7282.5: Government Code 7284.2 et seq)
- ALPR data will only be accessed on a need-to-know, right-to-know basis. Unauthorized use is subject to criminal penalties, civil liability and administrative sanctions.
- All users of the ALPR system will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be audited.
- Officers shall visually verify the license plate number of any license plate of interest the ALPR system has alerted law enforcement to, prior to enforcement action.
- Auditing- the Los Altos Police Department will conduct twice yearly audits of the ALPR system to ensure compliance with all applicable laws and policies. In addition, a designated outside law enforcement agency will conduct a separate, yearly audit of ALPR queries as an added measure to ensure compliance with all applicable Los Altos Police Department policies and applicable laws.

The incorporation of these changes into the existing policy are important and necessary supplemental procedures that aim to hold users of ALPR data accountable for its access. The additions also serve to address community concerns regarding transparency and privacy.

The Los Altos Police Department is seeking authorization to purchase an ALPR system for a one-year pilot to gauge its effectiveness as a resource multiplier. The goal is to increase our property crime solvability rates by 10%. The ALPR cameras will be placed throughout Los Altos in areas that are publicly accessible such as public roadways, public property and vehicles that are within public view. Furthermore, a transparency portal will be put in place to inform the community about the usage of the ALPR system.

Recommendation

Staff recommends City Council approve the acquisition of Automated License Plate Reader cameras.