



PUBLIC CORRESPONDENCE

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From: [Los Altos Racial Equity](#)
To: [Public Comment](#)
Subject: PUBLIC COMMENT AGENDA ITEM 7 - 2/28/2023
Date: Tuesday, February 28, 2023 12:24:33 PM
Attachments: [LARE ALPR Analysis & Recommendation.pdf](#)

Dear Mayor, Vice-Mayor & Councilmembers,

LARE has been doing a lot of research into Automated License Plate Readers (ALPRs), and we are sharing with you the findings of our research and our position on the proposal before the City Council today for ALPRs.

We apologize for the lateness of this document - we did not intend to send it at the last minute and would have preferred to give you more time to digest the contents and ask any questions, but the proposal and goals of the system have changed significantly since the initial public meeting held by Chief Averiett, so we wanted to address the updated proposal accurately.

Thank you for your thorough review of this important matter.

Renee Rashid
President, Los Altos for Racial Equity

Automated License Plate Readers in Los Altos

Brian Jones and Renee Rashid, Los Altos for Racial Equity

The Issue

Flock Automated License Plate Readers (ALPRs) are being proposed in Los Altos. We want to make sure that the City Council is clear on what problem we want to solve by using ALPRs, whether ALPRs have been shown to be effective in solving that problem, how we measure its effectiveness, and whether the benefits in using ALPRs outweigh the cost.

What problem are we trying to solve?

Chief Averiett has proposed ALPRs to “increase our property crime solvability rates by 10%.” The California DoJ defines a “cleared crime” as one for which an arrest has been made, or the culprit identified but cannot be brought before a judge. As you can see from the graph below, this increase is modest, considering the fraction of crimes that go unsolved.

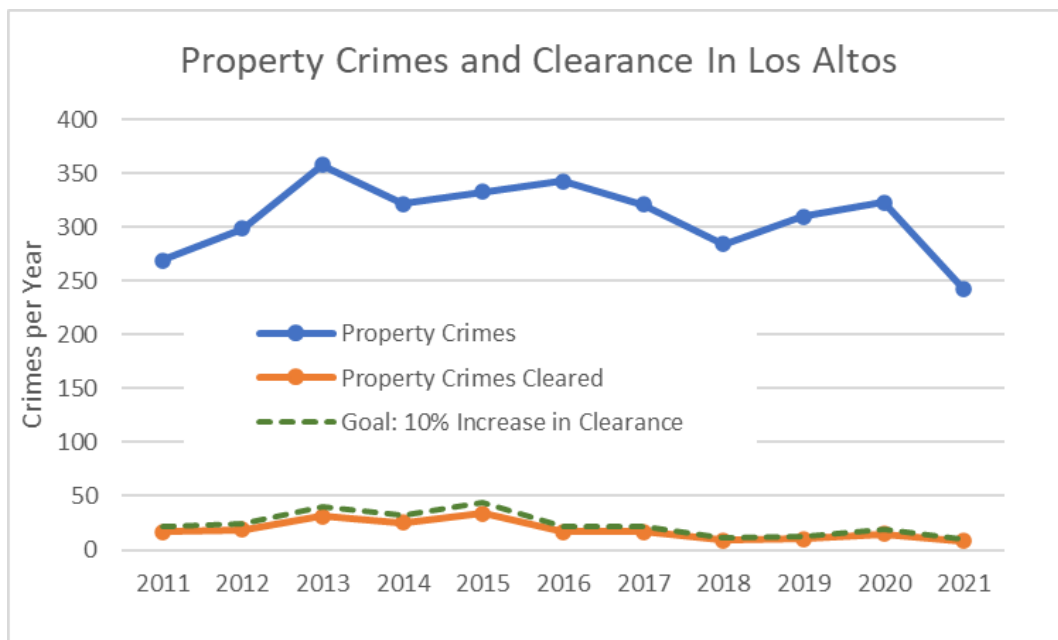


Figure 1: Property Crimes and Clearance in Los Altos. If “crime solvability” is interpreted as a 10% increase in the Los Altos clearance rate, the goal is shown above as the green dashed line. Data from California Department of Justice: <https://openjustice.doj.ca.gov/data>

Alternative goals have been proposed previously, including the reduction of property crime via the identification of stolen vehicles, or the reduction of property crime via a deterrence effect.

Conclusion: Increasing our clearance of property crimes is a good goal, but the 10% increase proposed is miniscule. Many cities have property crime clearance rates in the 10-20% range, while ours has been 4% over the last 6 years. Our goal should be to at least match the average city's clearance rate.

What is the proposed solution?

The Police Department would like to hire a private company called Flock to install and run ALPR cameras. The pilot would have up to 25 fixed cameras, placed around Los Altos.. Every car that passes by a camera would be photographed, and automatically placed into a database. The artificial intelligence system is supposed to identify the type of car, the color of the car, and whether it has roof racks or bumper stickers or other features. The system will only take pictures of the back of the car, so that the driver cannot be identified.

Once all of this information is stored, there are two ways the police can see it. The first is automatic. The Flock software would match detected license plates against "hotlists" such as the California list of stolen vehicles (SVS). If a license plate on any of those lists is seen by the Flock cameras, a "hit" occurs and an immediate notification goes to the police, so that they can send an officer.

The second way the police can see the data is by querying the database as they are investigating a crime. If the police know that a certain crime happened at a certain time, they can ask the database to tell them about all of the cars that drove by that location around that time. Or, they can search for a particular vehicle or license plate number. These searches are logged and can only be done with a reason typed in.

What is the monetary cost?

Each Flock camera costs \$2500/year. Our proposed system would be \$75,000/year plus a one-time setup cost. In addition, there would be a cost for police department staff time to operate the system. Los Altos Hills reported a cost of their 40-unit Flock system as \$110,000 in FY22-23, and an additional staffing cost of approximately \$114 000.

Conclusion: The ALPR system is expensive, so we may achieve better results in solving property crime cases by hiring a detective.

Do ALPRs increase solvability of property crimes?

There are conflicting results. One study that was done on ALPRs and vehicle theft in Arizona showed that ALPRs did help in returning stolen vehicles and led to more arrests[2], but made no difference in reducing vehicle theft. Another study on the efficacy of ALPRs showed lower vehicle theft after ALPRs, but only a weak correlation between vehicle recoveries and plate "hits"[3]. In both of these cases however, stolen vehicle recovery does not equate to case clearance.

In LAH, ALPRs did not clear a single residential burglary case.[Attachment 1]

We cannot rely on anecdotal data from various police departments that highlight examples of thieves caught for their crimes because there is also anecdotal data in the news that highlight examples of wrongful arrests, and situations with police drawing guns on innocent victims due to incorrect information from ALPRs.

Conclusion: Not enough data to support or refute that ALPRs increase clearance of property crimes.

Are ALPRs safe?

There are real concerns over personal privacy, data misuse, and data breaches. ALPRs have been used by police in illegal, biased, and questionable ways – to mine data and impose fines[30], spy on Muslim worshippers[31], track protesters[21][22], and share data with ICE[23][32]. There have also been large data breaches associated with ALPRs[33]. Most of these egregious occurrences have been with the Vigilant ALPR system; Flock has much better policies around data retention and data sharing, but strict local policies should be instituted as company policies could change at any time.

The other factor to consider for ALPR safety is their error rate. Flock safety touts a 93% read accuracy rate, but in the field, studies show much lower accuracy with the hotlists. A study in The Police Chief magazine found that 37% of fixed-position ALPR hits were erroneous.¹² Errors can happen in several ways. The system can misread a license plate, mistaking a 7 for a 2, for example.¹³ Or the system can read the plate correctly, but the hotlist can contain erroneous information; for example, a rental car was automatically reported stolen when it was returned late, and the license number was never cleared from the stolen vehicle list. We

don't have good data on how that 37% error rate breaks down between these kinds of errors. But it is these errors that can lead to life-threatening encounters of innocent civilians with the police and result in significant litigation[16][17][18]. Therefore, good policies to manually verify license plate numbers and handle ALPR hits as prone to error are crucial.

Conclusion: ALPRs have extremely high error rates in the field, which can make them ineffective as a policing tool. Strict policies on ALPR usage are critical to ensure privacy and safety for the community.

What are surrounding communities doing?

Los Altos Hills has had a Flock ALPR system of 40 cameras since April, 2021. Their ALPR system was renewed in 2022, and again in 2023. They fall under the Santa Clara County Sheriff's Office (SCCSO), and do not share data with any other agencies. On Feb. 16, 2023, the LAH City Council looked at a 1-year review of data from their ALPR system. Some key highlights are included in Attachment 1, but the full report can be found in the Feb. 16 Agenda Packet: <https://losaltoshillsca.portal.civicclerk.com/event/2742/files>

Saratoga had 7 Flock cameras installed in August 2022. They also fall under SCCSO, and do not share data with any other agencies.

Mountain View is investigating ALPRs, but don't have any proposal yet according to a call with their PD.

Palo Alto has had a single ALPR mounted on a patrol car for the past 10 years. They will be putting forth a proposal to their City Council on April 3rd for about 20 fixed ALPRs. They are a bit vague in their goals, but feel it would be a deterrence to crime in general and allow for better investigation after crimes have occurred.

Sunnyvale does not have any fixed ALPRs, although they have some on newer PD vehicles.

There is a private Flock system that has been in operation in Los Altos with 2 cameras for the past 8 months. This has cleared 0 cases so far.

Conclusion: Contrary to Flock's claim, some surrounding communities still are not using ALPRs. LAH, which had the highest number of Flocks, has had 0 burglary cases cleared by ALPRs. Mountain View does not have ALPRs, but was not listed in the staff report as one of the three cities in Santa Clara who do not have them.

What is LARE's position on ALPRs?

LARE does not support the proposed 1 year trial of 20 Flock ALPR cameras. We do not have any data that shows that ALPRs are an effective tool for property crime clearance. The system and its operation will be expensive, and it does not seem prudent to spend so much money on unproven systems – especially when there are clear priorities, like mental health responders and criminal analysts, that are currently unfunded.

Beyond these fundamental concerns, there are a number of concerning practical matters. The original plan presented to the public was for only 10 ALPR cameras and a cost of \$25,000. This change has tripled the cost and doubled the surveillance without public input, and we find this extremely worrisome.

In addition, the endorsement letter provided by Chief McCully of Atherton PD does not have a single data point, and instead gives vague reassurances of ALPR effectiveness. We would like to see the metrics that were used to measure the effectiveness of ALPRs in Atherton.

Lastly, the proposed ALPR policy changes are different from what was originally proposed in several areas, and do not add any 3rd party oversight.

- We were only supposed to subscribe to the Stolen Vehicle System (SVS), Amber Alert and Silver Alert hotlists. As written in the policy, the hotlists are at the discretion of the ALPR administrator. This is not acceptable. City Council should have final say on which hotlists we are subscribed to.
- ALPR data should only be stored for 30 days unless it is part of an ongoing investigation or required by law. This should apply to downloaded data as well. The proposed policy states that downloaded data can be stored for up to 1 year.
- The Lexipol-created ALPR policy leaves too many loopholes through the use of “exigent circumstances” or “when practicable” that render specific policy points unenforceable.
- A 3rd party Independent Police Auditor (IPA) should conduct a yearly ALPR audit, by taking a sampling of the search data, downloaded data, and privacy procedures to verify adherence to policy and prevent misuse. This would free up the PD's valuable time. There are some PDs already utilizing IPAs for ALPR audits, including Menlo Park, Shakopee (MN), and Austin (TX). There are many PDs utilizing IPAs for general purpose police audits, including Palo Alto.

Conclusion: We do not feel that the benefits of this ALPR proposal outweigh the costs – both fiscal and civil liberties – hence we can not support it.

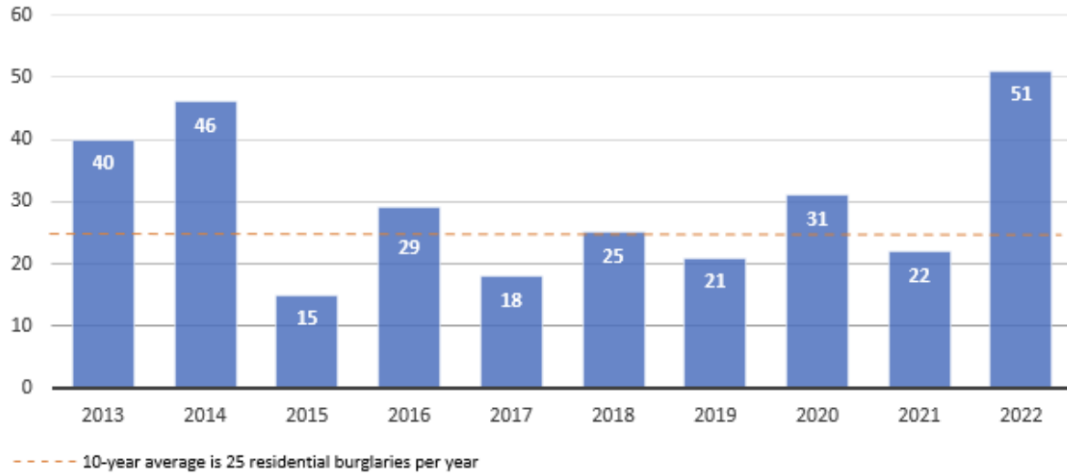
Endnotes

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3. Study of efficacy of ALPRs https://www.independent.org/pdf/research_articles/2021_11_30_alpr.pdf
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18. "San Francisco – Paying the Price for Surveillance without Safeguards," <https://www.aclunc.org/blog/san-francisco-paying-price-surveillance-without-safeguards>
19. "Automatic License Plate Readers: Legal Status and Policy Recommendations for Law Enforcement Use," Ángel Díaz and Rachel Levinson-Waldman, Brennan Center, September 10, 2020. <https://www.brennancenter.org/our-work/research-reports/automatic-license-plate-readers-legal-status-and-policy-recommendations>
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31. ALPRs used to surveil mosque worshippers by NYPD <https://www.ap.org/ap-in-the-news/2012/with-cameras-informants-nypd-eyed-mosques>
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34. OIR Group <https://www.oirgroup.com/>

Attachment 1: Los Altos Hills ALPR Data

Residential Burglaries in LAH



A summary of the data is seen below:

- 10,842,497 plates scanned by the cameras
- 2,018 plate hits where the Sheriff's Office was notified
- 6,437 searches conducted by the Sheriff's Office related to an active case
- 5 cases where the ALPR system resulted in solving open cases*
- 7 arrests were made in relation to the ALPR system*
- 10 wanted vehicles/plates located

*Staff would like to note that 0 (zero) residential burglary cases were solved by to the ALPR system. The cases/arrests in the list above include stolen vehicles, finding missing persons, and solving other crimes. A full list of major incidents utilizing the ALPR system can be seen in Attachment 6

Section 4.0: Data Collection Statistics

a. Number of license plates scanned by the system over 30 days	3/2/2022	Info	977,018 plate scans (as of 3/2/2022 @ 1450 LAH time)	N.A.
b. Number of license plates for which the Sheriff received hotlist hits over 30 days	3/2/2022	Info	254 hits as of 3/2/22 @ 1311 (LAH Time).	N.A.
c. Number of hotlist hits received (by category: stolen, felony warrant, etc.)	3/2/2022	Info	Lost/Stolen Plate: 249 Stolen Vehicle: 4 Felony Vehicle: 1 Amber Alert/Missing Child: 0 Of those, 2 stolen vehicles and 1 felony vehicle were plate misreads for an actual total of 2 stolen vehicle hits and 0 felony vehicle hits. In addition, 196 license plates of the total (254) were duplicate "hits" meaning that the plate received more than one "hit." In actually, 58 plates received "hit" notifications which means that 23% of all the "hits" were unique one time only "hits" and 77% were duplicate hits.	N.A.
d. How many vehicles were apprehended as a result of the Flock system?	3/2/2022	Info	2 vehicles (4 arrests).	N.A.
e. How many investigations Flock was involved in providing helpful and leading details?	3/2/2022	Info	34 investigations.	N.A.

f. Has the system resulted in the solving of any cases or the apprehension of any stolen vehicles?	3/2/2022	Info	2 cases resulting in 4 arrests: 1 - Stolen vehicle & mail theft (2) subjects arrested. 1 - carjacking & robbery. (2) subjects arrested.	N.A.
g. Is there a reduction in the number of crimes in Town by any measurable quantity?	3/2/2022	Info	Sample size (30 days) too small to see results. However, two suspects arrested in a stolen vehicle and with several pieces of mail from Town residents would have continued their crime spree in Town if not apprehended.	N.A.
h. How much additional time have deputies spend tracking, researching or managing the system?	3/2/2022	Info	112+ hours spent managing system by Sheriff Admin Staff between Feb 1 and Mar 2, 2022. This time does not include time spent by deputies training, using, or investigating crimes within the system. Nor does it include hours associated to our dispatch employees (different organization).	N.A.

From: [Bill Hough](#)
To: [Public Comment](#); [City Council](#)
Subject: Public comment on agenda item #7 on 2/28/2023 agenda
Date: Monday, February 27, 2023 6:38:34 PM

I oppose spending \$75,000 on Automated License Plate Readers due to privacy issues. Although you allege that the policy for these cameras is very specific on their use and lays out specific uses that are banned, There is no reason to believe that you are telling the truth.

Bill Hough
Skeptical taxpayer