



## **PUBLIC CORRESPONDENCE**

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**From:** [Jeanine Valadez](#)  
**To:** [Public Comment](#)  
**Cc:** [Angel Rodriguez](#); [Neysa Fligor](#)  
**Subject:** PUBLIC COMMENT AGENDA ITEM #8 5/9/2023  
**Date:** Monday, May 8, 2023 2:02:37 PM

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Mayor Meadows, City Councilmembers,

I stand firmly against the proposed ALPR pilot.

While ALPRs have been shown to identify stolen vehicles, there are no comprehensive data to prove they reduce crime clearance rates in general and definitely not specifically for property crime and burglary. It is very easy for even semi-sophisticated criminals to sidestep this surveillance method. Natural causes for mistaken license plate number ID by ALPRs are well documented...entire mini industries are emerging to enable obfuscation of the license plate.

Significantly, the staff report does nothing to provide more data to support the prior assertions by FLOCK and Staff, nor does it in any way provide the data requested by city council in earlier meetings. In fact, it drops quantitative metrics for success of the proposed pilot altogether!

This pilot wastes city money, gives residents a false sense of safety, and, because of Staff's evident lack of concern for performance metrics, sets the stage for ongoing expansion of more invasive and intense surveillance methods.

Jeanine Valadez

member of parks and rec commission but speaking as member of the public.

**From:** [Brian Jones](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT - AGENDA ITEM #8 ALPR CAMERAS - MAY 9, 2023  
**Date:** Monday, May 8, 2023 5:58:07 PM

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Esteemed Council Members,

I am extremely disappointed in the Staff Report delivered to you in response to your questions about ALPRs. Your questions were evaded in both letter and spirit.

In response to a request for data showing the effectiveness of ALPR systems, the Staff Report removes all quantitative considerations from their success criteria. Admitting that "there are not longitudinal studies that staff is aware of showing the long-term outcomes or the experiences of multiple agencies," the Report takes the opportunity to move the goalposts once again: Success is now vaguely defined as "an increase in arrests" -- not convictions, simply arrests -- in three specific crimes.

Additionally, the Department intends to "determine how many investigations the ALPR technology has assisted with." This is irrelevant – the thing that matters is how many investigations would not have been possible but for the ALPR system. Simply because the ALPR system is present when officers do the same job they have for years does not mean the ALPRs were effective.

On the cost side, the Staff Report claims that there will be no additional police staffing cost. If this is true, then one of three things must be the case:

- Officers have sufficient spare time right now to take on increased workload
- Other calls that officers currently make will be deprioritized in favor of ALPR hits. The loss of those other services to the community needs to be accounted for.
- Officers will simply have to shoulder the extra load, through either increased productivity or overtime.

The report claims that officers will reprioritize, but does not assess the impact of those calls that will now be deprioritized.

Furthermore, we learn that, contrary to previous claims, the ACLU did not vet the Vallejo policy at all. In fact, the only thing that happened was that the Vallejo PD consulted the ACLU website while preparing a policy.

In their enthusiastic acceptance of any rumor that seems to support ALPRs, and their assiduous effort to avoid any kind of quantitative accountability, the Department and Staff have proposed a pilot program that appears to be designed to allow them to claim success no matter what happens -- meaning that this vote is not a vote for a pilot program, it is a vote for a system that predestined to become permanent.

I urge you to reject the ALPR pilot program.

-Brian Jones

**From:** [Los Altos Racial Equity](#)  
**To:** [Public Comment](#)  
**Subject:** PUBLIC COMMENT AGENDA ITEM #8 - 5/9/2023  
**Date:** Tuesday, May 9, 2023 3:22:13 AM

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Dear Mayor, Vice-Mayor & Councilmembers,

Los Altos for Racial Equity is writing to voice our opposition to the ALPR Pilot Program as proposed. Our concerns are as follows:

1. Based on data we previously provided, we do not see that ALPRs result in statistically significant reduction of crime, apprehension of criminals, or increase in crime solvability. So we do not believe that ALPRs are the best use of our budget to solve our issues. Therefore, our first recommendation is to vote NO on the Pilot.

If however, you decide to approve the pilot anyway, there are significant implementation deficiencies that need to be addressed. These are noted below.

2. Metrics have been completely removed from the goals. Our new vacuous goal is to "increase arrest rates for all crimes." The success criteria are meeting that goal, adhering to the policy, and making no findings of misuse. But this means that an increase from 133 arrests last year to 134 arrests this year would be enough to satisfy the goal and claim success, even without any data to support whether ALPRs played any role in those arrests. There is no requirement to assess whether the arrests are regular yearly fluctuations or actually statistically significant enough to show that ALPRs are working. This could be easily gamed for success as well by arresting suspects without sufficient evidence and later releasing them. We cannot support this budgetary spend without clear and measurable goals, the same standard that is applied in successful companies all over the world. This is simply a matter of enforcing good governance.

3. We should specify the data that we want collected during this pilot period, including monthly number of license plates scanned, monthly number of hotlists alerts received, Flock system used in how many investigations, how many investigations were solved because of Flock, how many stolen vehicles were retrieved due to Flock, etc. The data collected by LAH provides a base model.

4. Our policy does not safeguard the public based on recommendations by the ACLU, DOJ and Brennan Center for Justice. Contrary to previous claims by Chief Averiett, the ACLU did not "vet" the Vallejo policy upon which our policy is based. Merely taking a few points from the ACLU website does not equate to a "vetting" of the policy. This entire argument was misleading to the Council and to the public and does a fine job on its own of eroding trust in the Police. In fact, there are many points which the ACLU, USDOJ and Brennan Center for Justice recommend that are not addressed in our policy, including, but not limited to:

a. Downloaded data should have time restrictions for storage just as cloud data, unless actively being used for an investigation. Supported by the ACLU [https://www.aclunc.org/sites/default/files/20140129-aclu\\_analysis\\_of\\_alameda\\_alpr\\_policy.pdf](https://www.aclunc.org/sites/default/files/20140129-aclu_analysis_of_alameda_alpr_policy.pdf) page 8. We suggest the same 30 day time period as cloud data unless actively being used for an investigation.

b. Strong terms for requiring verification of hotlist data. This is supported by the Brennan Center for Justice: <https://www.brennancenter.org/our-work/research-reports/automatic-license-plate-readers-legal-status-and-policy-recommendations>, USDOJ <https://vrnclearinghousefiles.blob.core.windows.net/documents/License%20Plate%20Reader%20Policy%20Development%20Template.pdf> page 12, section H.2, and California case law <https://willamette.edu/law/resources/journals/wlo/9thcir/2014/05/green-v-city--cnty.-of-san-francisco.html>. Our policy makes repeated exceptions for "exigent circumstances" or "If practicable" when specifying verification of hotlist data, which can increase liability risk for cities, as shown by the Green vs. City & County of SF case. Instead of the broad language that Lexipol has created, we support the USDOJ language on Required Steps Preliminary to Police Action, which balances flexibility for officers in emergencies as well as restricting unauthorized and unsafe practices:

*"Whenever a license plate reader alerts on license plate information, prior to taking any law enforcement action, officers will be required, to the fullest extent possible, to visually verify that the actual vehicle license plate information matches the license plate information used and alerted upon by the LPR system, including both alphanumeric characters of the license plate and the state of issuance; verify the current status of the plate as active through [insert name of source, such as mobile information terminal [MDT] query, NCIC, etc.]; and confirm whether the alert pertains to the registrant of the car or the car itself. Receipt of an LPR alert for a stolen or felony vehicle may not rise to the level of reasonable suspicion and is not sufficient probable cause to arrest without confirmation that the alert is still valid and active. If the alert is for another type of transaction, the officer will read the description of the alert and follow the appropriate action or reporting method. If an LPR alert cannot be verified both visually and for validity, then law enforcement should not act on the alert and it should be rejected. If the officer witnesses a violation of law or other action that establishes reasonable suspicion for a stop, the officer may conduct a stop based on that reasonable suspicion. This provision shall not prevent a law enforcement officer from taking immediate action when a verifiable emergency situation exists for officer safety. On each resulting alert, the officer is required to enter a disposition indicating the action taken or not taken on the alert"*

c. Much clearer limits on ALPR usage should be set. This is supported by the ACLU, and was actually recommended as changes to the Alameda ALPR Policy. [https://www.aclunc.org/sites/default/files/20140129-aclu\\_analysis\\_of\\_alameda\\_alpr\\_policy.pdf](https://www.aclunc.org/sites/default/files/20140129-aclu_analysis_of_alameda_alpr_policy.pdf) pages 5 & 6. While this policy is old, our Lexipol policy still has the same problematic wording as the original Alameda one.

d. Oversight of the hotlists to which we subscribe should belong to the City Council and not the ALPR administrator. The police should not

be able to decide without public review that one day they will subscribe to the vehicles of interest for insurance violations or known gang members, both of which are valid hotlists, and the latter of which can be extremely racially biased and problematic because of unclear criteria.

- e. We should also explicitly disallow the sharing of our ALPR data outside of California. This would ensure that our data is not used in states that criminalize reproductive health services (including abortions) or allow ALPR data interaction with ICE and other entities in violation of California's California Values Act SB54.

Thank you for your thoughtful consideration.

Los Altos for Racial Equity

**From:** [Debra strichartz](#)  
**To:** [City Council](#); [Public Comment](#)  
**Subject:** I oppose the ALPR Pilot Programs  
**Date:** Tuesday, May 9, 2023 12:19:54 PM

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I am opposed to the ALPR Pilot Program. Chief Averiett has proposed ALPR's to "increase our crime solvability rates by 10%. I have not seen conclusive data that ALPR's increase solvability.

ALPR's are expensive. Eac Flock camera costs \$2500/year. The proposed system would be \$75,000 plus one time setup cost plus costs for police department staff time to operate the system. We may achieve better results hiring a detective.

ALPR's have extremely high error rates which can make them an ineffective policing tool. Strict policies on ALPR usage are critical to ensure privacy and safety for the community. I do not believe the benefits of this ALPR proposal outweigh the costs -both fiscal and civil liberties, and I therefor, do not support the pilot program.

Debra Strichartz  
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