CITY OF MILPITAS
AGENDA REPORT
(AR)

Item Title:	**Authorize the Mayor to Send a Letter Opposing Senate Bill 210 Relating to Automated License Plate Recognition Systems: Use of Data**
Category:	Consent Calendar-Public Safety
Meeting Date:	4/20/2021
Staff Contact:	**Jared Hernandez, Police - Acting Chief of Police, 408-586-2406** **John Torrez, Police - Captain, 408-586-2408**
Recommendation:	Authorize the Mayor to send a letter opposing Senate Bill 210 relating to Automated License Plate Recognition Systems: Use of Data

Background:

The Milpitas Police Department and law enforcement agencies, in general, utilize various technologies within the course of their work to improve efficiency, follow-up on investigative leads, identify and locate suspects, witnesses or victims, and effectively increase public safety. In approximately 2007, the Milpitas Police Department began using Automated License Plate Recognition (ALPR) technology. At that time, ALPR systems were mounted on marked patrol vehicles. In September 2020, the Milpitas Police Department implemented a stationary Automated License Plate Recognition (ALPR) system as part of Capital Improvement Program (CIP) project 3459, which has resulted in an average of over 800 "hits" every 30 days ("hits" include stolen vehicles, stolen license plates, and felony vehicles such as those used in robberies, burglaries, homicides, etc.).

ALPR systems function to automatically capture license plate numbers and instantly compare the license plate number to a Department of Justice database. The database contains information entered by law enforcement agencies regarding license plates associated with vehicles involved in felonious criminal acts, wanted or missing persons, stolen vehicles, and license plates that have been reported stolen. ALPR systems alert law enforcement to the presence of these vehicles which leads to their recovery and aids in identifying and apprehending criminal suspects and in locating missing persons.

ALPR systems store license plate data for a designated period. Existing California law regarding the retention of ALPR data allows law enforcement personnel to securely store the data between 60 days and 2 years depending on jurisdiction, unless the data has become, or it is reasonable to believe that it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. Currently, the Milpitas Police Department stores ALPR data for one (1) year, in compliance with Government Code Section 34090.6. Stored ALPR data has assisted in identifying persons involved in criminal activity within the City and provided investigative leads for follow-up investigation. ALPR data is also used to identify vehicles at and around crime scenes, to help law enforcement investigate violent crimes, serial criminal activity, locate witnesses, locate victims, and develop exculpatory information. Stored ALPR data has been key in solving crimes in Milpitas as much of our criminal activity is committed by non-residents who travel into or through the City.

Senate Bill 210, introduced by California State Senator Scott Wiener, limits the retention of ALPR data in that it requires public agencies (excluding airport authorities) to destroy the data within 24 hours, once determining the data does not match any vehicles in the Department of Justice database. SB 210 is included in the agenda report as Attachment 1.

Analysis:
Staff recommends opposing SB 210, as it limits the retention of ALPR data to twenty-four (24) hours, significantly reducing the window of time the data is available and effective; this decreases our ability to leverage ALPR data to keep our community safe. A twenty-four (24) hour window is insufficient due to delays in reporting crimes, time needed to identify suspects related to crimes, and identification of crime patterns. The California Police Chief's Association, California Police Officers' Association, California State Sheriffs' Association, Peace Officers Research Association of California, Northern California Regional Intelligence Center, California Association of Highway Patrolmen, and several other law enforcement groups also oppose this bill.

There is sometimes a delay in the reporting of crimes to the police. Delays can be several hours, days, or weeks depending on a variety of circumstances. For example, a delay in reporting may occur when a victim's home is burglarized while they are on vacation. In addition to delays in reporting, identifying a suspect and suspect vehicle can take several days, weeks, or months. Detectives investigate felony and misdemeanor crimes. They attempt to identify suspects through interviewing victims and witnesses, evaluating physical evidence, canvassing for videos, etc. It is usually not feasible to conduct this level of investigation in twenty-four (24) hours. Once a criminal suspect and suspect vehicle is identified, detectives often use ALPR data to place a suspect in the area of a crime and to identify areas where a suspect may be located. Detectives also use ALPR data to identify suspects in a criminal series. For example, when investigating a series of commercial burglaries, a detective may research ALPR data to identify a common vehicle that was present in the area of each crime scene. Often times it can take several days, weeks, or months to identify a crime pattern. ALPR data is sometimes the only method in identifying a potential suspect. Reducing the retention period of ALPR data to only twenty-four (24) hours is inadequate for this purpose.

ALPR data is a critical tool in the investigation of criminal cases and in the identification of suspects; therefore, limiting the retention period of ALPR data as described in SB 210 will reduce public safety. A draft letter opposing SB 210 is attached for the Mayor's signature. Staff recommends that the City Council approve this letter be sent in its current form (Attachment 2).

Fiscal Impact:
None.

Policy Alternatives:

Alternative 1:
Do not approve letter opposing Senate Bill 210 relating to Automated License Plate Recognition Systems: use of data.

Pros: None.

Cons: ALPR data is critical to public safety in the City of Milpitas. A letter opposing Senate Bill 210 will formally express the City's objection to the bill. Remaining neutral or not expressing opposition may indicate support.

Reason not recommended: Supporting Senate Bill 210 would reduce public safety in the City of Milpitas.

California Environmental Quality Act:
Not applicable.

Recommendation:
Authorize the Mayor to send a letter opposing Senate Bill 210 relating to Automated License Plate Recognition Systems: use of data.

<u>Attachment:</u>
Attachment 1 Senate Bill 210
Attachment 2 Draft Letter Opposing Senate Bill 210