



Legislation Text

File #: 18-0282, **Version:** 1

TO:
Honorable Mayor and Members of the City Council

THROUGH:
Bruce Moe, City Manager

FROM:
Derrick Abell, Chief of Police

SUBJECT:
Update on the Automated License Plate Reader Program (Police Chief Abell).
RECEIVE REPORT

RECOMMENDATION:
Staff recommends that the City Council receive this report.

FISCAL IMPLICATIONS:
There are no fiscal implications associated with the recommended action.

BACKGROUND:
At the November 3, 2015 City Council meeting, staff was directed to report back to City Council regarding the feasibility of installing license plate readers at critical points of ingress and egress to the City. Staff returned to City Council on April 5, 2016, with a report on the feasibility of the project, as well as the proposed locations for the license plate readers. City Council subsequently approved the concept and a budget was appropriated for Fiscal Year 2016-17. At the February 21, 2017 City Council meeting, a contract for purchase, installation, and software was awarded to Vigilant Solutions.

The Police Department worked closely with the Traffic Engineer to determine the intersections that carried the highest volume of cars at points of ingress and egress, with each intersection averaging 15,000 cars daily. There were 7 intersections initially identified. Two of the seven intersections were along the Sepulveda corridor (at Rosecrans and at Artesia), and fall under the jurisdiction of California Department of Transportation (Cal Trans). Unfortunately, Cal Trans denied Manhattan Beach's permit applications to install cameras on their infrastructure.

The Police Department moved forward with installation of cameras at the other 5 locations (Artesia/Aviation, Manhattan Beach Blvd./Aviation, Marine/Aviation, Rosecrans/Aviation, and 45th/Highland). Four of the five intersections have multiple directions being monitored (i.e. traffic east and west bound).

The installation was completed in August 2017.

Other Los Angeles area agencies utilizing Vigilant Solutions include Los Angeles Sheriff's Department, California Highway Patrol, Torrance, Hawthorne, Rancho Palos Verdes, Rolling Hills Estates, Rolling Hills, Palos Verdes Estates, Long Beach, Port of Long Beach, Downey, Burbank, West Covina, Glendora, Bell, Whittier, South Gate, Bell Gardens, Azusa, Monrovia, Montebello, Chino, La Verne, Claremont and Beverly Hills.

Automated license plate reader (ALPR) technology has proven to be an efficient way for law enforcement to generate investigative leads and locate suspects, helping to preserve and enhance safety in the community. Fixed ALPRs scan the license plates of passing vehicles; the plate information is then automatically checked against a database for existing unresolved violations, wants/warrants, etc. Dispatch then receives an immediate alert of any reported stolen vehicle passing through, as well as vehicles listed as "wanted" in connection with crimes, missing persons, arrest warrants associated with a vehicle, and stolen license plates. Manhattan Beach detectives also have access to the database of license plates to assist them in criminal investigations.

An ALPR sharing agreement was crafted to balance, to the extent possible, the specific requirements of State law, and reasonable concerns over personal privacy, with the legitimate need of law enforcement to have access to such data in order to apprehend those who have committed serious crimes and thereby prevent further criminal conduct.

At the April 17, 2018 City Council meeting, staff provided an update to City Council regarding the ALPR program. City Council requested that staff return to provide an update on the program and potential data sharing opportunities with other local law enforcement agencies.

DISCUSSION:

The ALPR system continues to be a positive addition to the Manhattan Beach Police Department's investigative tool box. In the first ten months of operation, the system has helped to solve (or provide important leads on) over 50 investigations. Additionally, 25 stolen vehicles were recovered, a missing person was found, and 34 felony arrests were made (including a suspected burglary crew, a package thief, a felony hit-and-run suspect, and numerous suspected identity thieves). Many of the vehicles located had burglary tools, stolen property, evidence of fraud (stolen mail, credit cards, washed checks, etc.), and illegal narcotics; one car had an embosser used to manufacture fraudulent credit cards; and two had loaded handguns.

ALPR data is stored for one year and then is automatically deleted. ALPR data will be stored longer if it pertains to a specific criminal investigation. Manhattan Beach police officers are only authorized to conduct license plate searches for legitimate criminal investigative purposes. Pursuant to the City's contract with Vigilant Solutions, the manufacturer of the ALPR system, Vigilant cannot access the City's data, nor can they share any of the data generated by Manhattan Beach without the City's permission.

There are a number of local law enforcement agencies who provide the Manhattan Beach Police Department with access to their ALPR data for investigations. Access to this data has greatly enhanced our ability to generate leads, solve cases, and arrest criminals. Our Police Department does not currently share our ALPR data with anyone, except under very limited circumstances, and only when such sharing directly benefits the City, such as in a criminal investigation (e.g., if a robbery is committed in another jurisdiction and the suspect travels through Manhattan Beach, the City may share ALPR information with that other jurisdiction).

The Police Department worked closely with the City Attorney's Office to create an ALPR Data Sharing Agreement that can be used to facilitate data sharing with neighboring police agencies for investigative purposes. Providing other agencies with the ability to locate and arrest suspects will ultimately enhance the safety of the community. The agreement reinforces our community's right to maintain privacy, while still providing an investigative tool to solve crimes and arrest criminals.

PUBLIC OUTREACH/INTEREST:

Prior to installing the license plate readers, information about the license plate reader project, as well as opportunities to learn more about the project and comment on the project, were publicized via Nixle, Facebook, and press release. A community meeting was conducted on August 31, 2016, to share information and answer questions about the project; over 50 residents attended.

An Open City Hall topic was also created in August 2016. The topic received 86 responses, which is equivalent to approximately 4.3 hours of public comment. Of the total respondents, 77% were in favor of installing cameras and ALPRs, 17% were opposed, and 6% were neutral. Of the 86 respondents, 80 were Manhattan Beach residents; 83% of resident respondents were in favor of installing cameras and ALPRs. Opponents noted concerns about privacy and accountability.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

After discussions with Police Department staff concerning the sharing of ALPR data, the City Attorney's Office conducted research concerning applicable legal authorities as well as issues raised by the public nationally. Overall, those concerns relate primarily to issues of privacy and how ALPR data should be managed so as to limit its use and storage for legitimate law enforcement purposes, and to minimize the potential for misuse. Commencing in 2016, California proactively adopted a set of laws intended to address these concerns. In addition, the ALPR sharing agreement includes provisions that go well beyond the requirements of State law with respect to sharing of ALPR data with other law enforcement agencies, and their use and storage of such data.

These provisions include, but are not limited to, a requirement that MBPD may only share its ALPR data with other Los Angeles County city police departments, and the Los Angeles County Sheriff's Department, unless special Department consent is obtained on a case by case basis. Except in emergencies, recipient agencies are prohibited from sharing of MBPD ALPR data with any other agencies *including any federal agency or national database*. The agreement requires any recipient agency whose negligent use or misuse of, or access to, MBPD ALPR data results in any claim being asserted against the City, to defend and indemnify the City.

To ensure the current accuracy of ALPR data received from MBPD, recipient agencies are required to regularly "refresh" or update such ALPR data. Furthermore, recipients must maintain an "audit trail" accessible to and sufficient for MBPD to track the recipient agency's purpose for access, use and disposition of shared ALPR data. All recipient agencies are required to strictly maintain the confidentiality of the data. Therefore, strict requirements are included governing the recipient

agency's internal access to and storage of MBPD ALPR data, including a requirement that access may only occur through use of authorized passwords, and a prohibition against cloud-based storage.