

# Surveillance Use Equipment

## Fixed Automated License Plate Readers (ALPRs)



# Fixed Automated License Plate Readers (ALPR)

- In order to complete Council's Referral and satisfy the City of Berkeley Surveillance Technology Use and Community Safety Ordinance, BPD has developed the following:
  - Policy 422-Fixed Automated License Plate Readers,
  - Policy 1305-Surveillance Use Fixed Automated License Plate Readers, and
  - Acquisition Report for Fixed Automated License Plate Readers.



# Fixed Automated License Plate Readers

- **Use Policy (422)** is designed to read, and comport with the structure of other BPD policies. This is intended for officers and supervisors.
- **Surveillance Use Policy (1305)** is designed to ensure legal compliance with any surveillance equipment utilized by BPD. Every header and the content is directly pulled from City of Berkeley Surveillance Ordinance (BMC 2.99.020(4)).
- **Acquisition Report.** Authored to ensure legal compliance with the parameters set forth in the City of Berkeley Surveillance Ordinance (BMC 2.99.020(3)).



# Fixed Automated License Plate Readers

## **BPD has proposed in the Acquisition Report the following:**

- That the City of Berkeley implement a two-year trial period of 52 fixed automated license plate readers.
- Initial cost is not to exceed \$250,000
- Yearly subscription cost is not to exceed \$175,000
- Camera placement based on vendor experience on effectiveness, but would be focused on thoroughfares.
- Retention is 30 days, technology differs from fixed surveillance cameras
- Cameras do not capture people, do not have facial recognition, and cannot be used for traffic enforcement.



# Fixed Automated License Plate Readers

A sample of an ALPR camera and the data captured:

- Indiscriminate evidence as the cameras are in fixed locations.
- Doesn't capture people.
- Not connected to any personal identifying information.



# Fixed Automated License Plate Readers

- The cameras recognize and read license plates
- Gathers objective evidence and facts about a vehicle, not people
- Alerts the police of wanted vehicles
- Used to solve crimes
  - Proactive: Real time alerts when a stolen or wanted vehicle enters the City.
  - Can aid our Investigations Division with increased clearance rates.
  - Can have a deterrent effect.
- Adheres to state law
- Images would be owned by the City
- Complies with the TRUST Act to entirely prohibit cooperation with immigration



# Fixed Automated License Plate Readers

- Removes human bias out of crime solving by detecting objective data, and detecting events that are objectively illegal (ex stolen vehicle).
- A search reason and case number is required for the audit trail.
- Creates an audit search history, and policy requires minimally biennial report, which would be included in the Annual Surveillance Technology Ordinance report.
- Releasing to outside agencies shall be only done with a signed letter from an agency supervisor agreeing to only use the data in alignment with the Berkeley Police Fixed ALPR policies.



# Fixed Automated License Plate Readers

## Regional Successes with Fixed ALPRs

- Benicia PD reported a stolen trailer on 7/11/21 at 3PM. Trailer was entered into Stolen Vehicle Systems. Benicia PD was alerted to the trailer at 3:30 PM. Suspect was apprehended, and the trailer was returned to the owner. (<https://patch.com/california/benicia/automated-license-plate-reader-leads-stolen-trailer-Benicia>)
- Vacaville Police Chief Schmutzler publicly reported that ALPRs aided in a 33% decrease in reported vehicle thefts, and a 35% increase in arrests related to vehicle thefts.





# Fixed Automated License Plate Readers

## Recent missed opportunity of fixed ALPRs

- Recently BPD received a call about a robbery from a victim in the area of the South Campus.
- A witness reported the license plate of the associated vehicle to BPD.
- Officers conducted a records check of the license plate and determined it was associated with a homicide in San Francisco, and was listed as Wanted and associated with a homicide.



# Fixed Automated License Plate Readers

## Recent missed opportunity of fixed ALPRs

- On July 6<sup>th</sup>, 2023
- At 1232 hours a violent robbery occurred at 1499 Alcatraz Ave, offender and vehicle description provided.
- At 1541 hours a violent robbery occurred on Mosswood Road, the victim was followed home from a bank, and dragged down two flights of stairs. The victim had their purse, and other belongings taken during the violent encounter. Offender and vehicle description provided.
- At 1703 hours patrol officers obtain the license plate from UC Berkeley Surveillance cameras.
- At 1944 hours Vacaville PD had located the aforementioned vehicle with the assistance of their ALPR system (Flock).
- BPD Detectives obtained a search warrant for the vehicle and recovered evidence in this case.
- BPD Robbery Detectives have current arrest warrants pending.



# Fixed Automated License Plate Readers

## Uses of the Fixed ALPRs

- Wanted vehicles listed in Stolen Vehicle Systems (SVS) like stolen and car-jacked vehicles.
- Amber/silver/blue alerts- real time notification on vehicles associated with any of the above alerts.
- Hot lists- used for stolen vehicles or plates to bridge the gap before they are uploaded into SVS, usually a day. Also can alert to vehicles that are of interest, such as used in robberies, organized retail crime, and shootings.



# Fixed Automated License Plate Readers

## Recent ACLU Concerns:

### 1.) Threatens freedom of movement-

ALPRs are currently in use on Bay Area freeways, all bridges, and many parking lots, including some in Berkeley. This data provides objective evidence on objective crimes.

### 2.) Sharing driver locations is at odds with California Law

Our policy allows sharing with a signed agreement. The language was modified to indicate, “legitimate California law enforcement purpose” as suggested by the PAB.

### 3.) Discretion for BPD to track Berkeley drivers

This would not be permissible. Investigators would need to satisfy the established guidelines in order to search the database, which would also be noted in the transparency portal. The vehicle would need to be wanted or associated with a crime/ or missing person.



# Fixed Automated License Plate Readers

## **Recent ACLU concerns continued-**

4.) The proposal may allow for dangerous long-term stockpiling

Our proposal would delete all data after 30 days unless it's associated with a case, in which it would be transferred into our digital evidence repository. This is required by law, and is also ethically done as the offender should have all evidence retained for their constitutionally due processes. Beyond associated cases there's no stockpiling.



# Fixed Automated License Plate Readers

## Recent ACLU concerns continued-

5.) The proposal imposes unacceptable secrecy on the City's use of ALPR.

The proposal would run afoul of our policy, which is to allow searches of this database that are legitimate California law enforcement purposes. This request seems counterintuitive and would likely deviate from our community's values. We only search this data as guided by our restrictive policy. The Department is also seeking a vendor with a transparency portal that could be embedded with BPD's current data portal. This would be visible to anyone at any time. Lastly, all data is reported in the Annual Surveillance Technology Report.



# Fixed Automated License Plate Readers

**Thank you.**

**Any questions?**

