Office of the City Manager

Date: May 19, 2016

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Subject: goBerkeley Program - Automated Data Collection and Enforcement
            System: Implementation Update

Introduction

As approved by Council on January 27, 2015, staff is implementing the goBerkeley Automated Data Collection and Enforcement System (ADCES) to improve overall efficiency and effectiveness. As a demand-responsive parking management program, goBerkeley relies on accurate parking occupancy data. Staff analyzes this data to adjust the price of meters and off-street facilities in goBerkeley areas to maintain a level of parking availability that minimizes parking-related search traffic. Automated data collection enables the City to collect parking data more frequently at a lower cost than manual collection. This allows for more responsive adjustments to time limits and/or prices to achieve parking availability goals and reduce emissions.

During the goBerkeley Pilot Program, staff verified the use of Automated License Plate Recognition (ALPR) technology as a cost-effective means of implementing the ADCES. With goBerkeley now in permanent operation, the ADCES will be used to gather parking occupancy data and conduct parking enforcement in time-limited areas beginning the week of May 23, 2016.

Background

goBerkeley comprises a suite of strategies and initiatives designed to support economic vitality and reduce greenhouse gas emissions. goBerkeley began as a pilot program testing the effects of demand-responsive parking and transportation demand management strategies in Downtown Berkeley, Southside/Telegraph, and the Elmwood. goBerkeley entered permanent operation based on guidance provided by the City Council on January 27, 2015.[1] The goBerkeley Program has been extremely successful, improving customer satisfaction by increasing parking availability in high-demand areas and extending time limits to two, three or eight hours to better match user needs.

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[1] January 27, 2015 Worksession: www.cityofberkeley.info/Clerk/City_Council/2015/01_Jan/City_Council__01-27-2015_-_Special_Meeting_Annotated_Agenda.aspx

goBerkeley's success depends on the City's ability to adjust to changes in parking demand. Parking demand patterns can vary over time due to adjacent land use changes, school schedules, parking pricing, or other factors that affect where and for how long drivers choose to park. During the goBerkeley Pilot, parking price and time limit adjustments were based on manually collected data. That manual process is labor-intensive, expensive, and only provides "snapshots" of parking conditions. The ADCES was designed to achieve two main goals: provide ongoing parking occupancy data at low cost and through methods operable by City staff; and improve the efficiency of parking enforcement operations.

Implementing the ADCES
In 2013, Council authorized a vendor contract to help the City test and integrate automated data collection and enforcement technology into existing City systems.[2] On January 27, 2015, Council authorized a vendor contract to implement the ADCES using ALPR technology.[3] ALPR equipment has been installed on five (5) of the 30 vehicles used for parking enforcement, and staff are currently testing the system to ensure it works seamlessly with existing City systems and operational practices. Data collection and parking enforcement using the new technology will begin the week of May 23, 2016.

In metered areas, this new technology will be used to collect parking occupancy data that will periodically be provided to the Transportation Division by the ALPR vendor and used to analyze parking demand. Transportation staff will view anonymized data only, and will not have access to raw data such as license plate numbers or photographs.

Separately, the Berkeley Police Department's Parking Enforcement Officers (PEOs) will use the system to conduct routine enforcement in Residential Preferential Parking (RPP) and other time-limited areas; and to identify stolen vehicles and scofflaws (vehicles with 5 or more outstanding citations 30 or more days old). By effectively automating the "tire chalking" process, the system enables PEOs to more efficiently and effectively patrol existing enforcement beats. Data security and confidentiality guidelines to protect citizen privacy are summarized in Berkeley Police Department Administrative Order #001-2016 (Attachment 1).[4]

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[2] December 3, 2013 Council Meeting:
http://www.ci.berkeley.ca.us/Clerk/City_Council/2013/12Dec/City_Council__12-03-2013_-_Regular_Meeting_Annotated_Agenda.aspx
[3] January 27, 2015 Council Meeting:
http://www.ci.berkeley.ca.us/Clerk/City_Council/2015/01_Jan/Documents/2015-01-27_Item_09_Contract_PCS_Mobile.aspx
[4] Berkeley PD Administrative Order0001-2016
http://www.ci.berkeley.ca.us/uploadedFiles/Police/Level_3_-_General/001-2016%20ALPR.PDF

Analysis of RPP Parking Policies
By enabling more efficient and accurate parking enforcement in time-limited areas like RPP zones, the new technology reinforces the benefits of the goBerkeley Program by allowing the City to more effectively manage the entire parking system. Utilizing the ADCES as a cost-effective means to collect data, the City also plans to analyze how well current two-hour time limits are working to manage parking demand in RPP areas. Staff will present the findings of this analysis to Council at a later date.

Fiscal Impacts
Council has already approved contracts with the vendors responsible for providing the equipment, software, and services necessary to implement and support the ADCES:

- Council Resolution No. 66,393-N.S. (December 3, 2013) authorized the City Manager to execute a contract with Xerox to act as the Automated Data Collection and Enforcement System "System Integrator." That contract is not to exceed $500,000.[5]

- Council Resolution No. 66,917-N.S. (January 27, 2015) authorized the City Manager to execute a contract with PCS Mobile to provide equipment for the Automated Data Collection and Enforcement System. That contract is not to exceed $450,000.[6]

Attachments:
1. Berkeley Police Department Administrative Order #001-2016

cc: Gil Dong, Interim Deputy City Manager
        Mark Numainville, City Clerk
        Phil Harrington, Public Works Director
        Matthai Chakko, Assistant to the City Manager
        Ann-Marie Hogan, City Auditor
        Farid Javandel, Transportation Manager, Public Works
        Danette Perry, Parking Services Manager, Public Works
        Gordon Hansen, Senior Planner, Public Works

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[5] See Footnote #2
[6] See Footnote #3

ADMINISTRATIVE ORDER #001-2016   **DATE ISSUED: 02/18/16**

SUBJECT: <u>AUTOMATED LICENSE PLATE READER (ALPR)</u>

<u>PURPOSE</u>

1 -   This order establishes guidelines for the use of the Berkeley Police Department's Automated License Plate Reader (ALPR) technology and data. ALPR technology functions by automatically capturing an image of a vehicle's license plate, transforming that image into alphanumeric characters using optical character recognition software, and storing that information, along with relevant metadata (e.g. geo-location and temporal information, as well as data about the ALPR). ALPRs may be used by the Berkeley Police Department Parking Enforcement and Traffic Units for official law enforcement purposes.

<u>POLICY</u>

Administration of ALPR Data

2-   Any installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Investigations Division Captain through the Traffic Bureau. The Investigations Division Captain will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

ALPR Operation

3-   Department personnel shall not use, or allow others to use, the ALPR equipment or database records for any unauthorized purpose.

   a. An ALPR shall only be used for official and legitimate law enforcement business.

   b. Reasonable suspicion or probable cause is not required before using an ALPR.

   c. No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

   d. No ALPR operator may access California Law Enforcement Telecommunications System (CLETS) data unless otherwise authorized to do so.

ALPR Data Collection and Retention

4- All data and images gathered by an ALPR are for the official use of the Berkeley Police Department. Such data may contain confidential CLETS information and is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or other law enforcement agencies only as permitted by law.

5- The Parking Enforcement Manager is responsible for ensuring proper collection and retention of ALPR data. Technical support and assistance shall be provided by City Department of Information Technology personnel and associated ALPR system providers/vendors as identified below. IT staff will not have the ability to access or view individual records or reports, as they may contain CLETS information they are not authorized to receive. IT's role will be limited to providing initial infrastructure set-up, unless particular IT staff members have been cleared by DOJ background checks and authorized by the Chief of Police to receive ALPR records.

6- All ALPR data shall be stored as described in this order and thereafter shall be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data shall be downloaded from the server onto portable media and booked into evidence. The records will then be subject to standard evidence retention polices and statutes.

   a. Collected images and metadata of hits will not be stored for more than 365 days. Metadata of reads will not be stored for more than 30 days. Images of reads will not be transferred to the server.

Accountability and Safeguards

7- All saved data will be safeguarded and protected by both procedural and technological means. The Berkeley Police Department will observe the following safeguards regarding access to and use of stored data:

   a. Non-law enforcement requests for access to stored ALPR data shall be processed according to General Order R-23 in accordance with applicable law.

   b. Non-law enforcement requests for information regarding a specific vehicle's license plate may be honored when the requestor is the registered owner of the vehicle in question, and when providing such

information will not invade the privacy of a third party. The requestor in such cases must provide acceptable proof of his or her identity and of ownership of the vehicle in question.

c. ALPR data downloaded to any workstation or server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

d. Berkeley Police personnel approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relates to a specific criminal investigation or department-related civil or administrative action and parking enforcement.

e. ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes only in connection with specific criminal investigations.

f. Aggregated ALPR data not related to specific criminal investigations shall not be released to any local, state, or federal agency or entity without the express written consent of the City Manager.

g. Measures will be taken to ensure the accuracy of ALPR information. Errors discovered in ALPR data collected by ALPR units are marked, corrected, or deleted in accordance with the type and severity of the error in question.

h. ALPR system audits will be conducted by personnel assigned to the Professional Standards Bureau on a regular basis, at least biennially.

Current ALPR Deployments

9-   The Berkeley Police Department uses ALPR technology in the Parking Enforcement Unit for parking and scofflaw enforcement.

10- Effective 2/18/16, the Parking Enforcement Unit will utilize five (5) Parking Enforcement Go-4 vehicles equipped with ALPR units to conduct enforcement of posted time limits in commercial areas and Residential Preferential Parking (RPP) permit areas. These ALPR's will also access information in the DMV/SVS database (stolen and wanted vehicles). The

current contracted vendor for this system is PCS Mobile using Genetec ALPR technology.

11- The Scofflaw Enforcement program (often referred to as the "booting" program) utilizes an ALPR to scan license plates, and checks scanned "reads" against a file of vehicles which have five or more outstanding parking citations exceeding 30-days old. Typically, upon a confirmed "hit," the vehicle is immobilized with a "boot", or towed, and the owner has to pay the outstanding citations and fees in order to release the boot and/or recover their car from storage. This allows the city to recover outstanding citation fees and penalties. ALPR equipment is installed in the Parking Enforcement Unit's Scofflaw Enforcement vehicle.

12- The contracted vendor for the City's Scofflaw Enforcement program is currently Paylock. Paylock stores data on a secure server, and provides access to authorized personnel via Paylock's "Bootview" secure website, as described below:

   a. All data captured by the ALPR is stored on the laptop for 30 days, and is only accessible during that period via the ALPR proprietary software. This includes reads, hits, and photographs associated with each.

13- When a car is booted and/or towed, the read, hit, and photographic data relating to the booting and/or towing of scofflaw vehicles is uploaded to Paylock's secure server. No other data is uploaded to Paylock's secure server.

14- The City's Parking Enforcement ALPR vendor (currently Genetec) will periodically provide reports to the City of Berkeley Transportation Division's goBerkeley parking management program so that it can analyze data about parking demand. These reports will not contain any information about a vehicle's license plate number, the name of the registered owner, address of registered owner, or any other information gleaned from the license plate number associated with a particular vehicle. Rather, the reports will consist of 100 percent anonymized information using identification numbers that are not associated with a particular license plate or registered owner. The reports will provide only the date, time, location, approximate address, goBerkeley blockface ID, and RPP area in which a vehicle was observed. If a citation was not issued for an RPP or other time limit violation, the report may also provide the reason a parking enforcement

officer concluded there was no parking violation, e.g., RPP visitor pass, disabled placard or license plate, etc.

Michael K. Meehan
Chief of Police

References: NCRIC ALPR Policy
            SB 34
            General Order R-23

Cc: All BPD Personnel