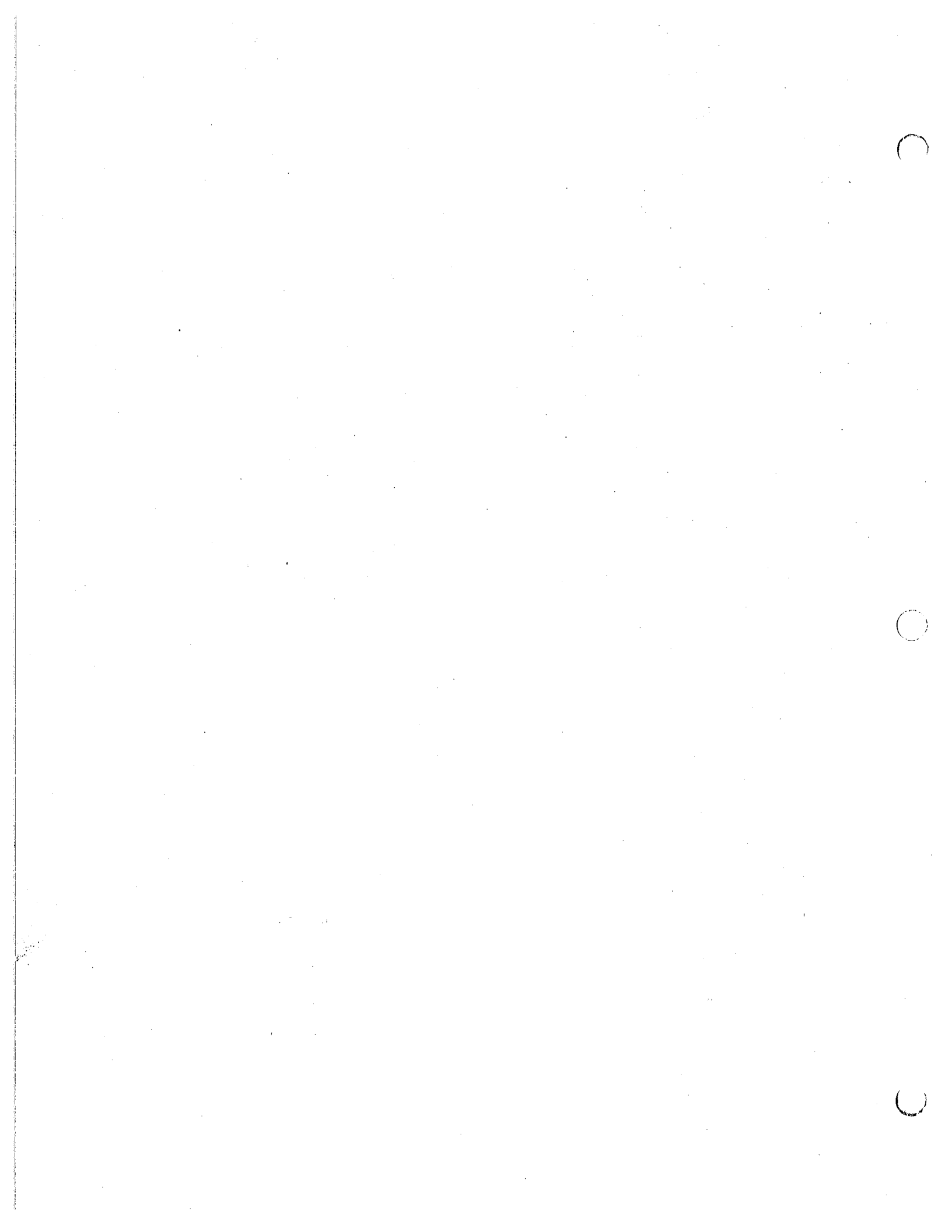


PRC COMPLAINT DEADLINES REPORT

COMPLAINT INVESTIGATIONS										
NO.	Complainant	Filed Date	Incident Date	Notice of Allegations Due (20 Bus. Day)	Notice of Allegations Issued	BOI Packet (80 days)	BOI Packet Issued	BOI Findings Report Goal (105 days)	120 Days	STATUS
2419		06/14/17	06/05/17	07/12/17	06/19/17	09/02/17		09/27/17	10/12/17	On hold; ofc unavail. no earlier than 9/18/19
2456		06/24/19	06/01/19	07/22/19		09/12/19		10/07/19	10/22/19	Admin Closure Rec to Commission again 9/4
2458		07/22/19	05/11/19	08/19/19	07/24/19	10/10/19		11/04/19	11/19/19	Investigation
						11/02/19		11/27/19	12/12/19	tolling deadlines (23 days)

MEDIATION										
NO.	Complainant	Filed Date	Date of Comp's Election	Notice of Election to Officer Due (5 bus days)	Notice of Election Issued to Officer	Due Date for Officer's Election (10 cal days)	Date Officer's Election received	Referral Date to Mediator	Date of Mediation Session	mediation scheduled
2459		7/26/19	7/26/19	8/2/19	7/26/19	8/5/19	8/1/2019	8/6/2019	9/18/2019	

POLICY COMPLAINTS								
NO.	Complainant	Filed Date	Notice of Complaint to BPD	Due to Comm (30 days or next mtg.)	Initial Commission Meeting Date	Commission Approval Date	Commission Approved Action	STATUS
2455		06/20/19	6/21/19	07/20/19	07/10/19		Commission Approved Action	commission deferred decision/approval to 9/4



Automated License Plate Readers (ALPRs)

422.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

422.2 POLICY

The policy of the Berkeley Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

422.3 ADMINISTRATION

~~The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Berkeley Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.~~

~~Any All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Investigations Division Captain. The Investigations Division Captain Support Services Division Commander. The Support Services Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.~~

422.3.1 ALPR ADMINISTRATOR

~~The Support Services Division Investigations Division Captain, or his/her designee, shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):~~

- (a) ~~A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.~~
- (b) ~~Training requirements for authorized users.~~
- (c) ~~A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.~~
- (d) ~~Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.~~

Commented [SSM1]:
Based off of Feb 2016 Admin Order which was based off of Lexipol's ALPR Policy.

Feb 2019 - Sent to PRC

Aug 2019 - Reviewed by Lex Subcommittee at 1947 Center St. with Chief.

Sep 2019 - Version 31 Sent to the PRC

Commented [SSM2]: This paragraph was not used in the admin order

- (e) The title and name of the current designee in overseeing the ALPR operation.
- ~~(f) Working with the Custodian of Records on the retention and destruction of ALPR data.~~
- ~~(g)~~(f) Ensuring this policy and related procedures are conspicuously posted on ~~the the City's websidepartment's website.~~

422.4 USE OF THE ALPROPERATIONS

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

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- ~~(a) An ALPR shall only be used for official law enforcement business.~~
- (a) An ALPR may be used by Berkeley Police Department Parking Enforcement for parking and scofflaw enforcement.
- (b) An ALPR may be used in conjunction with any routine patrol operation or to support criminal investigations. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped vehicles ~~cars~~ to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

Commented [SSM3]: Aug 2019 - Moved to beginning of 422.4

Commented [SSM4]: Aug 2019

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

Commented [SSM5]: Aug 2019 - These last two paragraphs were removed from bullet points above, since they aren't "uses" of the ALPR.

No ALPR operator may access California Law Enforcement Telecommunications System (CLETS) data department, state or federal data unless otherwise authorized to do so. If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

422.5 DATA COLLECTION AND RETENTION

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.~~

Commented [SSM6]: Paragraph 4 of Admin order

Commented [SSM7]: Aug 2019 - Removing this sentence since it is covered later in 422.7

The ~~Support Services Division Commander~~ Investigations Division Captain, or his/her designee, is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data.

Commented [SSM8]: Paragraph 5 of admin order

Technical support and assistance shall be provided by the City of Berkeley's Information Technology (IT Department 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. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should 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 ~~discovery request or other~~ lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

(a) Collected images and metadata of reads showing violations of hits will not be stored for more than 365 days.

(a)(b) Metadata of reads showing violations will not be stored for up to more than 30 days. Images of reads not showing violations will not be transferred to the server.

Commented [SSM9]: Paragraph 6 a of admin order

422.6 ACCOUNTABILITY

All saved data will be closely 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 (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

Commented [SSM10]: May 2019 - Per admin order

(a) Non-law enforcement requests for access to stored ALPR data shall be processed according to the Records Maintenance and Release Policy in accordance with applicable law.

Commented [SSM11]: Paragraph 7 a of admin order

(b) Non-law enforcement requests for information regarding a specific vehicle's license plate may be honored when the requester 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.

Commented [SSM12]: Admin Order 7b

(a)(c) All ALPR data downloaded to any the mobile workstation or server and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

Commented [SSM13]: Admin Order 7c

(b)(d) Berkeley Police Department members 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 relate to a specific criminal investigation or department-related civil or administrative action or parking enforcement.

Commented [SSM14]: Admin Order 7d

(e)(e) 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

Commented [SSM15]: Admin Order 7f

Manager.

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

Commented [SSM16]: Admin Order 7g

(e)(g) ALPR system audits will should be conducted by the Professional Standards Bureau's Audit and Inspections Sergeant on a regular basis, at least biannually.

Commented [SSM17]: Admin Order 7h

For security or data breaches, see the Records Release and Maintenance Policy.

422.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

Commented [SSM18]: Covers Admin Order language from 7e "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."

(a) The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.
- 3.4. The related case number.

Commented [SSM19]: Aug 2019 - PRC Subcommittee

(b) The request is reviewed by the Investigations Division Captain, or his/her designee, Support Services Division Captain, Division Commander or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

ALPR data is subject to the provisions of the Berkeley Police Department's Immigration Law Policy, and hence may not be shared with federal immigration enforcement officials.

Commented [SSM20]: Aug 2019 - PRC Subcommittee

422.8 SCOFFLAW ENFORCEMENT

Commented [SSM21]: Oct 2016 - From Admin Order - whole section is our content

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

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's Stolen Vehicle System (SVS) database for wanted and stolen vehicles. The current contracted vendor for this system is PCS Mobile using Genetec ALPR technology.

The Scofflaw Enforcement program (often referred to as the "booting" program) utilizes an ALPR to scan license plates and check the scanned "reads" against a list 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.

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.

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.

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.

422.9 TRAINING:

The Personnel and Training Sergeant should ensure that members receive department approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53



Count of Closure Minutes Call Type	Year						Grand Total
	2014	2015	2016	2017	2018	2019	
10 5						1	1
1042 Welfare Check	1	2			4	7	14
1056 Suicide		1		1			2
1067 Yelling		1		2			3
10851 Stolen Veh			1			1	2
10918 Barking Dog	1						1
1124 Abandoned Auto	1	5		2			8
1181 Inj. Collision					1		1
1182 Non-Inj Collision			1				1
1183 Unk Inj Collision		1		1			2
1196 SusVehicle		1					1
20002 non inj hit/run				1		1	2
211 Robbery			1				1
23103 Reckless driving						1	1
242 Battery		1		1	2		4
415 Disturbance		10	11	5	10	8	44
415E Noise Disturb	2	2		1	2	1	8
415F Vio Disturb	1						1
459 Burglary				1	2		3
459A Auto Burg			1	1			2
484 Petty Theft			1	1	5		7
5150 Mental Health		2	1				3
602L Trespass		4	3	2	4	3	16
647E Prowler		1					1
653M Harass Phone call		1					1
A911 Ascertain 911				1			1
ADVICE		4	4	1	1	1	11
AID			1	2	2		5
BMCVIO				1	8	3	12
DRUGS		1					1
FADEST Firearm Destruct.		1					1
FALL	1			1			2
FLAG			1	1			2
FOUND					1		1
ILLDMP Dumping		1					1
PRKVIO Parking Vio	1		7	1	11		20
SEC Security Check				2	1		3
SUSCIR Suspicious Circumstance		3			1		4
SUSPER Suspicious Person			3	4	4		11
SUSVEH Susp. Vehicle		2			2		4
TRFHAZ Traffic Hazard			1				1
TROV Rest Order Violation					1	1	2
VCVIO Veh Violation		1					1
W911 Wireless 911 Ascertain		1	2		1		4
Grand Total	8	46	39	33	63	28	217
Omitted Observations		1	1	1			
- 2015 1124 abandoned auto (2 months)							
- 2016 620L trespass (uninformative closed date)							
- 2017 459L burglary (10 months)							
Chief's Report, 8/28/2019	10	98	78	34	63	28	311

Average of Closure Minutes Call Type	Year						Grand Total
	2014	2015	2016	2017	2018	2019	
10 5						77	77
1042 Welfare Check	115	36			120	48	72
1056 Suicide		35		45			40
1067 Yelling		52		16			28
10851 Stolen Veh			142			187	165
10918 Barking Dog	15						15
1124 Abandoned Auto	4	5		4			5
1181 Inj. Collision					172		172
1182 Non-Inj Collision			209				209
1183 Unk Inj Collision		28		151			89
1196 SusVehicle		89					89
20002 non inj hit/run				338		337	338
211 Robbery			181				181
23103 Reckless driving						15	15
242 Battery		373		259	112		214
415 Disturbance		61	61	201	28	128	81
415E Noise Disturb	83	61		444	37	22	103
415F Vio Disturb	125						125
459 Burglary				281	70		140
459A Auto Burg			561	94			328
484 Petty Theft			199	99	134		138
5150 Mental Health		102	82				95
602L Trespass		111	133	165	87	122	118
647E Prowler		286					286
653M Harass Phone call		230					230
A911 Ascertain 911				25			25
ADVICE		56	170	20	100	87	101
AID			15	47	80		54
BMCVIO				106	74	56	72
DRUGS		9					9
FADEST Firearm Destruct.		88					88
FALL	38			13			26
FLAG			46	15			31
FOUND					75		75
ILLDMP Dumping		73					73
PRKVIO Parking Vio	7		32	91	61		50
SEC Security Check				138	30		102
SUSCIR Suspicious Circumstance		106			24		86
SUSPER Suspicious Person			13	82	34		46
SUSVEH Susp. Vehicle		16			72		44
TRFHAZ Traffic Hazard			6				6
TROV Rest Order Violation					42	339	190
VCVIO Veh Violation		23					23
W911 Wireless 911 Ascertain		37	38		22		34
Grand Total	59	73	90	123	70	106	87