City of Emeryville
CALIFORNIA

MEMORANDUM

DATE: December 19, 2023

TO: Paul Buddenhagen, City Manager

FROM: Jeff Jennings, Police Chief

SUBJECT: **Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Approve The Use Of An Automated License Plate Reader System Within The City**

RECOMMENDATION

Staff recommends that the City Council approve the use of Automated License Plate Readers (ALPR) cameras by the police department, and select the best option for camera deployment in the City, balancing camera coverage and budgeting for the program.

BACKGROUND

Automated License Plater Reader technology systems are an investigative tool designed to help law enforcement agencies prevent and solve crimes. ALPR systems can be equipped with night vision infrared and ALPR.

Over the last five years, the Emeryville Police Department (EPD) has used mobile license plate readers on five patrol cars and two parking enforcement vehicles. The patrol cars have mobile ALPR cameras that scan vehicle license plates for felony hits. The users have a unique log-on identifier, password, and training. When a hit is alerted, the plate is confirmed and matched. The LPRs currently in use have resulted in numerous auto theft recoveries. Tracking the effectiveness of ALPR requires a report writing system that can capture ALPR data regarding when it was used. Recently the EPD changed report writing computer systems and now ALPR data can easily be captured when it is used.

The department has used two different vendors for the cameras (Vigilant and Genetec). The difference between mobile cameras and fixed cameras is primarily the additional use garnered from fixed cameras, which never stop working. The mobile cameras are only utilized when driven and in service. Mobile cameras only alert the one user in the patrol car that receives a hit. Fixed cameras alert all active patrol including dispatch. Studies have shown fixed cameras scan more vehicles than mobile cameras.

Public Safety Committee Discussions
Over the past six months, staff presented ALPR information at three Public Safety Committee Meetings. These meetings were held both in-person and with a hybrid Zoom/call in option for community members to attend.

The first Public Safety Committee meeting presentation was on June 8, 2023. The presentation was on “Public Safety and Crime Reduction Strategies” related to mail theft

prevention. In this presentation, the EPD discussed topics such as crime prevention through environmental design, community and police working together toward reducing crime, and introduced automated license plate readers (APLR) as an option to combat crime. The presentation covered the legal guidelines, security, and effectiveness of ALPR systems.

Members of the public were provided an opportunity to comment on the proposed crime reduction strategies. The Public Safety Committee members posed questions and requested a follow-up ALPR presentation to discuss items, including but not limited to data sharing, how ALPR systems have reduced crime, and camera placement options.

At the September 12, 2023, Public Safety Committee meeting, staff presented more information on automated license plate reader systems. The presentation introduced the Flock Safety ALPR camera system and a vendor option for this technology. Flock Safety provided three options for ALPR cameras in the City. The three options were based on optimal camera placement and cost for each. The first option was for 48 cameras throughout the City providing the highest level of coverage, the second option was for 32 cameras, and the third option was for 16 cameras. The ongoing annual cost between the three options ranges from approximately $144,000 to $48,000 per year depending on the number of cameras installed.

Members of the public were provided with an opportunity to comment on the proposed crime reduction strategies. Several members of the public commented and the majority spoke in support of the ALPR technology. The committee members posed additional comments and questions to staff and asked for a follow-up presentation on recommended changes to department policy related to ALPR systems, data sharing, and industry best practices.

At the Public Safety Committee meeting on October 10, 2023, staff responded to the questions on police department ALPR policy recommendations, which are described in the discussion section.

Prior to the meeting, the Police Department contacted other law enforcement agencies in the region that were using or had approved ALPR technology to better understand their use and policies. Additional staff research on policies of agencies was conducted to refine the draft policy for committee review.

Members of the public were provided an opportunity to comment on the proposed ALPR technology. Several members of the public attended both in-person as well as remotely and the majority expressed support for the ALPR technology. The Public Safety Committee members voted to move the ALPR proposal to the City Council for consideration of approval.

Crime Statistics in Emeryville

In evaluating the merits of an ALPR system, staff took note of recent crime statistics. Crime data shows that approximately 90% of all crimes committed over a 5-year period in the City of Emeryville are property crimes. In 2023 the number of auto thefts increased

64% from 2022 and larceny rose 13%. Additionally, the City of Emeryville experienced a 58% increase in robberies in comparison to the previous year (95 year to date 2023 compared to 60 in 2022).

A 5-year average from 2018-2023 showed that Emeryville averaged 1,135 burglaries and 1,148 larcenies per year. Many of these cases remain unsolved. Based on this data, law enforcement staff determined the City's policing efforts would be enhanced with an ALPR system and have a positive impact on EPD's effort to reduce crime and the fear of crime.

DISCUSSION

Use and Placement of ALPR Cameras

ALPR cameras capture computer-readable images that allow law enforcement to compare plate numbers against plates of known stolen vehicles or vehicles associated with individuals wanted on criminal charges. When a match is found, a real-time alert is generated, notifying police of the location where the image of the stolen or wanted vehicle was captured. ALPR data can also be used by investigators, after a crime has been committed, to identify and locate associated vehicles. It enhances policing practices and creates greater safeguards toward fair and impartial policing because it does not capture images of people, thus drastically reducing bias potential. ALPRs allow better and safer policing by reducing the number of unnecessary contacts between law enforcement and the public, as well as providing more tangible evidence to solve and prosecute crime.

The use of ALPR technology has rapidly grown in neighboring communities and around the nation. The hope is that such a system, along with other enforcement efforts, will contribute to investigative efficacy and efficiency. This technology could assist in clearing crimes while reducing enforcement contacts between the police and the community. By knowing which vehicle is involved in criminal activity, efforts can be focused on that specific vehicle to develop investigative leads and to further support the EPD's intent to focus on intelligence led deployment. Intelligence led strategies require timely and data driven technology. ALPR technology could allow the EPD to simplify auditing efforts of other enforcement contacts that were not ALPR initiated but officer initiated. ALPR technology improves effectiveness in identifying vehicles of interest among the hundreds of vehicles observed by a patrol officer. Without ALPRs, officers are not easily able to determine if a particular plate is associated with a stolen car or a particular crime or warrant. However, with the ALPRs, the system will alert officers of a warrant on a criminal vehicle immediately upon contact.

Staff conclude that having such a system would benefit Emeryville through efficiency, safer policing, and enhanced security for neighborhoods with real time alerts. Staff have evaluated the merits of a lease or owner option. With the recommended lease option, the cameras are owned, maintained, serviced, and installed by the vendor. The ALPR cameras are wireless, free of infrastructure setup, and have the option for solar or direct power. They also include a two-year warranty, Criminal Justice Information Services (CJIS) compliant cloud-based hosting, unlimited user licenses, ongoing software enhancements, camera setup, mounting, shipping, handling, and a cellular connection. The lease program prevents the City from being burdened with maintaining costly

equipment at the end of the agreement, which could require replacement. Camera data would be owned and accessed only by EPD.

Placing ALPR cameras at all entry and exit points around the City and at various other places maximizes effectiveness but may be unrealistic based on the cost. For that reason, three different levels of APLR coverage are presented to accommodate different funding options.

To provide added protection to the City's residential and shopping centers, staff recommend that ALPR cameras be installed in and around most major intersections where crime statistical data shows crime is occurring most frequently. Some examples of the designated areas are the intersections of Powell St. and Frontage Road, Christie Ave. and Powell St., IS-80 and Powell St., San Pablo Ave. and 41st St., 40th St. and Horton St. Some other designated areas include Hollis St. and 65th St. Powell St. and Hollis St. where the majority of the cannabis businesses are located.

To provide coverage in the Emeryville shopping centers, staff recommend that cameras also be placed in designated areas in and around the Powell St. Plaza, East Bay Bridge Center, Bay St. Mall and Promenade Shopping Center. Any individual person or business can purchase the Flock ALPR system and share their criminal vehicle contacts with the EPD at no additional cost to the City. Business and homeowner associations have expressed interest in this feature.

Staff believe that the installation of ALPR cameras would address some of the safety concerns brought forth by Emeryville citizens and businesses which were voiced during past Public Safety meetings and during our public engagement conversations throughout the year. If use of an ALPR system in Emeryville is approved by the City Council, staff expects to bring forward a contract with Flock Safety for City Council consideration in January or February 2024.

The Department has researched ALPR companies and while tonight's request of council is not for the use of Flock cameras specifically, understanding their platform is helpful in explaining how the system would be utilized. Staff believes that Flock Safety is optimal based on the following:

- The provider has encrypted evidence transfer that is compatible with the Department's pre-existing evidence repository.
- The provider has a 30-day retention policy that aligns with the Department's Policy.
- The provider has a unique Transparency Portal that fulfills the need of the Department in its goal to be transparent.
- The provider has policies that align with the Department's prohibition on sharing with US Customs and Border Patrol, and comply with the TRUST Act.
- The provider ensures the agency owns the rights to any and all images collected through the use of their equipment and can work to ensure strict compliance with EPD's policy prior to allowing access.

- In compliance with state law SB54 and EPD policy, EPD is prohibited from sharing data for the sole purpose of immigration enforcement.

The Flock ALPR system does not have video recording capabilities, it is a license plate reader only system. If the City Council authorizes ALPR use, EPD Policy 429 will be updated by staff to ensure only approved EPD staff authorized to access the Flock system which would be possible only through use of their personalized login information. Any use will require a reason for the ALPR investigative search. This mandatory login process allows the Department's administration to oversee and audit exactly when, who and why the Flock ALPR system was utilized. Flock has taken significant system security measures to ensure that the collected data is safe and secure.

Staff recommends that the City Council approve the use of an ALPR system in the City of Emeryville. If Council grants this authority, Emeryville would join the Alameda County cities of Alameda, Livermore, Pleasanton, Hayward, San Leandro, Fremont, Union City, Newark, Piedmont, Berkeley, and Oakland, as well as the Alameda County Sheriff's Office, who are all currently using the Flock camera system and/or just approved the use of Flock ALPR. In addition, staff requests that the City Council provide direction regarding which of the three options for camera deployment should be implemented.

FISCAL IMPACT

The cost proposals obtained for the three (3) options are outlined below:

Option 1: 48 cameras for 24 months $299,200. 8 Cameras one time installation charge of $650 each at $5,200. 40 cameras one time installation charge of $150 each at $6,000. 40 cameras can be mounted to existing city infrastructure. 8 cannot and will require their own pole and mount. If the City continues with use of the system, then the ongoing annual cost is estimated to be $144,000 per year.

Option 2: 32 cameras for 24 months $196,800. 32 cameras one time installation charge of $150 each at $4,800. All 32 of those cameras can be mounted to existing city infrastructure. If the City continues with use of the system, then the ongoing annual cost is estimated to be $96,000 per year.

Option 3: 16 cameras for 24 months $98,400. 16 cameras one time installation charge of $150 each $2,400. All 16 of those cameras can be mounted to existing city infrastructure. If the City continues with use of the system, then the ongoing annual cost is estimated to be $48,000 per year.

If the City continues with use of the system, then the ongoing annual cost is estimated to range from $48,000 to $144,000 depending on which option is selected. The City Manager recommends the 16-camera package at approximately $48,000 annually as a way to begin with ALPRs and assess their efficacy.

Funding for the ALPR system, depending on which option is selected, would need to be funded from the City's General Fund.

STAFF COMMUNICATION WITH THE PUBLIC

Staff communicated with the public three times, at the City Public Safety Committee meetings.

CONFLICT OF INTEREST

None.

CONCLUSION

Staff recommends that the City Council approve the use of ALPR cameras by the police department, and select the best option for camera deployment in the City.

PREPARED BY: Robert Alton, Lieutenant
Jeff Jennings, Chief of Police

APPROVED AND FORWARDED TO THE CITY COUNCIL OF THE CITY OF EMERYVILLE:

Paul Buddenhagen, City Manager

ATTACHMENTS

1. Draft Resolution
2. ALPR Placement Map (16 cameras)
3. ALPR Map Placement (32 cameras)
4. APR Map Placement (48 cameras)