

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **February 20, 2024**

TO: Honorable Mayor and City Council

VIA: Matthew Chidester, City Manager

FROM: Captain Rebecca Albin, San Mateo County Sheriff's Office, Chief of Police Services

TITLE: **STUDY SESSION AND DIRECTION ON AUTOMATED LICENSE PLATE READERS**

RECOMMENDATION:

Receive a report and provide direction to Staff whether to return to the City Council with additional details regarding procurement, costs, and implementation of Automated License Plate Readers (ALPR) within Half Moon Bay.

FISCAL IMPACT:

There is no fiscal impact associated with this study session. Based upon the direction of the City Council, staff can return with details on costs associated with implementing ALPR.

STRATEGIC ELEMENTS:

This action supports several Strategic Plan Elements including: *Healthy Communities and Public Safety, Fiscal Sustainability, and Inclusive Governance.*

BACKGROUND:

On August 15, 2023, the Sheriff's Office presented their Annual Report for FY 2022-23. Following the presentation, Council requested a future update on Automated License Plate Readers (ALPR), including advancements in technology, protection of data, and other previously identified concerns, as well as how the deployment of ALPR might provide specific benefits to the residents of Half Moon Bay in curbing crime trends and helping improve community safety.

The question of using ALPR in Half Moon Bay was previously discussed at Council meetings in 2019. Some Council and community members voiced concerns about then-current technology, data protection, immigration issues, and privacy. Ultimately, the Council opted to await a then in-progress State audit of ALPR use in other jurisdictions. That audit found that most jurisdictions lacked sufficient policies and procedures, and often failed to follow any policies they did have in place or audit their own use of the technology. The State audit also cited a lack of safeguards to protect the data collected, and jurisdictions retained the data longer than necessary for the technology's stated purpose. Ultimately, the City did not revisit the use of ALPR due to the onset of the COVID-19 pandemic in early 2020.

Recently, in response to community concerns regarding improper and illicit activity, the Sheriff (with consent of the City) placed a mobile ALPR unit in the vicinity of Pilarcitos and Kelly Avenues. This action followed neighborhood meetings and general consensus agreement to, among other strategies, utilize mobile ALPR technology. The mobile unit has since been removed following a significant de-escalation of activity in the area. Additionally, over the past year the City and Sheriff have heard from community members and businesses interested in ways to keep their homes and businesses safer. Many of these conversations have included questions about whether ALPR is being utilized in Half Moon Bay and, if not, can it be implemented in Half Moon Bay.

Based on the direction from Council in 2023, Staff and the Sheriff have gathered information on the current technology being utilized by the County and other jurisdictions, best practices related to the use of ALPR, and reviewed updated policies on their use, including safeguarding data and imagery collected by ALPR. The Sheriff has recently updated their ALPR use policy, which now includes best practices, enhanced protections, and safeguards being utilized successfully in other jurisdictions. In 2023, the Sheriff and County also updated their policies related to collaboration with federal agencies on immigration enforcement issues. The new policies restrict the County from cooperating with ICE without a federal judicial warrant.

Staff also recently met with local representatives of the ACLU to inform them of the City's intent to discuss ALPR and to seek their input. The ACLU indicated concerns about the effectiveness of the technology in solving crimes, privacy, and potential abuses of data. The City received a follow-up letter which is attached. ACLU representatives have been invited to participate in the study session.

ALPR technology and implementation have evolved significantly since prior conversations. Notably, the ALPR technology being considered does not capture personal identifying information (PII), does not possess the ability to conduct facial recognition, nor does it share their information with private third parties. The Sheriff's Office believes the technology is proving to be an effective deterrent, investigative aid, and crime fighting tool wherever deployed.

Flock Safety (Flock) has emerged as an industry leader in license plate recognition technology. Flock license plate recognition technology is currently being utilized by the Sheriff's Office in unincorporated areas as well as contract cities of Millbrae, San Carlos, Woodside, and Portola Valley. The technology is being used by several other Cities within San Mateo County, throughout the Bay area, and the State of California.

DISCUSSION:

Automated License Plate Reader (ALPR) technology provides a means to identify vehicles of interest following a crime. The technology utilizes cameras which are directed at the body of car and license plate to capture the license plate (state, partial, paper, and no plate) and vehicle details (type and color) along with the time, date, and location of image capture. No images of the driver or other occupants are captured, and the technology does not include any capacity

for facial recognition. Flock Safety technology is currently utilized by the San Mateo County Sheriff's Office in unincorporated areas of the County including the Coastsides. The technology is widely used by other cities throughout San Mateo County. Similar technology is also utilized throughout the Bay Area to manage toll lanes, bridges, and traffic signals. The Sheriff's Office has found ALPR to be an invaluable resource, acting as a force multiplier, allowing the capture of information that may have otherwise been lost given the constraints of not always being able to be everywhere at all times. The force multiplier element is an important element for Half Moon Bay and the greater Coastsides given the patrol coverage, size of the area, and level of transient visitors.

The unique topography of Half Moon Bay allows those who live and work here to literally be separated from the rest of the Bayside cities, which in the case of ALPR is a benefit because it means anyone coming to commit crimes here would typically need to drive a car to do so. Additionally, there are times crimes occur, when witnesses may be reticent to come forward to share vital information like what the car looked like that fled the scene past where they live. ALPR technology can alleviate that, by capturing the vehicle's image and license plate, giving investigators a key piece of evidence to pursue.

In speaking with community members, the two main questions raised were, "Will ALPR be used to enforce laws from other states?" and, "Will ALPR be used for immigration purposes?" The answer is a resounding no to both questions. The San Mateo County Sheriff's Office has recently updated its ALPR policy to make sure it is consistent with best practices and language based on guidance from the State Attorney General's Office, current state law, anticipated state legislation, and the San Mateo County Attorney's Office. The policy is included in its entirety as Attachment 2 to this report. The policy provides clear understanding of the standard for records retention while providing local agencies the flexibility for longer retention.

Should the City Council direct, the Sheriff's Office can return with a more detailed plan for implementation with staff and Flock Safety. Many of the consultant team are former law enforcement and are helpful in analyzing traffic patterns and crime patterns to determine which locations make the most strategic sense for ALPR placement. ALPR are typically affixed to existing infrastructure (i.e. street signs, light poles, etc.). The Sheriff's Office understands and welcomes consideration of a "Pilot" implementation program which would likely address the three entry/exit points to Half Moon Bay.

ATTACHMENT:

1. Letter dated January 8, 2024, from the ACLU North Peninsula Chapter
2. San Mateo County ALPR Administrative Policy