



CITY OF SALINAS COUNCIL STAFF REPORT

DATE: DECEMBER 7, 2021

DEPARTMENT: SALINAS POLICE DEPARTMENT

FROM: ROBERTO FILICE, CHIEF OF POLICE

BY: TONYA ERICKSON, MANAGEMENT ANALYST

TITLE: LEASE OF AUTOMATED LICENSE PLATE READER (ALPR)
CAMERAS FROM FLOCK GROUP, INC.

RECOMMENDED MOTION:

A motion to approve a Resolution authorizing execution of a 24-month Services Agreement for the lease of twenty (20) Automated License Plate Reader (ALPR) Cameras from Flock Group Inc. with a Year 1 cost of \$57,500 and a Year 2 cost of \$52,500.

RECOMMENDATION:

Staff recommends that City Council approve a Resolution authorizing execution of a 24-month Services Agreement for the lease of twenty (20) Automated License Plate Reader (ALPR) Cameras from Flock Group Inc. with a Year 1 cost of \$57,500 and a Year 2 cost of \$52,500.

EXECUTIVE SUMMARY:

Cameras and Automated License Plate Reader (ALPR) technology have been used by police agencies to help solve crimes, especially those where an automobile has been used. ALPR technology has continued to evolve and has become less cost prohibitive. Traditional ALPR systems included expensive fixed camera locations or mobile devices mounted in patrol cars. The Salinas Police Department currently uses mobile ALPRs and is now looking to expand this beneficial tool to fixed locations in high crime areas.

BACKGROUND:

The Salinas Police Department has utilized ALPR technology since 2018 and it has proven to be a beneficial tool for identifying and locating stolen vehicles and other vehicles linked to criminal activity. Just one example of the effectiveness of the ALPR system is an incident from January 26, 2021: The ALPR identified the vehicle of a suspect wanted in a stalking case and a forcible rape case. With the assistance of the ALPR system the suspect was taken into custody without incident. Additionally, still images and video from public and private security systems are critical tools in investigating and gathering information about crime incidents. Our police officers often

make multiple visits to businesses and residences after an incident, particularly a shooting, in search of camera images or video that will help identify suspect vehicles, suspects, and other elements of the crime incidents.

The Flock Safety Automated License Plate Reader (ALPR) System is a deployment of cameras throughout an area to provide greater coverage and more detailed information for law enforcement. The Flock lease proposed here would include 20 cameras which can be spread throughout the city in high crime areas. Flock's cameras capture date, time, location, license plate (state, partial, paper, and no plate), vehicle details (type and color), as well as objects (bicycle, animals, and people). The system alerts police of wanted vehicles which are identified by the system.

Flock Safety provides a desirable approach to deploying ALPR cameras throughout the community. Unlike other fixed or mobile ALPR devices, the Flock system provides the ability to cover more area of the city with system maintenance provided by the vendor rather than City staff. The Flock program is an all-inclusive model for deploying the ALPR cameras. Flock Safety is the sole manufacturer and developer of the Flock Safety Camera. There are several other differences between Flock and other ALPR companies. Most notably they are the only manufacturer and service provider that leases ALPR services. Others require the city to purchase equipment. The technology is also different because it captures motion and not just license plates.

The key benefits of Flock are that they charge an annual flat rate lease per camera of \$2,500, which is wireless, free of infrastructure setup, and has 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 Flock lease program prevents the City from being burdened with maintaining costly equipment at the end of the agreement, which could require replacement.

Sixteen cameras out of an anticipated 20-camera system will be funded by the Coronavirus Emergency Supplemental Funding (CESF) Grant during Year 1, with the Salinas Police Department budget covering the cost of the additional four cameras, as well as the costs associated with the Flock Safety Advance Search features and implementation. All Year 2 costs will be funded by the Salinas Police Department budget. The CESF Grant will fund these cameras as they will be used for remote information gathering and investigations in high crime areas to reduce the need to canvas residences and businesses for video footage, decrease face-to-face contacts, and protect the health and safety of officers and citizens. The ALPR cameras will reduce direct contacts, help officers maintain social distancing, and promote personal health and safety while also improving intelligence that can solve crimes.

As Flock Safety is the sole manufacturer and developer of the Flock Safety Camera, and they are the only vendor who leases ALPR cameras, there are no local vendors available to provide this service. The City Council has the authority to approve this direct purchase under Salinas Municipal code Section 12-27 and without application of the local purchasing preference pursuant to Salinas Municipal Code Section 12-28.080.

At the end of the 24-month lease period, staff will assess the benefits of the program and determine whether to recommend continuing or discontinuing the program.

John Anderson, Northern California Territory Manager for Flock Safety, will provide a presentation to City Council regarding the Flock Safety technology and provide case studies from jurisdictions which have implemented this system. Chief Roberto Filice will present information regarding the history of ALPR usage with the Salinas Police Department, as well as examples of ALPR-assisted incidents. The slides for both presentations are attached to this report.

Legal Considerations

Concerns have been expressed from members of the community regarding the use of data collected by ALPR systems and the privacy of residents. These same concerns were expressed and evaluated in a 2020 audit of four California law enforcement agencies—Fresno Police Department, Los Angeles Police Department, Marin County Sheriff’s Office, and Sacramento County Sheriff’s Office—conducted by the California State Auditor.¹ Noting that “[t]he majority of California law enforcement agencies collect and use images captured by automated license plate reader (ALPR) cameras,” the State Auditor generally concluded that “[t]o better protect the privacy of residents, local law enforcement agencies must improve their policies, procedures, and monitoring for the use and retention of license plate images and corresponding data... Law enforcement agencies must first create policies that set clear guidelines for how they will use ALPR data. Setting certain expectations in writing through an ALPR usage and privacy policy helps ensure that agencies operate their ALPR programs in a manner that better protects individuals’ privacy.”

The Police Department has updated its internal policy on License Plate Readers (Policy 462, a copy of which is attached to this Report) to incorporate an annual audit, restrictions on the release of ALPR data, and training for officers in the use of the ALPR system. Section 462.7 of Policy 462 states that “The Salinas Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, pursuant to the California Values Act (Government Code §7282.5; Government Code §7284.2 et seq.)—these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CPB).”² The proposed agreement with Flock Safety incorporates the same safeguards and restrictions on the use and the sharing of data collected by the ALPR system.

Data collected from the Flock Safety system will not be used for immigration or traffic enforcement. The Flock Safety system is not a facial recognition system, nor does it contain any Personally Identifiable Information (PII). All footage is owned by the City/Police Department, is encrypted and securely stored, and data is only retained by Flock for only 30 days.

¹ “Automated License Plate Readers. To Better Protect Individuals’ Privacy, Law Enforcement Must Increase Its Safeguards for the Data It Collects.” February 13, 2020. <https://www.auditor.ca.gov/reports/2019-118/index.html>

² The California Values Act (SB 54, effective January 1, 2018) ensures that no state and local resources are used to assist federal immigration enforcement; the Act prohibits local law enforcement agencies from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes and proscribes other activities or conduct in connection with immigration enforcement by local law enforcement agencies.

California law (California Civil Code section 1798.90.5 et seq.) provides additional restrictions on the collection and the use of ALPR data and provides additional protections and remedies for residents. Included among the provisions of State law is a remedies provision for any individual who has been harmed by a violation of these provisions: “In addition to any other sanctions, penalties, or remedies provided by law, an individual who has been harmed by a violation of [these provisions] including, but not limited to, unauthorized access or use of ALPR information or a breach of security of an ALPR system, may bring a civil action in any court of competent jurisdiction against a person who knowingly caused the harm.” (California Civil Code section 1798.90.54(a)) Consequently, if the Salinas Police Department knowingly fails to comply with its policies and applicable State law or if Flock Safety fails to protect individuals’ privacy rights, an individual may bring a civil action against the City and seek monetary damages and other relief that the Courts may provide. Policy 462 and the restrictions incorporated into the proposed agreement with Flock Safety are consistent with these State law requirements and meet the 2020 recommendations of the State Auditor.

Police Community Advisory Committee

The Police Community Advisory Committee (PCAC) received a presentation regarding the Flock Safety System during the November 18, 2021 PCAC Special Meeting. After the presentation, question and answer period, and public comments, PCAC Members voted unanimously to recommend this request for lease of ALPR cameras from the Flock Group be forwarded to City Council for consideration. No public comments were made against ALPRs or the proposed agreement with Flock Safety.

CEQA CONSIDERATION:

Not a Project. The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378).

STRATEGIC PLAN INITIATIVE:

Approving the proposed resolution will support the City Council’s Strategic Plan Goal of Public Safety – maintaining existing community policing policies and to provide emergency medical services in a cost effective and responsive manner.

DEPARTMENTAL COORDINATION:

The Information Technology (IT) Department participated in the review and recommendation of the Flock Safety ALPR System, and the Legal Department assisted with the development of the Services Agreement. The Police Department will coordinate with the Finance and Legal Departments during the lease and payment process, and with the IT and Public Works departments as necessary on technical and implementation issues.

FISCAL AND SUSTAINABILITY IMPACT:

No new funds are requested for this project for the current fiscal year. A Grant Budget Modification request has been submitted for the 2020 CESF Grant to fund \$40,000 of Year 1 costs via account 3182.40.7101, with the remaining \$17,500 of Year 1 costs to be funded by the current Police Department budget via account 1000.40.4130-63.6010. Should the grant modification be denied, all current-year costs will be covered with existing Police Department budget funds via 1000.40.4130-63.6010. The \$52,500 for Year 2 costs will be included in the Police Department's budget Fiscal Year 2023 appropriation request.

ATTACHMENTS:

Resolution
Flock Safety Presentation
ALPR Presentation
Sole Source Letter for Flock Safety ALPR Cameras
Flock Group Inc. Services Agreement and Order Form
Salinas Police Department Policy 462