TO:	Jestin D. Johnson City Administrator	**FROM:**	Darren Allison Interim Chief, OPD
SUBJECT:	OPD License Plate Readers, State Funding for License Plate Readers, and FLOCK contract	**DATE:**	October 9, 2023

City Administrator Approval _____   Date: Oct 12, 2023

RECOMMENDATION

Staff Recommends That City Council Adopt A Resolution:

(1) Approving The Oakland Police Department's Revised Automated License Plate Reader Use (ALPR) Policy;
(2) Authorizing The City Administrator To Enter Into An Agreement To Accept And Appropriate One Million Two Hundred Thousand Dollars ($1,200,000) In State Loan Funding To Purchase ALPR Technology And Services;
(3) Award A Three-Year Agreement To FLOCK Safety For Acquisition Of ALPR Technology And Related Services At A Cost Of One Million Seventy-Seven Thousand Five Hundred Dollars ($1,077,500) For The First Year, Nine Hundred Thousand Dollars ($900,000) Per Year For Years Two And Three, For A Total Amount Not To Exceed Two Million Eight Hundred Seventy-Seven Thousand And Five Hundred Dollars ($2,877,500); And
(4) Waiving The Competitive Multiple-Step Solicitation Process Required For The Acquisition Of Information Technology Systems And Waiving The Local And Small Local Business Enterprise Program Requirements

EXECUTIVE SUMMARY

Automated license plate reader (ALPR) technology captures government-issued motor vehicle license plates as they travel on streets and highways. The technology generally includes the following components:

- Specialized cameras that photograph and scan license plate images;
- Computer technology that translates and digitizes the license plate images into their alpha-numeric characters;
- Database systems that can compare the license plate images and characters to other databases (e.g., State of California Department of Justice / CADOJ felony-related license plate lists); and
- Database systems that store the license plate files for later search.

OPD has utilized the technology for two main purposes:
1. The immediate (real time) comparison of the license plate characters against

specific databases (e.g., stolen vehicle list); and
2. The storage of the license plate images in a database accessible by law enforcement agencies (LEA) for investigative purposes.

OPD had ALPR technology in use prior to City Council's adoption of the Surveillance Technology Ordinance 13635 CMS. For the past eight years, the existing system used outdated ALPR 3M (BOSS) mounted cameras on several OPD vehicles. Since 2017, the OPD has met and worked with the Privacy Advisory Commission (PAC) in creating and drafting a working use policy on ALPR. During this time, OPD and the PAC discussed retention length and the need to accurately audit and provide reporting metrics on using the system. As noted in City Council Resolution No. 89450 CMS, (which authorized OPD's current ALPR Surveillance Use Policy (ALPR Policy) at the October 6, 2022 PAC meeting, that body adopted a motion recommending that should the City Council authorize OPD's ALPR Policy so that OPD could continue to use its ALPR system, such policy should both reduce data retention periods and also that City Council authorize necessary resources to upgrade the ALPR computer software to allow for enhanced auditing and reporting purposes. OPD recognizes the importance in securing a vendor that can provide an ALPR system that is better suited to enable OPD to comply with the ALPR Policy. This upgrade would allow OPD to conduct automated audits and perform more comprehensive reporting on the effectiveness of the technology, which is critical to compliance with the ALPR Policy. In the revised ALPR Policy, OPD proposes a shorter retention period aligning with the PAC's prior position. During OPD's meetings with the PAC in 2023, OPD acknowledged that limited staffing presented challenges to conducting required audits. Based on this obstacle, OPD felt the best course of action would be to place OPD's outdated 3M (BOSS) ALPR system offline until it could comply with audits and demonstrate the efficacy of the technology. Currently, OPD has no ALPR system active in the city. With increasing violent and property crime rates, OPD needs an ALPR system to assist its community in addressing this surge in crime. Many outside agencies have adopted ALPR technology and specifically selected FLOCK due to its capabilities. Currently, the OPD has no ALPR to assist in crime reduction, vehicle identification, or criminal investigations in general.

It is critical that the City of Oakland and the OPD proceed with the proposed revised ALPR use policy to collect evidence, identify potential suspect vehicle(s), and assist in its crime- fighting strategy in reducing crime.   OPD is asking the City Council to approve the revised DGO I-12 ALPR use policy (**Attachment A**).

Due to the increase in violent crime, auto thefts, and car burglaries, the Mayor and OPD have determined that there is an immediate need to use ALPR technology in order to deter these types of crimes. Through Mayor Thao's efforts, the City of Oakland has received $1.2 million in funding to purchase ALPR technology. OPD is asking the City Council to accept and appropriate those funds for the purchase of FLOCK hardware, FLOCK software, and professional services.

Lastly, OPD is asking the City Council to authorize the City Administrator to enter into a three-year contract with FLOCK (**Attachments B, C, and D for FLOCK user guide, quote, and service agreement**). The first-year costs include the FLOCK operating system, FLOCK safety ALPR products (300 FLOCK Safety Falcon cameras), and professional services. Costs in the second and third years include FLOCK subscription fees.

REASON FOR URGENCY

As of the most recent OPD crime report, auto burglaries are up 38%. Motor vehicle theft is up 51%. See **Chart 1** below as reference. ALPR technology helps mitigate these crimes by placing mounted ALPR's in areas saturated with these crimes. OPD's Crime Analysis Unit produces crime maps depicting hot spots of violent crimes, burglaries, and motor vehicle thefts (stolen, recovered stolen, and outside agency stolen recovered). These maps are provided to FLOCK, and the egress and ingress locations to these hot spots are, in essence, the major arteries and channels for us to deploy FLOCK cameras. OPD will quickly be able to query these locations where violent and or property crimes have been committed in an effort to identify the vehicle(s) associated with said crimes. Time is of the essence. Every day without ALPR is a day the OPD cannot further their investigations in identifying potential vehicle(s) related to crimes, and each and every day without ALPR evidence is lost. Technology must always be used ethically and constitutionally and in accordance with policy, procedure, law, and in accordance with our Surveillance Technology Ordinance 13635 CMS.

Mayor Thao has requested and acquired $1.2 million from the State of California to purchase license plate readers to help mitigate the increase in auto burglaries and motor vehicle theft. The funding will be used for first year costs for the FLOCK system. It is imperative that OPD enter a contract with FLOCK soon so the ALPR components can begin to be affixed, which will take several months and up to a year to fully deploy. Time is critical as the increase in crime has grown exponentially. It appears suspect(s) have become bolder, and crime is occurring at all times of the day. Officers will be trained as soon as is practical and can begin utilizing the ALPR software and identifying vehicle(s) associated to crimes as soon as possible. Using ALPR's allows neighboring agencies to collaborate in identifying series, trends, and patterns. Without ALPR in the City of Oakland, people involved in criminal activity are emboldened to freely drive around, commit acts of crime, and know their vehicles will not be captured on ALPR's.

Chart 1: OPD Weekly Citywide Crime Report

Weekly Crime Report — Citywide
25 Sep. – 01 Oct., 2023

Part 1 Crimes *All totals include attempts except homicides.*	Weekly Total	YTD 2021	YTD 2022	YTD 2023	YTD % Change 2022 vs. 2023	3-Year YTD Average	YTD 2023 vs. 3-Year YTD Average
Violent Crime Index (homicide, aggravated assault, rape, robbery)	107	5,019	4,776	5,781	21%	5,192	11%
Homicide – 187(a)PC	3	97	96	94	-2%	96	-2%
Homicide – All Other *	-	8	2	2	0%	4	-50%
Subtotal - 187(a)PC + all other	3	105	98	96	-2%	100	-4%
Aggravated Assault	50	2,799	2,433	2,734	12%	2,655	3%
Assault with a firearm – 245(a)(2)PC	5	474	367	391	7%	411	-5%
Subtotal - Homicides + Firearm Assault	8	579	465	487	5%	510	-5%
Shooting occupied home or vehicle – 246PC	10	429	283	292	3%	335	-13%
Shooting unoccupied home or vehicle – 247(b)PC	2	218	129	122	-5%	156	-22%
Non-firearm aggravated assaults	33	1,678	1,654	1,929	17%	1,754	10%
Rape	-	115	145	143	-1%	134	6%
Robbery	54	2,008	2,102	2,810	34%	2,307	22%
Firearm	34	818	882	1,231	40%	977	26%
Knife	-	90	77	115	49%	94	22%
Strong-arm	12	606	587	787	34%	660	19%
Other dangerous weapon	-	56	66	68	3%	63	7%
Residential robbery – 212.5(a)PC	4	68	47	75	60%	63	18%
Carjacking – 215(a) PC	4	370	443	534	21%	449	19%
Burglary	160	7,320	9,774	13,478	38%	10,191	32%
Auto	131	5,866	7,680	10,847	41%	8,131	33%
Residential	5	792	866	988	14%	882	12%
Commercial	11	466	1,048	1,139	9%	884	29%
Other (Includes boats, aircraft, and so on)	2	137	114	143	25%	131	9%
Unknown	11	59	66	361	447%	162	123%
Motor Vehicle Theft	159	6,777	7,357	11,109	51%	8,414	32%
Larceny	46	4,587	6,512	5,638	-13%	5,579	1%
Arson	1	138	135	84	-38%	119	-29%
Total	473	23,849	28,556	36,092	26%	29,499	22%

BACKGROUND / LEGISLATIVE HISTORY

How Automated License Plate Reader (ALPR) Technology Works

OPD's Departmental General Order (DGO) I-12: Automated License Plate Readers (ALPR) (**Attachment A**) explains that there are two components to the ALPR system:

OPD uses Automated License Plate Reader (ALPR) technology to capture and store digital license plate data and images. There are two components to the ALPR system:

1. **Automated License Plate Readers**: Device components include cameras, which can be attached to vehicles or fixed objects, and a vehicle-based computer that processes the photographs and compares the data against California Department of Justice (CA DOJ) hotlists. Data is transmitted for comparison (the hotlists are downloaded to the vehicle at the start of the patrol shift and then compared from that list). Authorized personnel can also manually enter license plates into internal OPD generated hotlists only accessible to personnel authorized to access the OPD ALPR system.

2. **ALPR Database**: A central repository stores data collected and transmitted by the Automated License Plate Readers.

ALPR technology consists of cameras that can automatically scan license plates on vehicles in the public right of way and/or in view of the police vehicle. Each camera housing (two housings per vehicle) consists of a regular color photograph camera and an infrared camera (for better photography during darkness). ALPR captures an image (parked or moving vehicle plates) and processes the image with an optical character recognition (OCR) algorithm that can extract license plate characters from the image.

FLOCK technology will be used by the OPD to help identify vehicle(s) which may have been used in criminal activity. The OPD will conduct queries where criminal activity has occurred that relates to violent crimes, burglaries, grand theft, and stolen vehicles. The OPD goal will be to reduce the timeline in identifying vehicles associated with these types of criminal activity and potentially reducing criminal activity.

OPD met with PAC on DATES for ad hoc meetings to revise and discuss DGO I-12. The use policy was approved at PAC on October 5, 2023, by a majority vote.

ANALYSIS AND POLICY ALTERNATIVES

This report advances the Citywide priorities of **holistic community safety** and **responsive, trustworthy government**. Surveillance technology is used to help OPD respond in a more timely and efficient manner to public safety concerns. OPD strives to use technology responsibly by following the departmental use policies and bringing the reports to PAC in a timely manner each year.

ALPR captures evidence of a crime and provides the intelligence to the OPD to further their investigations, identify trends, and identify potential person(s) of interest who may be related to said vehicles. Staff believe that ALPR scans can lead to aiding in successful investigations of homicides, carjacking, and robberies each year and that this tool provides value that meets or exceeds the privacy impact (given the security protocols that have always been in place). The impact and trauma to the community caused by violent crime cannot be measured. ALPR,

however, is a tool that supports investigations by developing leads. This work helps OPD bring criminal perpetrators to justice in support of crime victims.

FLOCK has a proven track record and is utilized by local and neighboring agencies and community groups. The local networks allow agencies to communicate effectively and identify trends. FLOCK provides installation, network systems, training, and, most importantly, audits and transparency. Neighboring law enforcement agencies can audit their respective users with a click of a button and theoretically provide monthly or quarterly transparency reports to their respective cities via their websites.

FLOCK works with agencies in strategically placing and mounting cameras throughout the city. FLOCK works with the Crime Analysis Unit, reviews hot spots associated to violent and property criminal activity, and identifies the major ingress and egress arteries and channels. Placing these mounted cameras strategically will allow the OPD to query locations when a specific crime occurred and quickly identify vehicle(s) potentially used in the crime. Within the City of Oakland and throughout the Bay Area and California, non-law enforcement communities have established partnerships with FLOCK. The OPD will have access to and receive alerts from FLOCK systems installed within these communities. However, this is not a two-way system. FLOCK believes in confidentiality, non-law enforcement communities will not receive notification of any "hot list" hits, and only the OPD and other law enforcement partnerships will be notified. Currently, OPD is working with FLOCK to identify strategic locations to mount ALPR cameras should the FLOCK contract be approved. Although OPD has utilized prior ALPR mounted on OPD vehicles, the majority of cities have gone away from that type of installation, and FLOCK does not mount ALPR's on vehicles.

OPD understands and considers the privacy of its community and citizens. The OPD met with the PAC on multiple occasions to discuss privacy considerations. After multiple meetings and discussions, the OPD and the PAC agreed to several items which had been previously discussed. The OPD and the PAC agreed on a healthy but limited retention timeline and reviewed other agencies' timelines. It was agreed upon that 30-day retention would be sufficient for investigations and follow-ups. In the future, the retention period can always be reviewed during the annual report if needed. Additionally, adhering to the state law requirement of only sharing ALPR data with local and state agencies ensures that Oakland's data will not be available to jurisdictions outside of the state of California. OPD has to request access from all agencies within California, and they have to give approval before OPD can conduct any searches for license plates. Agencies can approve or deny access. The same applies to outside agencies requesting access to OPD's FLOCK cameras. They have to request access for which OPD can give access or deny approval. OPD can deny approval if it determines an outside agency is not abiding by its policies. OPD can also request access from Oakland community groups' FLOCK cameras. Even if OPD has access to community groups' cameras, those community groups cannot see OPD's "hot list" hits. The community group can also deny or approve OPD access.

Our partnerships with federal agencies will not be impacted as we have OPD sworn staff assigned to specific task forces. However, sharing ALPR data with Immigrations and Customs Enforcement (ICE)/Customs and other states for the purpose of pursuing criminal charges or civil enforcement against individuals for obtaining, providing, or supporting reproductive health care services is prohibited by the existing ALPR policy and will continue to be by the revised ALPR Use Policy and state law. The selection of an ALPR provider, which provides an auditing

process, was another important step in meeting the PAC's prior concerns about using this technology. Efficacy is a critical term with regard to new technology and allows one to understand the success or the effectiveness of such technology. The OPD, along with the PAC, have created a successful use policy that allows the OPD to address criminal activity also safeguarding and respecting the constitutional rights of all of Oakland's communities. Transparency is crucial, and the auditing capabilities which FLOCK provides will allow OPD to meet most of the reporting requirements in DGO I-12. OPD acknowledges it could not provide the PAC, the residents and the community of Oakland the efficacy they required without moving away from the outdated ALPR system. Although turning the current ALPR 3M (BOSS) system offline could be viewed as worrisome due to the crime levels, potential loss of evidentiary value, and the decrease in solvability rate, the ethical consideration of going offline outweighed the value of leaving the system in place. OPD believes that FLOCK will not only assist in criminal investigations but also provide the community of Oakland with the auditing and transparency it deserves.

FISCAL IMPACT

OPD recommends that the City Council waive the competitive multiple-step solicitation process required for acquiring information technology systems and, to the extent necessary, the local and small local business enterprise program requirements for the proposed purchase. Due to the urgency of completing this contract and installing and using the equipment, waiving the requirements will expedite the process. FLOCK is the most frequently utilized ALPR system in the Bay Area, is used by most Law Enforcement agencies, and meets the criteria for PAC.

OPD asks that the City Council accept and appropriate the $1.2 million of state funding for FLOCK software and hardware products. See **Table 1** for the costs. Year 1 costs include the FLOCK operating system, 300 FLOCK Safety Falcon, and professional costs. Years 2 and 3 are recurring safety platform subscription costs. **Table 2** provides a breakdown of FLOCK funding.

Table 1: FLOCK Safety System Contract Costs

FLOCK contract dates	Costs
November 1, 2023-October 31, 2024	$1,077,500
November 1, 2024-October 31, 2025	$900,000
November 1, 2025-October 31, 2026	$900,000
TOTAL	$2,877,500

Table 2: FLOCK Funding Breakdown (based on a November 2023 contract start)

Fiscal Year	Funding
November 1, 2023-June 30, 2024	$718,333 from state funds
July 1, 2024-June 30, 2025	$359,167 from state funds; remainder TBD
July 1, 2025-June 30, 2026	TBD
July 1, 2026-October 31, 2026	TBD
TOTAL	

OPD also asks that the City Council increase OPD's general fund budget to cover year 2 and 3 subscription fees. These additional costs can also be added to the midcycle budget for consideration for future budget approvals.

Funds will be allocated from the General-Purpose Fund (1010), Information Technology Unit Org. TBD, Contract Services Account (54919), Administrative Project TBD, Agency- wide Administrative Program TBD.

PUBLIC OUTREACH / INTEREST

OPD presented its annual report to PAC in July 2023. It was approved by the committee.
OPD met with PAC for ad hoc meeting regarding the use policy.
OPD presented the ALPR use policy to the PAC in their October 5, 2023, meeting. They voted to approve the policy.

COORDINATION

OPD met with PAC commissioners and Office of the City Attorney to the ALPR use policy. This report was reviewed by the Office of the City Attorney and the Budget Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: There is no economic impact associated with this report.

Environmental: There are no environmental impacts associated with this report.

Race and Social Equity: OPD does not uniformly deploy patrol vehicles across all residential and commercial neighborhoods. Officers are responding to calls for service and prioritizing violent crimes – especially gun-related crimes. Therefore, OPD calls for service more often travel through communities where violent crime more often occurs. Some of these patrol vehicles are equipped with ALPR cameras; it follows that OPD patrol vehicles equipped with ALPR cameras will photograph license plates connected to these same areas. OPD will use this data to respond to crimes such as vehicle theft and the ALPR data to investigate violent crimes and provide investigative support to these communities.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That City Council Adopt A Resolution:

 (1) Approving The Oakland Police Department's Revised Automated License Plate Reader Use (ALPR) Policy;
(2) Authorizing The City Administrator To Enter Into An Agreement To Accept And Appropriate One Million Two Hundred Thousand Dollars ($1,200,000) In State Loan Funding To Purchase ALPR Technology And Services;
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(4) Waiving The Competitive Multiple-Step Solicitation Process Required For The Acquisition Of Information Technology Systems And Waiving The Local And Small Local Business Enterprise Program Requirements

For questions regarding this report, please contact Lt. Omar Daza-Quiroz at odaza-quiroz@oaklandca.gov.

Respectfully submitted,

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Attachments (5):
   A. ALPR DGO 1-12
   B. FLOCK User Guide

C. Flock Quote
D. Flock Services Agreement
E. ALPR Impact Report