



# CITY COUNCIL AGENDA STATEMENT



April 20, 2021

File ID: 21-0099

## **TITLE**

CITY COUNCIL CONSIDERATION OF AND POSSIBLE ACTION WITH RESPECT TO THE CHULA VISTA POLICE DEPARTMENT OPERATION OF AUTOMATED LICENSE PLATE RECOGNITION (ALPR OR LPR) SYSTEMS AND DATA SHARING PROGRAM THROUGH AN AGREEMENT WITH VIGILANT/MOTOROLA

## **RECOMMENDED ACTION**

City Council consider the staff report and all public input and continue the ALPR program with the recommended terms provided by the Police Department.

## **SUMMARY**

At the December 8, 2020 City Council meeting, the Police Department was asked to prepare a report about the Department's Automated License Plate Recognition (ALPR) program through its contracted vendor Vigilant Solutions, in response to a recent Public Records Request, media coverage and public concerns. The report was presented at the March 23, 2021 City Council meeting and is included as an attachment to this report. On April 7, 2021, the Police Department participated in a virtual public forum to receive additional community input in order to report back to the City Council with recommendations about the ALPR system for their consideration and input. The presentation provided at the public forum is also attached to this report and the link to the recording of the meeting is <https://youtu.be/vewnHZOTewM>.

## **ENVIRONMENTAL REVIEW**

The Development Services Director has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is required.

## **DISCUSSION**

The Police Department is proposing several changes to the ALPR system for City Council consideration. These changes are being proposed after taking into consideration the community input about ALPR systems and the operation of the Department's ALPR program.

The Police Department has operated an ALPR system since first authorized by the City Council in 2007. In 2017, the Department switched vendors to Vigilant Solutions and began subscribing to their Law Enforcement Archival Reporting Network (LEARN) database. This also included the capability for Chula Vista's ALPR data to be included in searches by other law enforcement agencies across the country, commonly referred to as "Data Sharing". A significant portion of the community's concerns about the

Department's ALPR system involve the sharing of data with Immigration and Customs Enforcement (ICE), and U.S. Border Patrol.

As part of the process of subscribing to the LEARN database, and sharing of data with other agencies, the Department's perspective was focused on ensuring legal compliance, specifically with SB54, the California Values Act, and how it relates to solving and preventing crime in the interest of community safety. To ensure that the ALPR program was in compliance with SB54, the Police Department consulted with the City Attorney's office. The City Attorney's office concluded that the ALPR program and related data sharing was not in violation of SB54, but the Police Department does recognize that the community has concerns about the sharing of information with Federal Law Enforcement Agencies, more specifically with ICE and U.S. Border Patrol.

As a result of input from various community leaders and residents, the Department is proposing to make the following changes to the ALPR program:

1. The Chula Vista Police Department will only share data with other California Law Enforcement Agencies that are also bound by SB54. No data will be shared with any Federal Agency.
2. The Department will continue to include the Police Department Community Advisory Committee (CAC) in the policy review process to hear their concerns and comments.
3. The Department will provide quarterly updates to the Human Relations Commission on the ALPR program.
4. The Police Department will participate in City-wide technology forum(s) covering the City's Smart City efforts to date and include an overview of the various technology program review and input of proposed policies prior to City Council consideration.
5. The Department proposes to address concerns about disparity in the ALPR deployment and the potential for over utilization in certain sectors of the community by exploring how the ALPR program could be implemented to provide equal distribution citywide. This could involve additional mobile platforms to ensure citywide coverage, and/or the installation of fixed platforms at strategic locations citywide, or a combination of both.
6. The Department will seek an independent review of the ALPR program. Chief Kennedy made a formal request to the California Department of Justice (CA DOJ) for an ALPR audit on April 8, 2021. The Chief of the Law Enforcement Division of the CA DOJ acknowledged the receipt of the request.
7. The Department will update its transparency and accountability web page with current information about the ALPR program. It will include an updated LEARN data sharing list verifying that only California agencies are being included. It will also include a list of the frequently asked questions and answers that have been raised by the community as part of this process to date.

The Police Department's ALPR system provides a valuable tool for our officers to solve crimes. The Department acknowledges the importance that active oversight and management have upon the program and will continue adjust the program as necessary. The Department began requiring command staff approval of all outside agency requests for ALPR data, allowing us to better control and manage our ALPR data in early 2020 and has made additional changes to its data sharing agreement as discussed in the March 23, 2021 staff report.

The Chula Vista Police Department is one of the most innovative and progressive agencies in the nation, and

is seen as a benchmark for pioneering, developing and implementing new technology into policing. Chula Vista is consistently one of the safest cities in the country due in large part to the positive working relationships enjoyed between the police department, other local agencies and the community.

Chula Vista police officers provide considerate, courteous and compassionate service every day. At this time, the Department recommends renewing the annual subscription with Vigilant which expires in May of 2021. Also, the Department recommends moving forward with the purchases of two additional ALPR systems that were approved by the City Council in July of 2020.

#### **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by City Council member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

#### **CURRENT-YEAR FISCAL IMPACT**

No current fiscal year impacts related to this report.

#### **ONGOING FISCAL IMPACT**

No on-going fiscal impacts anticipated at this time.

#### **ATTACHMENTS**

1. March 23, 2021, Automated License Plate Reader Program Staff Report
2. April 7, 2021 ALPR Community Forum Presentation
3. ALPR Questions and Answers
4. eComment/Written Communication related to ALPR

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