



CITY OF COMMERCE AGENDA REPORT

TO: Honorable City Council

Item No. _____

FROM: City Manager

SUBJECT: **PUBLIC HEARING** - Consideration and Approval of a Resolution of the City Council of the City of Commerce Establishing a Pilot Program to Operate an Automated License Plate Recognition System and Approving Said Policy; and Approving a Services and Terms of Engagement Agreement for the Related Installation of Surveillance Cameras and Equipment

MEETING DATE: September 1, 2020

RECOMMENDATION:

Consider and Approve a Resolution Establishing a Pilot Program to Operate an Automated License Plate Recognition System and Approving Said Policy; and Approving a Services and Terms of Engagement Agreement for the Related Installation of Surveillance Cameras and Equipment in the Intersection of Commerce Way and Washington Boulevard, in the City of Commerce

BACKGROUND:

City staff is proposing that the City of Commerce implement an Automated License Plate Recognition ("ALPR") System as a pilot program, by approving an ALPR System policy to assist law enforcement's and public safety's enforcement efforts to capture information related to the culprits of criminal and dangerous activity, including drivers and spectators who engage in street racing, by having the equipment and ability to read the license plates of vehicles engaged in criminal activity.

While the use of automated license plate scanning technology is widespread, the use of this system needs to be balanced with implementing and enforcing a policy to protect data collected and used for lawful purposes only. In 2017 alone, the City of Los Angeles conducted more than one million license plate scans per week. As a result, the California Supreme Court determined disclosure of information derived from automated license plate scanning technology involves a "significant" threat to privacy.¹ However, even before the California Supreme Court weighed in, the state legislature took action to oversee the collection of license plate information. Since 2016, state law regulates the collection,

¹ See [*American Civil Liberties Union Found. of Southern Calif. v. Sup.Ct. \(County of Los Angeles\)* \(2017\) 3 C5th 1032, 1044, 221 Cal. Rptr. 3d 832, 842.](#)

disclosure and use of ALPR information by imposing specified requirements on “ALPR” operators and end-users.

ANALYSIS:

The City of Commerce, pursuant to Civil Code Section 1798.90.55(a), will conduct a public hearing to consider City of Commerce’s intention to operate an Automated License Plate Recognition System (“ALPR System”), which is defined as “a means of a searchable computerized database resulting from the operation of one or more mobile or fixed cameras combined with computer algorithms to read and convert images of registration plates and the characters they contain into computer-readable data.” [Civil Code Section 1798.90.5]. For City Council’s consideration at this public hearing is the approval of a Resolution approving the operation of an ALPR system by adopting an ALPR System Privacy Policy, and the approval of a Services and Terms of Engagement Agreement with Sea Hawk Surveillance, Inc. for the installation of surveillance cameras and related equipment, to operate as a pilot program.

For the calendar year commencing on August 24, 2019 through August 24, 2020, there have been a reported 168 speeding/racing incidents in the City of Commerce. Many of these calls for service include intersection takeovers in which participants exhibit unsafe driving behavior by doing “donuts” as spectators look on. Enforcement has been challenging due to the sheer number of vehicles, anywhere between 10 to 200 at times, the limited amount of resources available to conduct enforcement, and the random dates and times these events occur. Accordingly, the operation of an ALPR system, adoption of an ALPR Privacy Policy, and by installing surveillance cameras, specifically at the intersection of Commerce Way and Washington Boulevard, on a temporary basis, will provide City staff and the Los Angeles County Sheriff Department with a necessary enforcement means to capture license plate images, even if the vehicles used for the underlying activities flee.

City staff met with representatives of Sea Hawk Surveillance Inc. and Avigilon to discuss the use of surveillance equipment. Los Angeles County Department Sargent Villareal also participated at one of the meetings. The attached Services and Terms of Engagement Agreement memorializes the surveillance-related equipment that would be installed at the intersection of Washington Boulevard and Commerce Way.

Because the City of Commerce contracts with the Los Angeles County Sheriff’s Department (“Sheriff”) for law enforcement services, City staff is proposing that the City adopt the Sheriff’s existing ALPR Privacy Policy as its own. Staff makes this recommendation since the County Sheriff’s ALPR Policy, amongst other things, is consistent with state law requirements, including, it places clear limits on surveillance, prevents the misuse of data by limiting when data can be used and who can access it, and limits data retention by keeping information only as long as it is necessary. Further, the attached Resolution would designate a trained City Manager designee to monitor the ALPR System, along with designated Sheriff Department Deputies who already service the City, during a proposed one (1) month trial basis period. The attached Services and Terms of Engagement Agreement proposes the equipment be provided by Sea Hawk Surveillance and Avigilon at no expense to the City of Commerce. If approved, as required by state law, the City will also post on its City website, (<http://www.ci.commerce.ca.us/>),

the Resolution incorporating and approving the ALPR System Privacy Policy, which will also be posted.

After the trial period, City staff will report back to the City Council with the results of the temporary implementation and operation of an ALPR System and corresponding surveillance cameras, and provide information and potential recommendation(s), including whether a permanent ALPR System, Privacy Policy and corresponding surveillance system should be adopted and implemented.

FISCAL IMPACT:

None.

ALTERNATIVES:

1. Approve staff's recommendation;
2. Make amendments to staff's recommendation;
3. Decline staff's recommendation;
4. Provide alternative and/or further direction.

Prepared by:	Vilko Domic, Assistant City Manager Norma Copado, Assistant City Attorney
Approved as to form:	Noel Tapia, City Attorney
Respectfully submitted:	Vilko Domic, Assistant City Manager
Recommended by:	Edgar P. Cisneros, City Manager

ATTACHMENTS:

Resolution
ALPR Privacy Policy
[Draft] Agreement