



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Sheriff
Department No.: 032
For Agenda Of: August 16, 2022
Placement: Departmental
Estimated Tme: 1 hour
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Bill Brown, Sheriff (805-681-4290)
Director(s)
Contact Info: Craig Bonner, Chief Deputy (805-681-4080)
SUBJECT: Sheriff's Office Participation in National Policing Institute Automated License Plate Reader (ALPR) Study and Operation of ALPR Technology

County Counsel Concurrence

As to form: Yes

Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Receive and file a presentation regarding the proposed participation of the Sheriff's Office in the National Policing Institute's Automated License Plate Reader (ALPR) study and the operation of ALPR technology by the Sheriff's Office within Santa Barbara County;
b) Consistent with the requirements of California Civil Code §1798.90.55(a), during a regularly scheduled meeting of the Board, provide members of the public and the Board with an opportunity to comment upon and provide suggestions relating to the Sheriff's Office's:
i. Participation in the National Policing Institute's study on the effectiveness of Automated License Plate Reader technology;
ii. Operation of Automated License Plate Reader technology within Santa Barbara County, to include policies, procedures, privacy concerns and transparency toward concerned community members and policy makers;
c) Approve, ratify and authorize the Sheriff or his designee to execute the Services Agreement and Amendment with Flock Group, Inc.; and
d) Determine that under California Environmental Quality Act (CEQA) Guidelines section 15378(b)(5) the above actions are not subject to CEQA review because they are

Auditor-Controller Concurrence

As to form: No

administrative activities that will not result in direct or indirect physical changes in the environment; determine that the proposed project is exempt under CEQA Guidelines pursuant to section 15301, Existing Facilities, and section 15303, New Construction, because the project will either result in a minor alteration to a public structure involving negligible or no expansion of existing structures or involve the construction and location of new, small facilities; and direct staff to file the attached Notice of Exemption.

Summary Text:

The Santa Barbara County Sheriff's Office (SBSO) intends to participate in a National Policing Institute (formerly the National Police Foundation) study evaluating the effectiveness of Automated License Plate Reader (ALPR) technology. ALPR technology captures images of license plates and vehicles at specific locations, potentially providing investigators with leads relating to vehicles that were in the area of a crime, or by helping investigators locate a vehicle associated with an active investigation or arrest warrant.

To implement the ALPR system, SBSO will enter into an agreement with Flock Group for the installation and operation of ALPR devices within the County. During the course of the Sheriff's Office's participation within the study, twenty-five (25) stationary ALPR devices will be installed and operated at locations within Santa Barbara County. The cost of the ALPR equipment, installation and monitoring are being funded by Axon and Flock Safety, provided that the Sheriff's Office participates within the one-year National Policing Institute (formerly the National Police Foundation) study. The County and the Sheriff's Office are not anticipated to incur any unbudgeted costs associated with our participation in the study and/ or the operation of the ALPR technology during the one-year period of study.

Senate Bill 34 and Civil Code §1798.90.55(a) require any public agency that intends to operate an Automated License Plate Reader (ALPR) system to provide an opportunity for public comment at a regularly scheduled public meeting of the governing body of the public agency before implementing the program. In accordance with Civil Code section 1798.90.51, SBSO will implement a usage and privacy policy that will balance personal privacy concerns and public safety.

Background:

As a result of Sheriff Brown's participation in the Major County Sheriff's Association, Santa Barbara County was offered the opportunity to participate in a study of the effectiveness of fixed position ALPR technology at no-cost to the County. The study is being conducted by the National Policing Institute and is funded by Axon Industries, in conjunction with Flock Group. The study is being led by Travis Taniguchi, PhD. and Hannah Wu, PhD., and seeks to expand the understanding of the public safety benefits of fixed position ALPR systems, focusing on improvements to the quality, speed and closure rate of criminal investigations and the creation of pathways for transparency within jurisdictions that utilize ALPR systems. The study will not be looking at the data collected by ALPR devices in SBC (they will not have access to our license plate data), but rather our organizational usage of the system and impacts into our ability to effectively investigate crimes that occur within and through SBC, none of which contains personal or identifying information. More information can be obtained here: <https://www.policinginstitute.org/projects/a-multi-site-evaluation-of-automated-license-plate-readers/>.

Through the agreement with Flock, Flock Group will install, monitor and maintain (25) fixed position ALPR cameras at mutually agreed upon locations in Santa Barbara County for a period of one year in return for participating within the study. Although Flock Group operates the electronic back end of the ALPR system that will be utilized during this study, the SBSO retains ownership of all ALPR data that is collected and retained during the study. The County is not anticipated to incur any unbudgeted costs during this one-year period. If we decide to discontinue the use of the ALPRs at the end of the study, Flock Group will remove the cameras, their services will cease, and the County will not incur future costs.

ALPR systems combine digital cameras, computers and software to log the presence of a license plate/car at a specific location, at a specific date and time. ALPR systems do not include facial recognition or the ability to locate or document the presence of specific people. ALPR systems are not a new technology and have proven their ability to help law enforcement effectively solve crimes by providing leads as to vehicles that were in the area of a crime when the crime occurred. Vehicles are oftentimes used by suspects when traveling to and from locations where they have committed a crime. Data from fixed position ALPR systems can greatly assist law enforcement investigators in identifying specific vehicles that went into or left the area where a crime has occurred. Through further investigation, detectives can identify person/s who were operating the vehicle of interest at the time in question. It is our intent that our use of the ALPR data will be focused on the investigation of significant crimes, wanted criminal suspects and reported missing persons. To ensure the appropriate use of ALPR data, access to the ALPR data by SBSO personnel will be strictly controlled (detectives and supervisors). Furthermore, our use of the ALPR data will be audited to include the date/ time, detective conducting the search and verifiable reason for conducting the search. Furthermore, SBSO does not intend to download or retain any ALPR data that is not specifically associated with a significant criminal investigation. All other ALPR data will be deleted by Flock after 30 days. Tri-County agencies such as Santa Maria PD, Oxnard PD, Ventura County Sheriff's Office and San Luis Obispo County Sheriff Office have been using ALPR systems and credit their use of ALPR technology for assisting their investigators in the timely and effective investigation of significant crimes that have occurred in their jurisdictions.

Our participation in this study will not include the use of mobile ALPR equipment and will not associate vehicles with specific properties (without further investigation). Given the limitation on the number of cameras that will be available (25) and other limitations on their placement, it is likely that we will install the cameras in such a manner as to capture overall entry/ exit into general areas of the County, focusing on areas most impacted by significant criminal activity including violent crime, high-value property crimes and rural crime. Per California law, ALPR data with identifying information will not be shared with any private entities or Federal and out-of-state agencies. As permitted under California law, SBSO may share our data with other Tri-County law enforcement agencies that utilize Flock services (e.g. Santa Maria PD) and other California law enforcement agencies upon specific request that meets our usage criteria.

To ensure transparency to our community, our ALPR policy and a link to the Flock transparency portal will be readily available via the Sheriff's Office website. We will participate in the Flock transparency portal, which will make our ALPR program/ usage readily available for public inspection, including: our policies and procedures, the number of cameras we are operating, our data retention policies, the number of searches conducted by SBSO personnel and audit documentation.

Both SBC County Counsel and Risk Management have reviewed the documentation/ agreement relating to our participation in the NPI ALPR study and all concerns related to our participation in the program and usage of an ALPR system have been addressed/ overcome.

Fiscal Impacts:

There are no fiscal impacts associated with the recommended actions within the current Fiscal Year. If the Sheriff's Office elects to continue operating an ALPR program at the conclusion of the 1-year NPI study, it will need to identify ongoing funding source/s amounting to approximately \$70,000 per year, in order to continue operating ALPR equipment and will need to enter into an ongoing contract with Flock (or a competitor).

Special Instructions:

Direct the Clerk of the Board to:

1. Send a copy of the Minute Order to the SBSO, attn: Chief Deputy Craig Bonner.
2. Post the CEQA Notice of Exemption in the Clerk of the Board office.

Key Contract Risks:

The Agreement with Flock Group contains provisions that require the County to indemnify the Flock Group. The Agreement also contains a limitation of liability provision that will cap the Flock Group's liability exposure.

Attachments:

Attachment A: Services Agreement incorporating the Government Agency Study Agreement; and Amendment

Attachment B: Proposed Sheriff's Office policy addressing Automated License Plate Reader (ALPR) technology

Attachment C: National Policing Institute (formerly National Police Foundation) Study informational document

Attachment D: PowerPoint Presentation

Attachment E: Notice of Exemption

Authored by: Craig Bonner, Chief Deputy