City of Mountain View

COUNCIL REPORT

DATE: May 28, 2024

CATEGORY: New Business

DEPT.: Police

TITLE: **Flock Public Safety Cameras**

RECOMMENDATION

1. Authorize the City Manager or designee to enter into a one-year agreement with Flock Safety for 24 Flock Safety Automated License Plate Recognition cameras for an amount not-to-exceed $96,800.

2. Authorize the City Manager or designee to renew or extend the agreement with Flock Safety in subsequent years without returning to Council.

3. Authorize the City Manager or designee to modify the agreement to change the number of Flock Safety Automated License Plate Recognition cameras and the location of the cameras within Mountain View as recommended by the Police Department.

4. Authorize the City Manager and Police Chief to adopt Police Department Policy 460, "Automated License Plate Readers" ("ALPRs").

BACKGROUND

Automated License Plate Recognition (ALPR) technology uses a combination of cameras and computer software to scan the license plates of passing vehicles. The cameras, which can be fixed (e.g., mounted on road signs or traffic lights) or mobile (i.e., mounted on a vehicle), capture computer-readable images that allow law enforcement to compare license plate numbers against plates of known stolen vehicles or vehicles associated with individuals wanted on criminal charges. When a match is found, a real-time alert is generated, notifying police of the location where the image of the stolen or wanted vehicle was captured. Investigators can also use the ALPR data to identify and locate associated vehicles after a crime has been committed.

Flock Safety (Flock) provides automated license plate reader cameras for public safety organizations and private citizens. Flock cameras are currently utilized in over 1,000 cities, 38 states, and over 500 police departments, including the Palo Alto, Milpitas, Los Gatos, Los Altos,

Santa Clara, Gilroy, San Jose, and Morgan Hill Police Departments, and the Santa Clara County Sheriff's Office. Additional comparative information is provided in the Discussion section below.

DISCUSSION

How the ALPR System Works

The ALPR cameras would be positioned on traffic or streetlight poles to capture the objective data available through an image of the rear of the vehicle only. This data is then compared with a national law enforcement Criminal Justice Information Services (CJIS) database to determine if the vehicle is stolen, associated with a missing person, or wanted as evidence in a serious felony investigation. When a match is made, the Flock ALPR system would immediately provide a mobile notification alert to the Mountain View Emergency Communications Center and to Officers working in their vehicles. The system captures still images only and does not capture streaming video or audio clips. The Flock ALPR system excludes sensitive facial recognition capabilities and only identifies information associated with license plates and vehicle identifiers. The ALPR cameras do not capture data or images of the occupant(s) of the vehicle.

Use of the ALPR system would follow Policy 460, Automated License Plate Readers (Attachment 1), which was developed after reviewing policies from other cities and in coordination with the Mountain View Police Department's (MVPD or Police Department) Professional Standards Unit, the City Manager's Office, and the City Attorney's Office. Implementation and use of the system will be overseen by the Special Operations Division Captain. Policy 460 addresses critical issues, such as data collection, data release, and data access as described later in this report.

Benefits of ALPR System

The use of ALPR technology provides several potential benefits:

- Real-Time Alerts: When a real-time ALPR alert notifies police of the presence of a wanted or stolen vehicle, officers can respond to the area to search for the vehicle. If officers locate the vehicle prior to making an enforcement stop, they visually confirm the plate number and manually check it against law enforcement databases to confirm the accuracy of the ALPR information and the legal justification for the stop.

- Deterrence: Even if officers are unable to locate and stop the vehicle in question, suspects may see the police response and be deterred from further criminal activity. The mere presence of the fixed ALPR cameras may act as a deterrent.

- Solving Crimes Already Committed: Commonly, by the time a crime is reported to police, the suspects have already fled the area, and it is the job of the police to identify and locate

the suspects at a later time. While victims and witnesses can often provide a description of the vehicle used by a suspect, those descriptions are frequently incomplete (e.g., a partial license plate number, vehicle type, and color only) or consist of a license plate number that corresponds to a stolen vehicle or a stolen plate. Investigators can turn that imperfect information into actionable leads by querying the ALPR database. Existing DMV databases do not offer this capability. In this way, ALPR data can help a police department solve crimes that might otherwise have gone unsolved without this tool.

- Regional Coordination: ALPR data sharing among local law enforcement partners allows agencies to collaboratively investigate, identify, and apprehend multi-jurisdictional offenders, or those who commit crimes in one jurisdiction but reside in another. For example, in the case of organized retail thieves, ALPR data sharing may allow investigators to connect multiple cases across different jurisdictions, share evidence, and obtain the best prosecutorial outcomes.

- Expanded Searchable Dataset: Private entities (e.g., shopping centers, individual retailers) utilizing ALPR cameras can share their data with local law enforcement to include real-time alerts. This is a one-way flow of information sharing. In other words, an entity that shares its ALPR data with law enforcement does not gain access to law enforcement data in return. The investigative usefulness of an ALPR system is greatly enhanced as the searchable dataset increases, whether from other law enforcement contributors or private entities.

ALPR Camera Placement

The proposed new program would include 24 cameras positioned throughout the City at key ingress and egress locations selected to provide overall safety to the City and not a specific neighborhood. These locations, highlighted in Figure 1, were identified by staff and the Flock deployment team as significant thoroughfares and intersections that provide the optimum effectiveness in capturing ALPR data from the public right-of-way. By directing the focus on primary routes for entering and leaving the City, staff believes the locations provide the best balance of resource management and community safety.

Figure 1: Proposed Locations for 24-Camera Deployment

Data Collection, Release, and Access

Data Collection

Any ALPR data that is not subject of an inquiry is stored by Flock for 30 days, after which the data is purged. This will apply to the vast majority of ALPR data that is collected. Any ALPR inquiries conducted by authorized MVPD personnel will be stored for one year per Government Code § 34090.6. ALPR data used in police investigations may be retained for longer, adhering to evidence retention requirements. Information gathered or collected and records retained by Flock ALPR cameras, or any other MVPD ALPR system, will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes.

Releasing ALPR Data

ALPR data may be shared with other California-based law enforcement or prosecutorial agencies for official law enforcement purposes, or as permitted by law, by making a formal written request

that includes the agency requesting the information, the person requesting on behalf of the agency, and the intended purpose of the request. Each request must be reviewed by the Special Operations Division Captain or designee and approved before the request is fulfilled. All requests are retained on file.

The Police Chief or authorized designee will consider the California Values Act (Government Code § 7282.5; Government Code § 7284.2, *et seq*.) before approving the access to ALPR data. The MVPD does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for the purpose of federal immigration enforcement. Consistent with California state law, information will not be shared with out-of-state law enforcement agencies or used for out-of-state abortion investigations.

Data Access

ALPR data will only be accessible to trained staff with a legitimate law enforcement need, and all queries will be logged and subject to audit. If approved, the MVPD would conduct a twice-yearly Flock audit, which would be included in the MVPD's twice-yearly report on MVPD performance and feedback data to the Public Safety Advisory Board (PSAB). This audit would include the review of outside agencies' use of MVPD Flock data.

Mountain View Flock Transparency Portal

Upon deployment of Flock ALPR cameras in the City, a City of Mountain View Flock Transparency page will be established for public access. This page will provide pertinent information, including our 30-day retention period, the quantity of cameras utilized by the City, external law enforcement organizations granted access, the tally of vehicles detected within the past 30 days, the tally of hot-list hits (stolen vehicles, etc.) within the same time frame, and the number of searches of ALPR data conducted by approved City staff.

Use of ALPR in Neighboring Cities

The use of ALPR systems is common in Santa Clara County, as shown in Table 1 below. All but two cities have deployed the system.

Table 1: Flock Safety ALPR Cameras by City in Santa Clara County

City	Camera Count
Campbell	39
Cupertino	0
Gilroy	39
Los Altos	15
Los Altos Hills	40

City	Camera Count
Los Gatos/Monte Sereno	17
Milpitas	35
Morgan Hill	50
Mountain View	**24 (proposed)**
Palo Alto	20
San Jose	450
Santa Clara	12
Saratoga	49
Sunnyvale	0

The City of Mountain View has a footprint of approximately 12.27 square miles and a population of 83,500. Two comparable cities—Morgan Hill and Milpitas—were identified, both of which have Flock ALPR cameras. As shown in Table 2 below, Morgan Hill has a footprint of 12.9 square miles and a population of 45,342. Milpitas has a footprint of 13.6 square miles and a population of 79,066. The City of Morgan Hill currently has 50 Flock ALPR cameras on their public roadways and four privately owned Flock ALPR cameras that their police department has access to. The City of Milpitas currently has 35 Flock ALPR cameras on their public roadways and six privately owned Flock ALPR cameras that their police department has access to.

Table 2: Comparable Cities with ALPR Cameras

City	Footprint (square miles)	Population (2021)	Flock Safety ALPR Cameras (Public)	Flock Safety ALPR Cameras (Private)
Milpitas	13.6	79,066	35	6
Morgan Hill	12.9	45,342	50	4
Mountain View	12.27	83,500	24 (Proposed)	0

The City of Morgan Hill has a Flock transparency portal, which gives data related to the effectiveness of Flock ALPR cameras. In the 17-month period between August 2021 and December 2022, the following outcomes were directly related to Flock ALPR cameras:

- 178 arrests
- 634 criminal offenses charged

The City of Milpitas does not have a Flock transparency portal, but staff was able to obtain data from their Special Operations Division Captain regarding the effectiveness of Flock ALPR cameras.

In the 12-month period between September 2020 and August 2021, the following outcomes were directly related to Flock ALPR cameras:

- 90 arrests
- 717 stolen vehicle alerts
- 212 felony vehicle alerts

Examples of ALPR-Supported Investigations in Other Cities

San Mateo Police Department

On October 2020, the San Mateo Police Department (SMPD) responded to a home invasion robbery involving three suspects who broke into a 97-year-old woman's home. The suspects held the woman at gunpoint, took the woman's Life Alert, and robbed her of jewelry and valuables. When the suspects fled the scene, they drove past a Flock camera, which ultimately led to the identification of the suspect vehicle and registered owners. Without ALPR, SMPD officers would likely not have had any leads to investigate.

San Bruno Police Department

In January 2022, the San Bruno Police Department (SBPD) investigated two robberies at a jewelry store. SBPD identified the suspect vehicle from Flock ALPR data. The suspect license plate was placed on a custom hot list, and SBPD was alerted when the vehicle returned. Officers located the vehicle and prevented what potentially was another attempt to commit a serious crime.

Campbell Police Department

In March 2023, the Campbell Police Department responded to a report of a shooting at the intersection of East Hamilton Avenue and Creekside Way, where a subject inside of a vehicle was killed. Flock ALPR data captured the suspect vehicle, which led to the arrest of two suspects who are facing murder charges.

Morgan Hill Police Department

In April 2023, the Morgan Hill Police Department (MHPD) responded to a report of multiple gunshots fired in the downtown area of Morgan Hill. Witnesses reported a gold Honda as being involved. An MHPD dispatcher quickly identified the suspect vehicle and plate number from ALPR data obtained from Flock cameras. The dispatcher learned the suspect vehicle was captured by a Flock camera near a hospital in a neighboring jurisdiction. A call from the hospital staff reported a gunshot wound victim had just been dropped off, corroborating the Flock data match. Based

on the quick identification of the suspect vehicle, officers had time to arrive at the suspect's residence and intercept the vehicle when returning home. Officers noticed a second vehicle may have been associated and was running interference for the first vehicle. Utilizing ALPR data, officers learned the second vehicle had been traveling with the first vehicle for most of that day. The dispatchers warned officers that the second vehicle was driving toward them so they could be prepared. As a result, officers safely conducted a stop and made a second arrest. MHPD's use of Flock technology led to the resolution of a serious crime in just under 90 minutes. The quick identification and arrest of the suspects prevented more serious crimes from occurring and may have saved the lives of residents and officers involved.

Hollister Police Department

In December 2023, the Hollister Police Department investigated a shooting involving a suspect or suspects firing several rounds from a handgun at another vehicle. At the time, Flock cameras were still being installed throughout the city; however, the camera near the crime scene had recently become operational. Utilizing ALPR data obtained from the operational Flock camera, the Hollister Police Department was able to identify the suspect vehicle involved in the shooting. The Flock cameras provided immediate success as an arrest of the suspect was made for the shooting.

Summary of Input from April 25, 2024 Public Safety Advisory Board Meeting

Staff presented the proposed use of ALPR cameras at the April 25, 2024 meeting of the PSAB. The PSAB asked questions of staff, and both the PSAB and the public provided input on the MVPD's use of Flock cameras. In general, the PSAB members spoke positively about the technology, recognizing its potential benefits for community safety, provided there are safeguards against misuse. Questions were raised about the technical aspects of the system, including camera installation, maintenance, and alternatives to Flock. Additionally, PSAB members asked how Flock alerts are received and confirmed by MVPD staff and emphasized the importance of data security.

One Board member expressed significant privacy concerns, particularly about the potential for creating a comprehensive database of residents' movements and access to this data by other law enforcement agencies. The Board member stressed the need for transparent and strictly regulated data use and safeguards on sharing information with other agencies. The Board member requested the MVPD's Flock program be included in the twice-yearly report to PSAB on MVPD performance and feedback data.

Two members of the public shared comments virtually. One expressed concern that fear was the motivator for adopting Flock cameras and asserted the allocation of funds for Flock cameras would be better used for mental health services. The other member of the public spoke on behalf of the Mountain View Coalition for Police Reform and Accountability and indicated they

appreciated considerations made to avoid capturing personal identifiers and the prohibition of Flock from use with immigration enforcement and the limited time of data storage. They expressed the need for digital security measures to prevent image manipulation.

Next Steps

If the City Council approves the City Manager's entry into an agreement with Flock, staff estimates the installation and set-up process would be completed within eight weeks of the contract being finalized. Associated department training and policy implementation can also be accomplished during this time frame as well as the creation of a Mountain View Flock transparency page.

During this one-year trial period, the Police Department will assess the effectiveness of the Flock ALPR system as well as the placement of cameras. This assessment will seek to identify the incidences in which ALPR data was available to and successfully utilized by MVPD staff to support positive public safety outcomes, such as locating missing persons, solving criminal investigations, and recovering stolen vehicles. Based on these criteria, the MVPD will assess the location and number of ALPR cameras for possible relocation, expansion, or reduction.

FISCAL IMPACT

The annual cost for 24 Flock cameras, with implementation fees, is $96,800 for the first year. Should the City choose to continue with the Flock ALPR system after this one-year period, the projected cost would decrease to an annual projected cost of $80,000 per year.

Due to their wireless nature and use of integrated cellular communication, the cameras do not rely on any existing City internet or WiFi infrastructure to be deployed, thus reducing the need for City staff to maintain and/or support the deployed cameras. As part of the agreement, Flock would provide maintenance and repairs to cameras, if needed.

In the Fiscal Year 2023-24 Adopted Budget, Council approved $79,500 in Capital Outlay funding toward this project. Subsequently, the Police Department has procured a quotation from the vendor, which surpasses the original quotation by $17,300. This increase is attributed to inflationary adjustments and the decision to incorporate four long-range cameras. The Police Department has salary savings sufficient to cover this unanticipated increase. Therefore, no additional appropriation is requested at this time.

CONCLUSION

Flock ALPR cameras in Mountain View will direct Police Department resources to emerging public safety needs as they are transpiring and assisting in resolving crimes, including other public safety needs that have already occurred. Staff is recommending a one-year lease agreement for 24

Flock ALPR cameras. All but two cities in Santa Clara County have deployed ALPR systems. Use of the ALPR system in Mountain View will follow Policy 460, Automated License Plate Readers, to ensure appropriate training, use, and accountability as overseen by the Special Operations Division Captain.

ALTERNATIVES

1. Do not direct the City Manager to enter into a contract with Flock Safety and decline the increase in appropriations request.

2. Direct staff to assess different camera quantities and locations.

3. Provide other direction.

PUBLIC NOTICING—Agenda posting.

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Attachment: 1. Policy 460, MVPD Automated License Plate Readers