RESOLUTION NO.

WHEREAS, license plate readers gather objective and unbiased facts about vehicles; and

WHEREAS, license plate reader technology focuses solely on extracting empirical data, primarily the license plate numbers which Texas state law requires to be affixed to every vehicle; and

WHEREAS, license plate readers only record the vehicle make, model, and license plate number of a vehicle; and

WHEREAS, license plate readers are not a "live camera" and cannot be used for surveillance, traffic enforcement, or any other purpose; and

WHEREAS, these cameras do not capture images of vehicle drivers; and

WHEREAS, maintaining the privacy of the data collected through license plate readers is paramount; and

WHEREAS, the license plate readers historically used by the Austin Police Department are categorically objective and cannot collect information in ways that discriminate against any resident in the City; and

WHEREAS, the use of license plate readers assists police departments across the country by increasing their investigative efficacy while reducing unnecessary delays in pursuing leads; and

WHEREAS, camera data helps solve crimes when crimes occur; and

WHEREAS, license plate readers previously helped the Austin Police Department locate stolen or wanted vehicles, vehicles connected to AMBER Alerts, Silver Alerts, missing person reports, abductions reports, and vehicles connected to other crimes; and

WHEREAS, the use of license plate readers bolsters the capability of local law enforcement to act and apprehend criminals swiftly, leading to the deterrence of crimes; and

WHEREAS, re-introducing license plate readers to the Austin Police Department will help reduce crime, will prevent residents and visitors to the City from being victimized, particularly from car and property thefts, and will lead to deterrence of crime; and

WHEREAS, license plate readers can notify Austin Police Department officers within seconds that a license plate has passed within the device's range, allowing Austin Police Department officers to take immediate action in furtherance of public safety;

WHEREAS, the Texas Penal Code creates a criminal offense for an officer or other public servant who intentionally or knowingly misuses information from the license plate reader with the intent of obtaining a benefit, harming, defrauding, oppressing another person, or disclosing the information for a nongovernmental purpose that has not otherwise been made public.

WHEREAS, the Austin Police Department's General Orders include rules on the Security and Release of Records and Information, General Conduct and Responsibilities, Racial or Biased Profiling, Responsibility to the Community, and other orders to ensure officers keep private or confidential information secure, know and comply with laws, do not engage in racial or biased profiling, perform their services in an impartial and equitable manner, and provide equal and fair protection of all rights under local, state, and federal law for all members of the community; and

WHEREAS, a violation of General Orders provides cause to discipline a police officer under Section 143.052 of the Texas Local Government Code and Rule 10 of the Rules of Procedure for the Firefighters', Police Officers' and Emergency Medical Service Personnel's Civil Service Commission; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
The City Council directs the City Manager to identify funding in the amount of $114,775.00 that can be used for the license reader program in the Fiscal Year 2021-2022 budget and return with any actions that are necessary for Council to authorize this expenditure.

BE IT FURTHER RESOLVED:
Council directs the City Manager to include authorization for continuation of the license reader program for Council consideration during the upcoming budget adoption for Fiscal Year 2022-2023.

BE IT FURTHER RESOLVED:
The City Council directs the City Manager to re-evaluate the Austin Police Department's former policy and/or procedure on license plate readers; work with the Office of Police Oversight and coordinate a minimum of two community input sessions related to the policy; and take appropriate steps to ensure the policy and/or procedure includes, but is not limited to, the following:

1. Data collected by the license plate reader program will be kept for a maximum of 3 minutes and destroyed thereafter. "Destroyed" refers to a process which renders the collected data permanently and irreversibly inaccessible by any person, system, or agency. License plate reader data that is related to a felony criminal case or investigation, a stolen vehicle, or a missing or endangered person may be stored in a criminal case folder for longer periods as needed. One year from the passage of this Resolution, the Austin Police Department will return to Council to provide an evaluation of the 3-minute data retention policy and its effectiveness.

2. Data sharing will only occur on a case-by-case basis with a law enforcement agency for investigating and/or prosecuting felony criminal activity, a stolen vehicle, or a missing or endangered person unless a circumstance arises where the City is required by state or federal law to share the information at the request of a state or federal agency for another law enforcement purpose.

3. Annual training of all Austin Police Department personnel will be conducted on the policies and restrictions concerning license plate reader camera use and data, including how to properly respond to requests for data from other law enforcement agencies.

4. An annual audit and review on license plate reader data and program will be conducted by the Office of Police Oversight, and to the extent allowed by the law, information obtained by the audit and review will be shared with the Public Safety Committee. Except for law enforcement sensitive information and information considered to be

confidential by law, either constitutionally, statutorily, or by judicial decision, the audit and review will be posted on the City's website for the public to view.

5. The City Manager will post the Austin Police Department's usage and privacy policy regarding license plate readers on the City's website.

6. No person will be the subject of police action solely because of actual or perceived race, color, religion, creed, sex, gender, gender identity, sexual orientation, age, national origin, ethnicity, disability, veteran status, marital status, partnership status, political affiliation or beliefs, and, to the extent permitted by law, alienage or citizenship status, when license plate reader data is used.

7. The license plate reader data collected by the Austin Police Department will not be used for the purpose of collecting traffic fines, warrant roundups, or any other similar purpose of generating revenue for collecting money owed by the public.

8. License plate reader devices shall only be used for the purpose of identifying:
   1. Stolen vehicles;
   2. Vehicles associated with felony crimes;
   3. Vehicles associated with missing or endangered persons;

9. License plate readers shall be installed for the sole purpose of recording and checking license plates and shall not be capable of photographing or recording or producing images of the occupants of a motor vehicle.

10. All inquiries of license plate reader records shall be recorded for purposes of an audit trail and maintained by the Austin Police Department.

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to ensure the Austin Police Department Chief takes appropriate steps to implement changes to the former policy and/or procedure and restore the Austin Police Department's license plate reader program by October 1, 2022, if funding is appropriated by Council for this purpose.