April 20, 2023

Questions and Answers Report

Mayor Kirk Watson
Council Member Natasha Harper-Madison, District 1
Council Member Vanessa Fuentes, District 2
Council Member José Velásquez, District 3
Council Member Josè "Chito" Vela, District 4
Council Member Ryan Alter, District 5
Council Member Mackenzie Kelly, District 6
Council Member Leslie Pool, District 7
Mayor Pro Tem Paige Ellis, District 8
Council Member Zohaib "Zo" Qadri, District 9
Council Member Alison Alter, District 10

QUESTIONS FROM COUNCIL

Item #9: Authorize an amendment to a contract for construction services for the Barbara Jordan Terminal Optimization project with Hensel Phelps Construction Co., to increase the amount by $89,000,000 for a revised total contract amount not to exceed $135,000,000. [Note: This amendment will be awarded in compliance with 49 CFR Part 26 (Disadvantaged Business Enterprise Procurement Program) and City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program). Current participation to date is 0.00% DBE].
COUNCIL MEMBER VELA'S OFFICE

1. *How are current and future construction projects at the airport taking into consideration the possibility of the Light Rail connection to the airport?*
   Light rail is included in Airport Expansion & Development Plan.

2. *What are the better builder program requirements for current and future airport construction projects? Are there construction projects at the airport that are exempt from fulfilling better building program requirements?*
   The Building Better Program itself is not a specific requirement in city contracts. All city construction contracts have the elements of the Better Building Program (BBP) in them.

Item #10: Authorize negotiation and execution of a contract for license plate reader camera systems and services with Insight Public Sector, Inc., for up to five years for a total contract amount not to exceed $1,090,000. [Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program). For the services required for this procurement, there were no certified M/WBEs; therefore, no subcontracting goals were established].
COUNCIL MEMBER FUENTES'S OFFICE

1. *Please provide the updated license plate reader policy as outlined in the previously passed resolution.*
   Please see the attached document.
2. *Given that item 10 will be postponed, does it make sense to align these items (Item 10 and Item 16)?*
   Item 16 is regarding the purchase of Axon Fleet 3 in-car video camera systems. The cameras will be used to replace end-of-life Panasonic DMAV systems, but will also be installed in new vehicles the department receives from time to time. As those units arrive at APD, the department must have an in-car camera system in them to make them "patrol ready." If this ratification is delayed APD runs the risk of not having needed

equipment and a ready fleet. Also, the department runs the risk of substantial cost increases if this item is postponed.

Item 10 is regarding the Automatic License Plate Readers (ALPR). This item will not be affected by pushing to a later date.

For these reasons, item 16 needs to proceed while item 10 can be postponed.

Item #10: Authorize negotiation and execution of a contract for license plate reader camera systems and services with Insight Public Sector, Inc., for up to five years for a total contract amount not to exceed $1,090,000. [Note: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program). For the services required for this procurement, there were no certified M/WBEs; therefore, no subcontracting goals were established].
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1. *What are the differences between the products and services to be purchased in the contract with Insight Public Sector, Inc., under Item 10 and the products and services to be purchased in the contract with Axon Enterprise, Inc. under Item 16?*
   > Item 16 (Axon Fleet 3) is a dashcam upgrade which is needed to replace outdated dashcams in patrol vehicles. One of the optional features with Fleet 3 is the ability to use the dashcam as a License Plate Reader (LPR) system and integrate the data with third party vendors in one storage location. The approval of Item 16 is independent of the LPR contract and no LPR function will be utilized with Fleet 3 unless and until the contract is approved.

   > Item 10 (Insight Public Sector/Flock) is to approve a contract APD identified as offering the best product for Austin's LPR needs (Flock). In addition to offering the immediate deployment of 40 permanently located cameras, APD will store the Flock data in evidence.com which will meet retention requirements set forth by state law and city code. The immediate deployment of 40 permanent cameras throughout the city on major thoroughfares offers an immediate ability to utilize the LPR system.

2. *Are the products and services under Items 10 and 16 intended to work together? If so, please provide a basic explanation for how the technology is designed to work.*
   > The products and services are capable of working together. Once the optional LPR capability in Fleet 3 is turned on, it will feed data into the same system Flock feeds into and make it available to investigators so that they have a better chance of solving crime with more license plates.

Item #17: Authorize negotiation and execution of an amendment to the Fiscal Year 2022-2023 Service Agreement with the Austin Housing Finance Corporation by increasing funding to the Austin Transit

Partnership Grant Fund by $34,000,000, the 2022 General Obligation Bond Fund by $45,000,000, and the Housing Trust Fund by $920,000 for a total contract amount not to exceed $114,807,251.
COUNCIL MEMBER FUENTES'S OFFICE

1. *Please provide an update on how much funding currently exists in Renter Assistance, Homebuyer Assistance, and GO Repair program.*
    Currently, the AHFC Capital Budget includes $14,105,986 for Rental Housing Development Assistance and $1,210,306 for Homeowner Assistance. In addition, the GO Repair program currently has $10,362,924.10 remaining.

Council Question and Answer

Related To	Item #9	Meeting Date	April 20, 2023

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Council Question and Answer

Related To	Item #10	Meeting Date	April 20, 2023

<div align="center">Additional Answer Information</div>

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Policy Revision Request

Requestor Name Jerry Cantu   Emp # 6111

This revision applies to   New Policy   04-06-23

    If new, recommended section 344

This revision is necessary to comply with   City Ordinance (attach)

Whom does this revision affect?   Department

This revision has an unbudgeted financial impact of $ 0

Brief reason for the revision:
City Council is re-introducing the Department's Automatic License Plate Readers (ALPR).

ALPR data gives automated detailed live intelligence to Department personnel to efficiently keep the citizens safe.

This General Order covers requirements by their resolution.
344 Automatic License Plate Reader COA Resolution

Document the changes or additions to the policy below. Please include the specific policy number. ~~Red strikethroughs~~ **are used for deletions and** blue underlined **for text insertions. Please email completed forms to APDPolicy@austintexas.gov. Use this email for any related questions or issues for policy.**

344 Automatic License Plate Reader (ALPR)

344.1 PURPOSE AND SCOPE
To provide rules and guidance for capturing, storing, and using digital data obtained through Automatic License Plate Reader systems.

344.2 DEFINITIONS
(a) **AUTOMATED LICENSE PLATE READER (ALPR) –** A camera system that automatically photographs and stores license plate numbers, date, time, and location information. ALPRs may be permanently fixed, portable trailer-mounted, or vehicle-mounted.

(b) **CHIEF SECURITY OFFICER –** Responsible for receiving daily alerts on login attempts, limiting access to the license plate database for only permissible use, and/or regularly monitoring access to data stored under this General Order.

(c) **HOT LIST -** A cross-reference from vehicle license plate scans with information associated with vehicles of interest. This list includes but is not limited to license plates listed as stolen, B.O.L.O., SILVER and AMBER alerts, or wanted individuals with a Class A offense or greater warrant.

344.3 PROCEDURE

344.3.1 MANAGEMENT OF ALPR
(a) The Auto Theft Interdiction Unit will manage the ALPR program.
   1. The Chief Security Officer is the Sergeant of the Auto Theft Unit.
(b) Operators encountering problems with ALPR equipment or programs will submit a help ticket.

344.3.2 ASSIGNMENT, USE, AND LOCATIONS OF ALPR SYSTEMS
(a) Real time Crime Center (RTCC) personnel will monitor all ALPR systems. All RTCC personnel will receive training in using and interpreting ALPR systems.
   1. The Department will either dispatch alerts received, generally broadcast (GB) them, or notify patrol.
(b) An ALPR alert alone, including an alert sent by RTCC, does not create reasonable suspicion to justify a traffic stop or the detention of an individual. Before making a stop or detention, the officer will:
   1. Make a visual confirmation that the license plate actually matches the information captured by the ALPR and reported in the last alert.
   2. Confirm the license plate information with the National and Texas Crime Information Centers (NCIC/TCIC).
   3. In the absence of exigent circumstances and if it is safe and reasonable under the circumstances, a second officer will verify that the license plate matches the hit before officers take enforcement action.
      (a) Investigators conducting follow-up investigations shall always use a second officer to verify the license plate match before taking any action.
   4. Officers conducting a traffic stop based on a confirmed ALPR alert should consider the level of risk associated with the nature of the offense and ensure that their response complies with all applicable laws and General Orders.
(c) The Chief Security Officer will work with the Police Technology Unit (PTU) and Research and Planning to ensure all permanent ALPR cameras are located at various points throughout the city to ensure the deployment of permanent ALPR cameras will not be placed in places more likely to target any group or segment of our community disproportionately.

344.4 SAFEGUARDS
(a) Prohibited use:
   1. When using ALPR systems, officers will not target any person based on their actual or perceived race, color, religion, creed, sex, gender, gender identity, sexual orientation, age, national origin, ethnicity, disability, veteran status, marital status, partnership status, pregnancy status, political affiliation or beliefs, and, to the extent permitted by law, alienage or citizenship status.
   2. Users will not employ ALPR systems to intimidate or harass any individual or group.
   3. Employees shall not obtain, attempt to obtain, or convert any data obtained with ALPR for their personal use or the unauthorized use of another person. Department personnel should only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this General Order.
   4. Unless there is a criminal nexus, officers will not use, retain, or transmit license plate reader data to investigate persons who are exercising their First Amendment right, including freedom of speech, assembly, association, and exercise of religion, such as attending political rallies, organizational meetings, public demonstrations, and religious gatherings.
   5. Operators will not use or operate ALPR systems for warrant round-up operations, operations focused on collecting past due traffic fines, Class C Misdemeanors, or any other similar purpose of generating revenue or collecting money owed by the public.
   6. Officers will not use ALPR systems for the purpose of conducting criminal investigations regarding a person's immigration status or access to reproductive health services, to the extent legally possible.

7. Any alleged misuse or inappropriate application of ALPR operations, information, data, or software will be investigated pursuant to GO 902 Administrative Investigations and subject to appropriate disciplinary action if the allegation is substantiated.

(b) If any officer or employee reasonably believes that another law enforcement agency has used or is using APD ALPR systems or data in a manner that violates the "Prohibited Uses" identified herein, the officer or employee will report that information to the Auto Theft Interdiction Unit Lieutenant. The Lieutenant will review the possible violation and determine if sharing ALPR data with the outside agency will continue.

(c) The Chief Security Officer shall oversee access to the ALPR database and will limit roles and access depending on the user's role and need for access. The Chief Security Officer shall closely coordinate with CTM to ensure the implementation of the best data security and storage practices for all ALPR data. APD will store all collected ALPR data on a designated ALPR server unless investigators retain and save the data for a criminal investigation.

(d) Server operators will purge ALPR data from the designated ALPR server 30 days after an ALPR collects it. The retention period for ALPR data will comply with state law. All logins and transactions are logged within the ALPR system and audited to ensure proper use and whether there is a criminal predicate.

(e) For ALPR data related to ongoing criminal investigations or criminal investigations that contain ALPR as evidence, investigators must download and record the relevant ALPR data into the case file.

(f) The Department shall retain all ALPR data related to a criminal investigation for a period consistent with the City of Austin's Records Management Ordinance, Chapter 2-11, and any applicable City Records Control Schedules and/or the State Local Government Retention Schedules.

(g) When an officer takes any action due to an ALPR alert, but it is later discovered that the action they took was against the wrong vehicle due to an error in data entry or interpretation of the license plate, the officer will email the incident details to their supervisor and Risk Management before the end of their shift. Risk Management will include this data in the next quarterly audit, per GO 344.6 Audit.

344.5 RELEASE OF DATA

(a) ALPR data shall not be distributed, sold, or transferred to any non-law enforcement entities.

(b) Data sharing with other law enforcement agencies will only occur for vehicles on the hot list due to locating missing or endangered persons or due to a documented ongoing criminal investigation.

(c) Requests for ALPR data shall be processed in accordance with Texas Government Code, Chapter 552, and General Order 116 (Security and Release of Records and Information). If required by law to share or disclose this data, APD will supply the requested information for a specific case or investigation only to the extent legally required.

(d) The Chief of Police, or a designee, will be promptly notified if a request for information is broader than a specific case or investigation. This notification will enable APD to fulfill its obligation to report that request to the Office of Police Oversight, Mayor, and Council prior to sharing any information.

344.6 AUDIT

The Risk Management Unit will conduct audits of the ALPR system. They will present the audit results to the Chief of Police or their designee, which may be public information as allowed by law. At minimum:

(a) The Risk Management Unit will perform a quarterly random audit of the system to ensure compliance with policies and procedures.

(b) This audit shall include, but is not limited to:
1. The number of license plates scanned.

2. The names of the lists against which captured plate data were checked, and the number of confirmed matches and the number of matches that, upon further investigation, did not correlate to an alert.
3. The number of matches that resulted in the arrest, prosecution, or location of a missing or endangered person.
4. The number of preservation requests received broken down by the number of requests by a governmental entity versus by a defendant.
5. The number of data sharing requests received, granted, and denied.
6. The number of data sharing requests resulting in arrest, prosecution, or the location of a missing or endangered person.
7. The number of manually-entered license plate numbers under Section 1, broken down by reason justifying the entry, and the number of confirmed matches and the number of matches that, upon further investigation, did not correlate to an alert.
8. Any changes in Austin Police Department policy that affect privacy concerns.
9. License plate hits, categorized by zip code and sector, and the type of camera that captured the data.
10. Data gathered during a detention that does not result in an investigation, per this order 344.4 (g).
(c) The Risk Management Unit will assist the City Auditor or an external party directed by the City Auditor with Audits.

344.7 TRAINING
(a) All personnel must complete annual training on the policies and restrictions regarding ALPR use, data handling, and processing requests for ALPR data. Among other topics, this training will cover:
1. Appropriate use and collection of ALPR data and emphasize the requirement to document the reason for the inquiry;
2. GO 344.4 Safeguards; and
3. Examples of negative consequences resulting from misuse.
(b) No employee shall access, use, view, or otherwise participate in the ALPR program unless and until the employee completes this annual training. Employees who have previously completed the training but fail to timely complete subsequent annual training shall have their access to ALPR systems revoked until they complete the required training.

Council Question and Answer

Related To	Item #10	Meeting Date	April 20, 2023

Additional Answer Information

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Council Question and Answer

| **Related To** | Item #17 | **Meeting Date** | April 20, 2023 |

Additional Answer Information

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