



## MEMORANDUM

**TO:** Mayor and Council Members

**THROUGH:** Bruce Mills, Interim Assistant City Manager *Bm*

**FROM:** Chief Joseph Chacon, Austin Police Department *JC*

**DATE:** April 17, 2023

**SUBJECT:** Staff Response: Resolution No. 20220915-056, License Plate Readers

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Council Resolution No. 20220915-056 established City Council support to reinstate the License Plate Reader (LPR) program with the Austin Police Department (APD). APD is committed to protecting and serving all members of the greater Austin community using a multitude of strategies and technologies. LPR programs assist police departments across the country by increasing their investigative efficacy while reducing delays in pursuing leads. LPR technology uses cameras to extract empirical data, primarily the license plate numbers that Texas state law requires to be affixed to every vehicle, to help solve crimes when they occur.

When used previously by APD, the LPR program successfully assisted in locating stolen or wanted vehicles, vehicles connected to AMBER Alerts, Silver Alerts, missing person reports, abduction reports, and vehicles connected to other crimes. APD is confident that re-introducing LPRs will assist in efforts to reduce and deter crime. LPR technology helps prevent residents and visitors to the City from being victimized, particularly from car and property thefts. APD has worked closely with the City Manager's Office and the Office of Police Oversight (OPO) to ensure that the LPR program meets all security requirements and expectations to manage and implement an effective community support and protection tool.

On April 20, 2023 Council will consider approval of a contract with an outside vendor to supply the ALPR product.

*Action Item #1: Re-evaluate the Austin Police Department's former policy and/or procedure on license plate readers; work with the Office of Police Oversight (OPO) 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 key safeguards outlined in the resolution.*

APD is committed to ensuring that the LPR program is positioned for success and operating in line with Council safeguards and the expectations of the community. At two recent input sessions (February 7 and 22), APD listened to the community and, in coordination with the OPO, shared LPR research and anticipated deployment outcomes. During the sessions, the public asked questions about the locations planned for deployment and the system's audit capabilities. Participants did not express concern regarding the use of this technology tool. Community input and discussion focused on selection of LPR locations and fair and equitable placement of cameras to avoid disparate outcomes with any segment of our community. Community input also focused on an expectation for robust audit capabilities.

In addition to the sessions, the Department received helpful suggestions from Joyce James Consulting and the OPO toward finalizing the LPR policy and procedures. The revised policy includes the full list of restrictions from the Council resolution and incorporates community input on camera placement and audit requirements.

LPR guiding documents clearly articulate:

- No person will be the subject of police action 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.
- Unless there is a criminal nexus, officers will not use license plate reader data for the purpose of investigating persons who are exercising their First Amendment rights, including freedom of speech, assembly, and exercise of religion, such as attending political rallies, public demonstrations, and religious gatherings.
- A license plate reader alert alone does not create reasonable suspicion to justify a traffic stop or the detention of an individual.
- 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 or collecting money owed by the public.
- APD will use best practice and data security.

APD has finalized a draft policy which is attached. Upon execution of the contract with the vendor this policy will become effective.

*Action Item #2: Ensure the Chief of Police takes appropriate steps to implement changes to the former policy and/or procedure and restore the Austin Police Department's license plate reader program promptly upon the completion and adoption of the new policy and/or procedure, if funding is appropriated by Council for this purpose.*

The Chief of Police is committed to changes to the former policy and procedures to ensure the success of the new LPR program.

*Action Item #3: Three months after implementation of the license plate reader program, the City Manager and the Chief of Police shall report updates to the City Council and its Public Safety Committee as well as the Public Safety Commission, if requested.*

Once the LPR program is implemented and in effect for three months, the Chief of Police will gather all necessary information and data points to report back to the City Council, the Council's Public Safety Committee, and the Public Safety Commission, if requested. APD will work directly with the City Manager for the distribution of key updates and findings that demonstrate the initial outcomes of the program.

*Action Item #4: City Auditor shall review or hire an external party to audit APD's license plate reader audit process and review the license plate reader data and program. This will be done with assistance from the Austin Police Department, and to the extent allowed by law, information obtained by the audit and review will be shared with the City Council's Public Safety Committee, the Office of Police Oversight, and the Public Safety Commission. 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. The audit shall be provided to the City Council by end of the pilot program (end of fiscal year 2023).*

The City Auditor confirmed that they will initiate a review and audit once the LPR program is launched. APD is committed to working closely with the City Auditor to support the completion of a full and comprehensive program audit.

*Action Item #5: The program's pilot will automatically cease at the end of fiscal year 2023, unless further extended by Council. Four months prior to the cease of the pilot program, the City Manager will present recommendations on the continuation of the program to Council during a work session, with action to be taken at the following Council meeting.*

Since the passage of the resolution in September, the APD Police Technology Unit (PTU) has been researching potential LPR vendors and seeking recommendations from subject matter experts. Flock Safety Automatic License Plate Readers emerged as the system that will meet the needs of our community. The proposed purchase (scheduled for Council action on April 20, 2023) was competitively bid under a government cooperative and, if approved, will allow for the placement of 40 permanent cameras at various points on major roads throughout the city.

Due to the complexities of gathering feedback and securing a contract, the pilot implementation will take time and will need to extend into the next fiscal year. APD is prepared to implement and manage the LPR program for the initial year-long pilot period with optional one-year extensions for up to five

years. The one-year pilot model is necessary due to procurement-related burdens and the need for continuity of programming.

cc: Jesús Garza, Interim City Manager  
Anne Morgan, City Attorney



# 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](mailto: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.