



CITY OF
**PALO
ALTO**

City Council Staff Report

From: City Manager
Report Type: CONSENT CALENDAR
Lead Department: Police

Meeting Date: April 15, 2024

Report #:2401-2504

TITLE

Approval of: (1) Contract No. 4524000393 with StarChase, LLC for GPS Vehicle Tracking Implementation for a three-year term in an amount not to exceed \$224,657; and (2) StarChase GPS Vehicle Tracking Technology Surveillance Use Policy; CEQA status – categorically exempt.

RECOMMENDATION

Staff recommends that the City Council:

1. Approve and authorize the City Manager to execute Contract No. 4524000393 (Attachment A) with StarChase LLC, for 3 years, not to exceed \$224,657 to implement GPS tracking technology; and
2. Approve the StarChase GPS Vehicle Tracking Technology Surveillance Use Policy to enable the use of GPS technology to track and apprehend wanted vehicles and suspects (Attachment B).

EXECUTIVE SUMMARY

This report contains a surveillance evaluation of StarChase GPS vehicle tracking technology, as required by PAMC section 2.30.620, describing the uses and benefits of fixed GPS vehicle tracking technology, associated privacy considerations and applicable law. Staff is recommending Council approve a three-year contract for the purchase, installation and support of GPS vehicle tracking devices which can be deployed from a patrol vehicle and affixed to a fleeing suspect vehicle, as well as a GPS vehicle tracking technology surveillance use policy. A suspect vehicle tagged with a GPS vehicle tracking device can be monitored remotely, enabling officers to identify a safer location for later contact and apprehension, as opposed to engaging in a vehicle pursuit. The use of GPS vehicle tracking technology provides several potential benefits, including reduced risk to the public and officers due to police pursuits, increased likelihood of suspect apprehension and recovery of stolen vehicles and property, crime deterrence, and improved regional police collaboration. This contract is entirely grant-funded by the State of California Board of State and Community Corrections (BSCC).

BACKGROUND

On December 4, 2023 the Council approved¹ the City's execution of a grant agreement with the State of California Board of State and Community Corrections (BSCC), pursuant to which the Police Department would receive State funds over a period of three years to be spent combatting organized retail theft and vehicle theft. The BSCC grant award included an allocation of funding to cover the purchase, installation and training costs associated with the deployment of StarChase GPS vehicle tracking technology. This staff report brings forward a contract with StarChase, LLC for the deployment of this technology, as well as the associated Surveillance Use Policy.

Global Positioning System (GPS) technology allows for an equipped device's geographic location to be ascertained and tracked remotely. Law enforcement already utilizes this technology to locate and recover stolen property equipped with GPS capability (e.g., vehicles, mobile telephones) or to which a GPS tag has been affixed (e.g., AirTags). The StarChase Guardian is a different application of the same technology. Using the device, an officer inside of a patrol vehicle can launch a small GPS tracking device using compressed air, affixing it via adhesive to the rear of a fleeing (or potentially-fleeing) suspect vehicle. Once deployed, instead of engaging in a potentially dangerous pursuit of the vehicle, the officer can remotely track the vehicle's location and identify a safer and more advantageous location to attempt contact and apprehension.

GPS vehicle tracking devices have existed for more than a decade but, prior to the StarChase Guardian, required manual installation on a stationary vehicle. StarChase is the only product on the market that enables a tracker to be remotely applied to a moving (or potentially moving) suspect vehicle.

ANALYSIS

The addition of GPS vehicle tracking technology will provide officers with a viable alternative to engaging in potentially dangerous vehicle pursuits of fleeing suspects and increase the chances of apprehending fleeing suspects and recovering stolen property. This technology is being used widely by many local police agencies to apprehend suspects, locate stolen vehicles, and solve crimes where a vehicle has been used.

This report recommends the Council approve the following:

- A three-year contract with StarChase, LLC (4524000393) for GPS vehicle tracking technology implementation, and
- StarChase GPS Vehicle Tracking Technology Surveillance Use Policy and Surveillance Evaluation

¹ City Council, December 4, 2023; Agenda Item #4; SR #2309-2066,

<https://portal.laserfiche.com/Portal/DocView.aspx?id=69071&repo=r-704298fc&searchid=cdf196f0-aa7d-44f9-936f-901e178e9868>

Three Year Contract with StarChase, LLC

The proposed three-year contract calls for StarChase, LLC to deliver and support twenty StarChase Guardian patrol-vehicle-mounted GPS launchers. StarChase, LLC will complete the installation and setup of four Guardian launcher units; the remaining sixteen units will be installed by the Police Department's existing fleet outfitting vendor. The proposed contract also calls for StarChase, LLC to provide the Department with introductory training and browser-based access to its StarChase data platform, and to securely store the Department's data for 30 days unless it is specifically identified as evidence in a specific criminal investigation.

An exemption to competitive solicitation was approved by the City Manager, pursuant to Palo Alto Municipal Code section 2.30.360 (d), allowing for a sole source purchase where there is no comparable competitive product except that provided by the equipment manufacturer. No other manufacturer produces a launcher that can be mounted onto a patrol vehicle and is capable of launching a GPS device from a moving patrol vehicle onto a moving suspect vehicle and provide real-time GPS tracking.

StarChase GPS Vehicle Tracking Technology Surveillance Use Policy

Palo Alto's Surveillance Technology ordinance (No. 5420), codified at PAMC § 2.30.620, *et seq.* sets criteria and procedures to protect personal privacy in the acquisition and use of surveillance technology, and provide for ongoing oversight. GPS vehicle tracking technology is "surveillance technology" as defined by the ordinance. The ordinance requires Council approval of the acquisition of new surveillance technology and of a Surveillance Use Policy specific to each new approved technology. In approving new surveillance technology, the Council must determine that its benefits outweigh the associated costs and concerns.

The ordinance sets forth specific elements that must be present in a Surveillance Use Policy, including limitations on access, use, and retention, as well as a description of compliance procedures. The Department has prepared and attached a Surveillance Use Policy, which addresses each of these elements.

In addition, prior to the approval by the Council of a new surveillance activity, the ordinance requires the completion of a Surveillance Evaluation, consisting of the five specific elements below.

Surveillance Evaluation

(1) A description of the surveillance technology, including how it works and what information it captures;

Global Positioning System (GPS) technology allows for an equipped device's geographic location to be ascertained and tracked remotely. The StarChase Guardian is a law enforcement application of GPS technology. The Guardian launcher is mounted to the front of a patrol vehicle

and activated via a small panel inside the cabin. The device uses compressed air to launch a small GPS tracking device (“tag”) toward a suspect vehicle which is fleeing or expected to flee. The tag affixes to the target vehicle via adhesive and begins transmitting a GPS signal, which can be tracked using StarChase’s browser-based platform. Once deployed, instead of engaging in a potentially dangerous pursuit of the vehicle, the officer can remotely track the vehicle’s location and identify a safer and more advantageous location to attempt contact and apprehension.

The tag does not capture any information other than the geographic location of the vehicle to which it is affixed.

(2) Information on the proposed purpose, use and benefits of the surveillance technology;

Purpose: Recent years have seen regional increases in catalytic converter thefts, auto burglaries, vehicle thefts and organized retail thefts. The community has also experienced several brazen robberies and residential burglaries. Those responsible for such crimes commonly use a vehicle to flee from the crime scene and frequently utilize a stolen vehicle, or a vehicle bearing stolen plates, which can frustrate efforts to identify and apprehend suspects who elude initial capture. Suspects commonly flee from police, forcing officers to choose between allowing a suspect to elude capture or engaging in a potentially dangerous vehicle pursuit. The StarChase Guardian system allows officers to launch a small GPS tracking device from a patrol vehicle and affix it to a fleeing suspect vehicle. The suspect vehicle can then be tracked remotely, in lieu of a vehicle pursuit, and contacted later at a safer, more advantageous location.

Neighboring Agency Usage: Other local police departments are currently using StarChase GPS technology, including but not limited to San Mateo, South San Francisco, Daly City, and Fremont, with others in the process of acquiring the technology. Anecdotally, jurisdictions that have been using the technology for a meaningful period of time report experiencing a reduction in police pursuits and an increase in suspect apprehensions and the recovery of stolen property and stolen vehicles.

Benefits of Usage: The use of the StarChase system provides several potential benefits:

- *Community Safety:* Fleeing suspects commonly engage in erratic and unsafe driving behaviors (e.g., excessive speed, unsafe turns, violations of traffic signal, wrong-way driving). While police receive a great deal of training in safe emergency vehicle operations, pursuits still pose an inherent risk to the safety of officers as well as uninvolved pedestrians, cyclists, and motorists. A suspect vehicle that has been tagged with a GPS tracking device need not be actively pursued by police; officers can track it remotely and identify a safer location for contact and apprehension.
- *Apprehension:* Fleeing suspects who elude police apprehension present an on-going threat to the public and diminish the likelihood that stolen vehicles or stolen property will be recovered. The use of GPS tracking devices enhances the ability of police to safely

track, locate and apprehend suspects who would otherwise have avoided capture, and recover vehicles and property that would otherwise have remained outstanding.

- *Solving Crimes Already Committed:* Suspects involved in vehicle theft and organized retail theft frequently offend in multiple jurisdictions, often in the same day. When apprehended, they commonly possess property stolen on other dates or from other locations, and evidence of involvement in other offenses. An increased rate of apprehension is likely to result in solving other crimes.
- *Regional Coordination:* Fleeing suspects often enter other jurisdiction during flight, posing challenges for pursuing officers who may lack familiarity with other jurisdictions. Once a fleeing vehicle has been tagged with a GPS tracking device, Palo Alto officers can monitor the suspect vehicle's movements remotely and coordinate their response with other agencies, to ensure a timely response and identify the safest and most effective location for contact and apprehension.
- *Deterrence:* The mere presence of the StarChase GPS tracking devices – and any media reporting on their use to apprehend suspects– may act as a deterrent. Police personnel have reported to staff that some criminals will intentionally target jurisdictions where they believe officers are prohibited from pursuing them, while avoiding jurisdictions perceived as more likely to pursue. While the use of StarChase is intended to *reduce* the likelihood of a pursuit by the Police Department, it is anticipated to increase the likelihood of eventual apprehension.

One of the City Council's four priorities this calendar year is Community Health, Safety, Wellness and Belonging ("safety infrastructure and systems" was one of the included subtopics). Further, the 2030 Comprehensive Plan includes policies S-1.6 and S-1.7, which supports a balanced approach of utilizing safety technology with policy-driven safeguards. The Department believes that the deployment of a GPS vehicle tracking devices, with sound policies and training, would support crime prevention, criminal apprehension, stolen vehicle recovery, and criminal investigation.

(3) The location or locations where the surveillance technology may be used;

StarChase Guardian GPS launchers will be installed on twenty patrol vehicles, comprising most of the Department's patrol vehicle fleet. GPS tracking devices could be deployed at any location when a suspect vehicle has fled or is anticipated to flee.

(4) Existing federal, state and local laws and regulations applicable to the surveillance technology and the information it captures; the potential impacts on civil liberties and privacy; and proposals to mitigate and manage any impacts;

Physical surveillance by law enforcement of persons or vehicles in a public place (e.g., public roadways, sidewalks) or private property open to the public (e.g., shopping centers, retail

parking lots) is generally permissible under both California and federal law; however, the California Electronics Communications Privacy Act (CalECPA) places limitations on the use of GPS tracking technology by law enforcement. As a general rule, law enforcement is required to obtain a search warrant to access electronic data concerning a suspect or vehicle's location. Exceptions to this requirement include reported stolen vehicles or stolen property, suspects known to be subject to parole search terms, and emergency situations where the information is immediately necessary to prevent death or serious physical injury. In circumstances where obtaining a warrant is not feasible (e.g., a fleeing suspect vehicle), a warrant may be obtained retroactively. The Department's proposed surveillance use policy incorporates the requirements of CalECPA.

The American Civil Liberties Union (ACLU) has previously written about StarChase GPS vehicle tracking devices. The ACLU opined that their warrantless use to tag and contemporaneously track a vehicle fleeing from a lawful detention was lawful under federal law, while pointing out the public safety benefits of fewer high speed pursuits.²

Data captured by the StarChase GPS tracking device will be securely stored by StarChase for a period of 30 days, unless it has been identified as relevant to a specific criminal investigation, in which case it will be retained longer.

Internally, data will only be accessible via the StarChase browser-based platform to trained staff with a legitimate law enforcement need, and all queries will be logged and subject to audit. The Department will only share its data with other local law enforcement agencies subject to written requests articulating a case-specific need. Neither the Department, nor the third-party vendor, will share the Department's data with any non-law enforcement entities.

(5) The costs for the surveillance technology, including acquisition, maintenance, personnel and other costs, and current or potential sources of funding.

In year one, this contract will come at a total (grant-funded) cost of \$165,308, including the devices, initial installation and setup, 2-year warranty, user training, data storage, and tracking platform access. Year two will come at a total (grant funded) cost of \$26,400, for continued tracking platform access and data storage. Year three will come at a total cost of \$32,955, including continued tracking platform access, data storage, and a third year of warranty coverage.

TIMELINE

The Department is informed that, following Council approval, StarChase anticipates being able to complete its delivery, installation and setup process within 60-90 days. Associated Department personnel training and policy implementation can also be accomplished during this timeframe.

² <https://www.aclu.org/news/national-security/gps-bullets-allow-police-shoot-tracker-car>

FISCAL/RESOURCE IMPACT

The Department is contracting for the purchase of twenty StarChase Guardian GPS launchers, as well as three years of access to StarChase's browser-based tracking platform. StarChase will warranty all of the launchers and GPS devices during the 3-year duration of the contract and will maintain or replace as needed. StarChase will complete the installation and setup of four Guardian launcher units; the remaining sixteen units will be installed by the Department's existing fleet outfitting vendor. All of these costs will be covered by the existing BSCC grant funding.

At the end of the grant term, continued use of the StarChase GPS devices would require an annual subscription cost (currently \$26,400) associated with continued data storage and tracking platform access. The Department will bring forward an associated request for funding at that time, as part of the annual budget process, if this cost cannot otherwise be absorbed in the Department's budget or funded via grant.

Data storage - other than specific data identified as evidence in a criminal investigation - will be the responsibility of StarChase, and the data will be accessed via a browser-based platform, requiring no new software.

In year one, this contract will come at a total (grant-funded) cost of \$165,308, including the launchers and GPS devices, initial installation and setup, 2-year warranty, user training, data storage, and tracking platform access. Year two will come at a total (grant funded) cost of \$26,400, for continued tracking platform access and data storage. Year three will come at a total cost of \$32,955, including continued tracking platform access, data storage, and a third year of warranty coverage.

STAKEHOLDER ENGAGEMENT

Upon learning that its application for BSCC grant funding had been granted, the Department issued a news release on September 14, 2023, which detailed the intended uses of the funding, including the acquisition of GPS vehicle tracking devices. Several local media outlets published articles regarding the BSCC grant award and the Department's plan to purchase StarChase GPS devices.

The December 4, 2023 staff report, requesting Council approval to execute the BSCC grant agreement, detailed the intended uses of the funding, including the acquisition of StarChase GPS devices.

In preparing both its BSCC grant application and its deployment guidelines and procedures, the Department consulted multiple other local agencies already using the technology in order to learn industry best practices.

ENVIRONMENTAL REVIEW

Approval of this agreement and surveillance policy are categorically exempt under CEQA regulation 15321 for enforcement actions.

ATTACHMENTS

Attachment A: StarChase LLC, Contract No. 4524000393

Attachment B: PAPD StarChase GPS Vehicle Tracking Technology Surveillance Use Policy

APPROVED BY:

Andrew Binder, Police Chief