



CITY OF
**PALO
ALTO**

**CITY OF PALO ALTO
CITY COUNCIL
Special Meeting**

**Monday, December 11, 2023
Council Chambers & Hybrid
5:30 PM**

Agenda Item

11. Surveillance Technology Report for Fiscal Year 2023; CEQA Status – Not a Project



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City Council Staff Report

From: City Manager

Report Type: INFORMATION REPORTS

Lead Department: City Manager

Meeting Date: December 11, 2023

Report #:2311-2276

TITLE

Surveillance Technology Report for Fiscal Year 2023; CEQA Status – Not a Project.

RECOMMENDATION

This is an informational report about the City's use of surveillance technology in Palo Alto during the Fiscal Year 2023, and no City Council action is required.

BACKGROUND

In September 2019, Council adopted the Surveillance and Privacy Protection Ordinance establishing criteria and procedures for protection of personal privacy when considering the acquisition and use of surveillance technologies by the City.¹ Codified in the Municipal Code at Chapter 2.30, Part 6A, the ordinance also outlines ongoing monitoring and annual reporting of such technologies. Annual reporting must include the following information pursuant to PAMC section 2.30.680(a):

1. A description of how each Council-approved surveillance technology was used, including whether it captured images, sound, or information regarding members of the public who are not suspected of engaging in unlawful conduct;
2. Whether and how often data acquired through the use of the surveillance technology was shared with outside entities, the name of any recipient entity, the types of data disclosed, and the reason for the disclosure;
3. A summary of any community complaints or concerns about the surveillance technology;
4. Non-privileged and non- confidential information regarding the results of any internal audits, information about violations of the surveillance use policy, and any actions taken in response;

¹ City Council 9/10/2018, <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2018/8834.pdf?t=63216.52>

5. Whether the surveillance technology has been effective at achieving its identified purpose;
6. The number and nature of Public Records Act requests relating to the surveillance technology;
7. Annual costs for the surveillance technology and for compliance with this surveillance and privacy protection ordinance, including personnel and other ongoing costs, and sources of funding; and
8. Other relevant information as determined by the City Manager.

This report covers activity in Fiscal Year 2023.

ANALYSIS

Pursuant to the approved ordinance, the following departmental activities are summarized in the body of this report.

PUBLIC SAFETY

eCitation Devices. On March 14, 2022, Council approved the acquisition of handheld electronic citation devices with Optical Character Recognition (OCR) technology for the purposes of traffic violation enforcement by police officers². When in use, the cameras capture license plate images that are processed through OCR analysis to call up the vehicle make, and model information used to issue citation violations. The technology improves accuracy of information as well as eliminating the need for manual entry into the Records Management System (RMS). In FY 2023, the total contract and maintenance costs to the General Fund was \$23,714.

Since its implementation in September 2023, the department has issued over 300 citations, leading to a substantial reduction in staff processing time. Citations are automatically uploaded into both the City's Records Management System (RMS) and the Santa Clara Traffic Court system. To date, there have been no complaints registered nor any Public Records Act (PRA) requests.

Fixed Automated License Plate Recognition (ALPR). On April 3, 2023, Council approved the contract with Flock Safety to implement fixed ALPR surveillance technology as well as approved a use policy for the new camera equipment³. ALPR technology uses a combination of cameras and computer software to scan the license plates of passing vehicles and other vehicle characteristics such as make, model, type, and color. The technology has the ability to provide real-time alerts when stolen or wanted vehicles enter an area and provides enhanced

² City Council Meeting 3/14/2022, Agenda Item #9, PDF Page 113, <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20220314/20220314pccsm-amended-final-revised-ppt.pdf>

³ City Council Meeting 4/3/2023, <https://www.cityofpaloalto.org/files/assets/public/v/1/police-department/public-information-portal/alpr-staff-report-4-3-2023.pdf>

investigative capabilities when a crime has already occurred. The contract cost in FY 2023 was \$61,900 and was paid using General Fund money.

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. The City currently has a Memorandum of Understanding (MOU) with local agencies listed in Attachment A, where data is shared for legitimate law enforcement investigative purposes related to a specific criminal investigation. To date, there have been no registered complaints or violations reported. The department received one Public Records Act (PRA) request during the reporting period⁴, the information provided included:

1. Log report of dates and times between 1/1/2021- 11/15/2023 the mobile ALPR equipped patrol vehicle was accessed by an officer.
2. Policy 462: Automated License Plate Reader.
3. Report on 2021 ALPR scans (i.e., plates photographed by the mobile ALPR), valid reads (i.e., photographs translated into a license plate that could be queried), misreads (i.e., photographs that the system translated into an incorrect license plate, and hits (reads that corresponded to a stolen vehicle, stolen plate, warranted vehicle, etc.).

TRANSPORTATION

Automatic License Plate Recognition (ALPR) Parking Enforcement. In February 2021, Council approved the use of license plate recognition technology to be used for parking enforcement and permit management.⁵ ALPR technology captures images of license plates to identify vehicle information and track parking time.

During the reporting period, there have been no formal complaints filed, violations of its use, nor PRA requests. In assessing its effectiveness, ALPR has been successful in supporting City Residential Preferential Parking programs, providing both enforcement and permit management efficiencies. Future use of ALPR will include use in public garages and lots such as California Avenue garage, as well as other Downtown garages where Parking Guidance System (provides real-time car parking information such as vehicle and slot counts) is planned for deployment. The total annual contract cost is \$7,500 funded by the Parking Management and System Implementation Capital Improvement Project (CIP).

Traffic Data Collection Cameras. In April 2021, Council approved the use of video technology for traffic data collection⁶. The low-resolution video is used to collect bicycle, pedestrian, parking

⁴ Public Records Request for ALPR Data 11/6/2022 <https://www.cityofpaloalto.org/files/assets/public/v/1/city-manager/misc/public-records-act-request-and-response-for-alpr-data.pdf>

⁵ City Council Meeting 2/22/2021, <https://www.cityofpaloalto.org/files/assets/public/v/2/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2021/id-11492.pdf>

⁶ City Council Meeting 4/5/2021, <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2021/id-11985.pdf>

occupancy and vehicular turning movement counts. Data collected is used to inform appropriate traffic control measures or roadway improvements, signal timings, pedestrian, and bicycle roadway improvements. It does not collect or retain audio, visual, location, nor other personally identifiable information of people or vehicles.

During the reporting period, no data was shared with outside entities, nor were there any technology use violations. In response to public concerns about the use of the technology, visible and clear information was posted at the location of each camera that clearly identified its use, recording period, service provider name and phone number. The use of the cameras was successful at achieving its intended purpose and provided important and accurate data that otherwise would have been expensive to collect manually. Annual costs associated with the use of the cameras was \$200,000, paid by Capital Improvement Program and the General Fund.

EXEMPT SURVEILLANCE EQUIPMENT INCLUDED FOR INFORMATION ONLY

The surveillance ordinance excludes the following surveillance technology, among others, from reporting:

- Any technology that collects information exclusively on or regarding City employees or contractors;
- Any technology used as part of the Foothills Fire Early Warning System to detect fires within the following area:
 - West Side: Skyline Blvd (Hwy 35) from Route 84 (Woodside Rd/La Honda Rd.) to Hwy 9
 - North Side: Route 84 from Skyline to Alameda de las Pulgas
 - East Side: Alameda de las Pulgas to Santa Cruz Ave to Junipero Serra Rd. to Foothill Expwy.
 - South Side: Draw a line from the intersection of Hwy 9 at Hwy 35 to the intersection of Foothill Expwy at Magdalena.

The following two surveillance systems fall under these exemptions but are included in this report for Council awareness.

Foothills Fire Safety Cameras. As part of the improvements to the Foothills Management Plan the Office of Emergency Services deployed several AlertWildfire cameras in the Foothills for early detection of wildfires as part of an interagency and countywide effort.

Electric Station Perimeter Security Cameras. Following the recommendations of a commissioned security risk assessment of all the City's electric substations, and supported by Federal regulation, the City installed perimeter lighting and cameras upgrades. The completed system consists of lighting poles installed at specific perimeter locations at the nine electric substations, with downward facing pendant light fixtures that have prismatic glass to reduce LED glare, intelligent foot-candle control for accurate lighting distribution where directed, dimming features to keep the foot candle level low unless a trespasser is sensed, and visors to limit light

pollution. Video cameras were also be mounted on the poles, with analytics added at the Utility Control Center that will allow for alarming, detection, and quick review of camera footage. Because the location of the substations and its cameras are only accessible to City employees and its contractors, it is considered exempt.

STAKEHOLDER ENGAGEMENT

Presenting this information to the public, parallel to its transmittal to the City Council, ensures that stakeholders throughout the community remain apprised of the City’s ongoing acquisition and work in surveillance technologies and privacy protections.

ENVIRONMENTAL REVIEW

This item is an informational report with no action required by the Council, and therefore it is not a project under the California Environmental Quality Act (CEQA).

ATTACHMENTS:

Attachment A – List of agencies sharing Police ALPR data within MOU terms

APPROVED BY:

Ed Shikada, City Manager

ATTACHMENT A

ALPR data is shared with the below entities, pursuant to MOU, on an on-going basis. Data is shared for legitimate law enforcement investigative purposes if responsive to a specific query made by an entity relating to a specific criminal investigation.

Campbell Police Department Capitola Police Department Carmel Police Department City of Dixon Police Department Colma Police Department East Palo Alto Police Department El Cerrito Police Department Fairfield Police Department Folsom Police Department Fremont Police Department Hillsborough Police Department Livermore Police Department Los Gatos Monte Sereno Police Department Menlo Park Police Department Milpitas Police Department Mountain View Police Department Oakley Police Department Pleasanton Police Department	Redwood City Police Department San Jose Police Department San Mateo County Sheriff's Office Santa Clara Police Department Seaside Police Department Solano County Sheriff's Office Suisun City Police Department Union City Police Department Walnut Creek Police Department Watsonville Police Department
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