



Council Agenda Report

To: Mayor Grisanti and the Honorable Members of the City Council

Prepared by: Susan Dueñas, Public Safety Manager

Approved by: Steve McClary, Interim City Manager

Date prepared: October 18, 2021 Meeting date: November 8, 2021

Subject: Automatic License Plate Readers

RECOMMENDED ACTION: Receive a report on the implementation of Automatic License Plate Readers for use by the Sheriff's Department and provide direction to staff.

FISCAL IMPACT: The initial cost of purchasing and installing eight cameras would be approximately \$25,000. The ongoing cost of the system will be approximately \$2,500 per year, per camera. On September 13, 2021, the City Council appropriated the funding for this project, and it was added to the Adopted Budget of Fiscal Year 2021-2022 in Account No. 100-7031-7800 (Public Safety Services – Other Equipment).

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2021-2022.

DISCUSSION: On September 13, 2021, the City Council authorized the purchase and installation of eight Automatic License Plate Readers for use by the Sheriff's Department, as recommended by the Public Safety Commission. The Public Safety Commission recommendation specified that oversight of the system data be controlled by the City. However, in the process of implementing this recommendation, it was learned that oversight of the system data required more staff involvement and expertise than was originally anticipated and that the Los Angeles County Sheriff's Department (LASD) is in the process of finalizing a Memorandum of Understanding (MOU) that would allow contract cities to defer the administration to LASD.

Any agency that administers a license plate reader program must develop guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- 1) Maintain reasonable security procedures and practices, including operational, administrative, technical, and physical safeguards, to protect ALPR information from unauthorized access, destruction, use, modification, or disclosure.
- 2) Implement a usage and privacy policy in order to ensure that the collection, use, maintenance, sharing, and dissemination of ALPR information is consistent with respect for individuals' privacy and civil liberties. The usage and privacy policy shall be available to the public in writing, and, if the ALPR operator has an Internet Web site, the usage and privacy policy shall be posted conspicuously on that Internet Web site.
- (3) The usage and privacy policy shall, at a minimum, include all of the following:
 - (A) The authorized purposes for using the ALPR system and collecting ALPR information.
 - (B) A description of the job title or other designation of the employees and independent contractors who are authorized to use or access the ALPR system, or to collect ALPR information. The policy shall identify the training requirements necessary for those authorized employees and independent contractors.
 - (C) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
 - (D) The purposes of, process for, and restrictions on, the sale, sharing, or transfer of ALPR information to other persons.
 - (E) The title of the official custodian, or owner, of the ALPR system responsible for implementing this section.
 - (F) A description of the reasonable measures that will be used to ensure the accuracy of ALPR information and correct data errors.
 - (G) The length of time ALPR information will be retained, and the process the ALPR operator will utilize to determine if and when to destroy retained ALPR information.

While many of these requirements do not pose undue challenges to City staff, requirement C (monitoring) and requirement F (ensuring accuracy and correcting data errors) will likely require more staff time and training than originally anticipated.

The LASD Advanced Surveillance and Protections (ASAP) Unit is currently coordinating the development of an MOU that the Contract Law Enforcement Bureau (CLEB) would propose to contract with cities who are obtaining ALPR cameras. The MOU is meant to clarify duties and roles between LASD and Malibu. The LASD ASAP Unit would be responsible for all audits and admin duties, managing the computer systems, and responding to Public Records Act requests without any additional charge to the City. The City of Malibu would be responsible for the acquisition and monthly service fee for the cameras.

Since the LASD ASAP Unit already has the staff and experience to perform the monitoring and auditing function, staff recommends that the City Council consider this option. Once the MOU is finalized, the Council can direct the Public Safety Commission to review the MOU and make a recommendation or the Council can direct staff to bring the MOU directly to the City Council for review and final approval, if appropriate.

ATTACHMENTS: None.