

#3336
08/01/2023

(R-2024-40)
REV. COPY

RESOLUTION NUMBER R- 315097

DATE OF FINAL PASSAGE AUG 09 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING AUTOMATED LICENSE PLATE
READER TECHNOLOGY UNDER THE TRANSPARENT AND
RESPONSIBLE USE OF SURVEILLANCE TECHNOLOGY
ORDINANCE.

WHEREAS, the San Diego Police Department (Department) wishes to acquire, use, share, accept funding or donation for, or contract for Automated License Plate Reader technology (also referred to as “Automatic License Plate Reader” technology) (ALPR), which falls within the definition of surveillance technology under San Diego Municipal Code (Municipal Code) section 210.0101, and requires approval by the Council of the City of San Diego (Council) under Municipal Code section 210.0103; and

WHEREAS, ALPR technology is a computer system using cameras to rapidly capture an image of a vehicle license plate and convert the image to a text file using optical character recognition technology; and

WHEREAS, the license plate text file may then be compared against existing data files, enabling the Department to locate stolen or wanted vehicles, locate vehicles of witnesses or victims of crime, or locate vehicles associated with missing or abducted persons, or other at-risk individuals; and

WHEREAS, ALPR technology can also assist in solving crime by enabling searches based on vehicle type, make, model, unique features, color, time-frame, or plate details, including vehicles with no license plates, temporary plates, or dirty or covered plates; and

WHEREAS, ALPR technology reads and stores digital license plate data collected from vehicles already in public view, thereby safeguarding civil rights and civil liberties; and

WHEREAS, ALPR technology does not collect information about drivers or registered owners of vehicles and does not use facial recognition technology, further safeguarding civil rights and civil liberties; and

WHEREAS, consistent with state law, the Department will not share ALPR technology data with federal authorities for immigration enforcement; and

WHEREAS, ALPR technology would benefit the City and the community by furthering the Department's ability to focus its investigative resources, deter or solve crime, and enhancing public safety; and

WHEREAS, Department investigators would access ALPR data only in response to an investigative need; and

WHEREAS, data downloaded from ALPR technology will be encrypted and stored in a password-protected system compliant with applicable statutes in the California Civil Code; and

WHEREAS, ALPR technology would be installed in conjunction with Smart Streetlight technology, at an initial cost of \$3,500,000 for both Smart Streetlight and ALPR technologies, including installation, in addition to a potential annual fee of approximately \$4,000 per installed camera combined with ALPR technology; and

WHEREAS, the Department searched and found no alternative offering ALPR technology combined with Smart Streetlight cameras, and determined that there was no alternative with a lesser economic cost or potential impact on civil rights or liberties that would be as effective as ALPR technology; and

WHEREAS, ALPR technology will be used Citywide in all City Council Districts, with the specific locations having been made available to the public and the City Council; and

WHEREAS, the Department held community meetings discussing ALPR technology in all Council Districts between March 6, 2023 and March 10, 2023, received public comment, and incorporated the public comments and responses into the Surveillance Impact Report; and

WHEREAS, the Department prepared and publicly released and posted a Surveillance Use Policy and a Surveillance Impact Report for ALPR technology, on file with the City Clerk as document numbers RR- 315097-1 and RR- 315097-2, and

WHEREAS, ALPR technology, including the proposed Surveillance Use Policy and the Surveillance Impact Report, was reviewed by the Privacy Advisory Board (Board) on May 31, 2023, and June 22, 2023, at publicly noticed meetings; and

WHEREAS, during the Board's review, the Department received written questions from the Board and responded in writing; and

WHEREAS, on June 22, 2023, the Board recommended that the Council disapprove use of ALPR technology; and

WHEREAS, the Department received and reviewed the recommendation of the Board, provided a written response, and has submitted the ALPR technology to the Council for review; and

WHEREAS, the Council has considered the Surveillance Impact Report and Surveillance Use Policy for ALPR technology; and

WHEREAS, the Council has considered the recommendation of the Board; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego (Council) that the benefits to the community of Automated License Plate Reader (ALPR) technology outweigh the costs.

BE IT FURTHER RESOLVED, that the Council determines the Department's proposal for ALPR technology will safeguard civil liberties and civil rights.

BE IT FURTHER RESOLVED, that the Council determines no alternative with a lesser economic cost or lesser impact on civil rights or civil liberties would be as effective as ALPR technology.

BE IT FURTHER RESOLVED, that ALPR technology is hereby approved by the Council pursuant to San Diego Municipal Code section 210.0103.

BE IT FURTHER RESOLVED, the Council requests that the Mayor's Office, in consultation with any relevant departments, as well as the Privacy Advisory Board, further develop language within the Surveillance Use Policy to address the following items:

- A process to review and adjust camera placements based on data feedback and community needs;
- Additional procedures to protect private property;
- Additional information regarding security practices for data protection;
- Restrictions on third-party data sharing, including through shared multi-agency databases;
- A regular schedule for updating trainings and refresher trainings as needed;
- Audit procedures to ensure adherence to use policies and procedures; and
- Any additional changes as deemed necessary to follow best practices, to account for any changes in law, and/or to further transparent and responsible use.

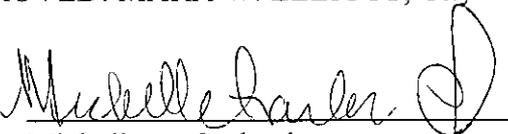
BE IT FURTHER RESOLVED, the Council requests that the Mayor's Office return the revised Surveillance Use Policy to Council for future review.

BE IT FURTHER RESOLVED, the Council requests that the Mayor's Office provide an initial report on ALPR technology to Council within six months following contract approvals.

BE IT FURTHER RESOLVED, that this approval is not intended to and shall not supersede existing processes to seek approval for the appropriation and expenditure of specific funds through the annual budget process, or existing processes for the approval and execution of contracts, donations, and grants.

BE IT FURTHER RESOLVED, that the Council shall review this approval annually as required by San Diego Municipal Code section 210.0105.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Michelle A. Garland
Chief Deputy City Attorney

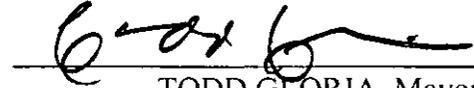
MAG:hm
July 7, 2023
REV.COPY
August 2, 2023
Or.Dept: PSE
Doc. No. 3351187_5

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG. 01 2023.

DIANA J.S. FUENTES
City Clerk

By  for Connie P.
Deputy City Clerk

Approved: 8/8/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on AUG 01 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 09 2023

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

(Seal)

TODD GLORIA

Mayor of The City of San Diego, California.

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 315097