CITY OF OAKLAND

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Ryan Russo
Director, DOT

SUBJECT: Automated License Plate Recognition (ALPR) for Parking

DATE: May 20, 2019

City Administrator Approval _____ Date: 5/30/19

RECOMMENDATION

Staff Recommends that Council Adopt A Resolution (1) Authorizing The City Administrator Or Designee To Acquire And Use Vehicle-Mounted Automatic License Plate Recognition Technology (ALPR) For Parking Management and Enforcement Purposes; (2) Approving The Surveillance Impact Report For The Department of Transportation's ALPR (DOT ALPR); And (3) Approving and Adopting The Surveillance Use Policy For DOT ALPR As City Policy.

EXECUTIVE SUMMARY

Approval of this resolution will authorize Department of Transportation staff to procure and use vehicle-mounted Automated License Plate Recognition (ALPR) systems for the purpose of parking management and parking enforcement. In accordance with City of Oakland Ordinance 9.64 C.M.S., Surveillance and Community Safety Ordinance, staff prepared a Use Policy and Impact Analysis for this purpose and brought it before the City's Privacy Advisory Commission (PAC) for review and development. This report presents the proposed use and impact of ALPR for parking as approved by the PAC.

BACKGROUND/LEGISLATIVE HISTORY

In January 2018, City Council adopted Resolution 87051 C.M.S. authorizing staff to finalize and execute an agreement with Conduent, a technology firm, for the procurement of a parking citation management system, including an option for ALPR systems.

In May 2018, City Council adopted Oakland Municipal Code 9.64 C.M.S., known as the "Surveillance Technology and Community Safety Ordinance," establishing rules for the City's acquisition and use of surveillance technologies.

In June 2018, Council approved funding in the amount of $366,000.00 for procuring ALPR systems for Parking Enforcement as part of the Fiscal Year 2018-2019 Mid-Cycle Budget.

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ANALYSIS AND POLICY ALTERNATIVES

Staff worked with and appeared multiple times at the public meetings of the Oakland Privacy Advisory Commission (PAC) in developing a robust Surveillance Use Policy and Surveillance Impact Report for ALPR for Parking Management and Enforcement. These were reviewed and approved at the March 7, 2019 meeting of the PAC (see **Attachments A** and **B**).

According to Oakland Municipal Code 9.64.030, Section 2C, "City staff shall make the Surveillance Impact Report and Surveillance Use Policy, as updated from time to time, available to the public as long as the city uses the surveillance technology in accordance with its request pursuant to Section 9.64.020 A.1." The Surveillance Use Policy and Surveillance Impact Report for ALPR for Parking Management and Enforcement documents are now available on the City's website, www.oaklandca.gov/resources/parking-alpr.

According to Oakland Municipal Code 9.64.040, Section 1 "On March 15th of each year, or at the next closest regularly scheduled Privacy Advisory Commission meeting, city staff must present a written annual surveillance report for Privacy Advisory Commission review for each approved surveillance technology item. If city staff is unable to meet the March 15th deadline, city staff shall notify the Privacy Advisory Commission in writing of staff's request to extend this period, and the reasons for that request. The Privacy Advisory Commission may grant a single extension of up to sixty (60) days to comply with this provision." Staff acknowledge this obligation and agree to return to the PAC annually to provide updates on the use and impact of the recommended ALPR for parking management and enforcement system.

An alternative to this recommendation is to forgo the use of ALPR for parking management and enforcement. This alternative would mean continued reliance on costly consultants for securing parking occupancy data which staff needs in order to actively manage the parking system. It would also mean that parking enforcement would continue to use the relatively inefficient tools for enforcing time-regulated parking, including Residential Permit Parking (RPP) areas. The growing complexity of the parking system, e.g., new and expanding RPP areas, will put further strains on existing resources. Furthermore, it would mean that the City would not be taking advantage of the ALPR for the proposed uses as other jurisdictions, including the City of Berkeley and Sacramento.

FISCAL IMPACT

Staff expects the ALPR system to reduce or eliminate its dependency on professional service contracts in managing the City's parking systems and to increase the productivity of the City's parking control technicians by automating the parking enforcement process including capturing license plate information, time-stamping the images, and confirming validity of parking permits and payments. Additional details of how the technology will be used in ways that justify the benefits of this cost can be found in **Attachments A** and **B**. The one-time cost of acquiring the ALPR system of $366,000.00 are available in General Purpose Fund (1010), Mobility Management Organization (35247), Contract Contingencies Account (54919), Non-Project (1003469).

PUBLIC OUTREACH / INTEREST

Staff brought draft use and impact analysis documents to the PAC on three separate occasions. The PAC was instrumental in providing feedback and specific language for improving both the Use Policy and the Impact Analysis documents. Each of the PAC meetings included public comment sections, ensuring that Oaklanders could voice their concerns and opinions regarding the use and anticipated impact of ALPR for parking management and enforcement by City staff.

COORDINATION

This report and legislation have been reviewed by the Office of the City Attorney and the Controller's Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: The use of ALPR for parking management and enforcement will save staff time and taxpayer dollars in the ongoing effort to promote compliance to parking rules and regulations.

Environmental: ALPR for parking management and enforcement will increase staff's capacity to develop and implement parking management strategies, including demand responsive parking pricing, which have been shown to increase parking availability and, as a result, reduce the amount of time that drivers hunt for parking places and thereby reducing the emission of harmful greenhouse gas emissions.

Social Equity: ALPR for parking management and enforcement will increase staff's capacity to implement demand responsive parking pricing, which will included lower meter rates which will drivers a lower cost option. The same systems are expected to provide a new source of data that may lead to the develop of new equity objectives for parking management.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends that Council Adopt A Resolution (1) Authorizing The City Administrator Or Designee To Acquire And Use Vehicle-Mounted Automatic License Plate Recognition Technology (ALPR) For Parking Management and Enforcement Purposes; (2) Approving The Surveillance Impact Report For The Department of Transportation's ALPR (DOT ALPR); And (3) Approving and Adopting The Surveillance Use Policy For DOT ALPR As City Policy.

For questions regarding this report, please contact Michael Ford, Parking and Mobility Division Manager, at 510-238-7670.

Respectfully submitted,

RYAN RUSSO
Director, Department of Transportation

Reviewed by:
Wladimir Wlassowsky, P.E.
Assistant Director

Prepared by:
Michael P. Ford, Ph.D.
Parking and Mobility Division
Manager

Attachments (2):

A: ALPR for Parking Management and Enforcement Use Policy
B: ALPR for Parking Management and Enforcement Impact Analysis

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ATTACHMENT A

PROPOSED USE POLICY FOR VEHICLE-MOUNTED AUTOMATED LICENSE PLATE RECOGNITION (ALPR) FOR PARKING MANAGEMENT AND ENFORCEMENT

Michael P. Ford, Ph.D.
Parking and Mobility Division
Department of Transportation
City of Oakland
March 1, 2019

1. Purpose

Vehicle-mounted Automated License Plate Recognition (ALPR) technology shall be used to automate the processing of vehicle license plate information by transforming images into alphanumeric characters with optical recognition software and storing those images, plate information and related metadata, including time and geo-location information.

City of Oakland Department of Transportation (DOT) staff proposes to use ALPR for parking management and enforcement purposes.

2. Authorized Use

Authorized uses of ALPR technology include:

- ALPR-assisted citation issuance (i.e., a "hit");
- "Hotlist" identification, including scofflaw and stolen vehicles (so a "hit" also includes vehicles found to be on such lists, which may result in the issue of a citation and or other legal consequences such as booting or towing);[1]
- "Virtual chalk," automating the time-stamping of vehicles in time-limited parking spaces and areas (i.e., a "read" as opposed to a "hit");
- "Digital permits," including annual, weekly, and other limited-duration permits in parking privilege permit areas, e.g., Residential Permit Parking (RPP) areas and City-owned or managed parking facilities (i.e., valid permits result in "reads," which permits identified by the system as expired may result in a citation and thus a "hit");
- Parking payment verification, including "pay-by-phone" and "pay-by-plate" systems (again, with the possibility of both "reads" and "hits");
- Parking demand management, including parking occupancy and turn-over counts and analysis (requiring only meta data to determine counts and length of stay);
- Support for "smart parking" applications, including mobile apps providing parking availability and wayfinding information.

All other uses not referenced above shall be prohibited.

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[1] Vehicles with five or more outstanding citations at least 30 days old.

3. Data Collection

DOT is responsible for ensuring proper collection and retention of ALPR data, in accordance with this policy and applicable laws. DOT staff drive Parking Enforcement vehicles with vehicle-mounted ALPR that capture still images and metadata indiscriminately as the vehicle moves through the right-of-way. Data collected include still images (e.g., of license plates, street signs, wheel position) and meta data (e.g., date, time and geolocation).

Images of vehicle license plates are processed using optical character recognition[2], time and geo-stamped, and analyzed in real time with the aim of registering potential violations and matching license plates against "hotlists" (as described above). Data is stored on servers secured and administered by the City's third-party Parking Citation system vendor, Conduent.

4. Data Access

Authorized staff may be from the City's Department of Transportation (DOT), Finance Management Bureau (FMB), Oakland Police Department (OPD) or other departments that contribute to the City's parking operations. Procurement and administration of ALPR contracts and systems is the responsibility of the City's Revenue and Tax Administrator in the Revenue Division of the Finance Management Bureau.

Metadata and still images may be downloaded and released to a third party as required by law. DOT is responsible for reviewing and retaining all requests for ALPR data or images in accordance with the City's Records Retention Policy and approving only those requests that have an official City purpose to obtain the information.

5. Data Protection

City staff depends on its vendor, Conduent, to source and administer its ALPR solution. As such, the City is relying on the safeguards to protect ALPR information from unauthorized access through the use of appropriate control mechanisms as provided by Conduent, e.g., user access to and use of the system is controlled and recorded for audit purposes.

The ALPR system shall be operated only by DOT personnel who have been trained in its operation, including Parking Control Technicians, Parking Enforcement Supervisors and Managers, Program Analysts and Transportation Planners.

Copies of metadata or still images released to an Investigating Officer for law enforcement activities shall be handled by the Investigating Officer pursuant to the Police Department's General Orders and the California Evidence Code.

6. Data Retention

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[2] Optical character recognition (also optical character reader, OCR) is electronic conversion of images of text.

Retention of Hit Data

All ALPR data and images downloaded to City servers that are associated with citations (i.e., "hits") shall be retained for a minimum of 90 days pursuant to California Government Code 34090.7 and maximum of 5 years[3] in accordance with the City's Records Management Policy[4]. In addition, DOT has incorporated the following into Conduent's scope of services:

- Archive or Purge citation data on an agreed upon schedule or as directed by City Staff.
- Archived data should remain accessible to online inquiry and retrieval as needed.
- Provide method for access for archived data, as well as disaster and recovery plans.
- Provide electronic images of citations issued on demand.
- Transfer data in format determined by City Staff as needed.
- Retain all payment documentation for 7 years.

The reason for these requirements is that they meet the City's minimum needs for administering the parking citation administrative process.

Retention Read Data

The same requirements do not apply to images and meta data from "reads". Only anonymous meta data will be retained for parking management purposes. All images and identifying information from "reads" will be automatically purged from the system after 24 hours.

7. Public Access

Except where prohibited or limited by law, the public may access ALPR data through public records requests. Again, the available information would depend on whether or not data was associated with a simple "read" (no related citation issued) or a "hit" (related citation issued).

8. Third-Party Data-Sharing

The City depends on Conduent and other third-party vendors for a comprehensive parking citation system, e.g., the Conduent system will build a "hot list" of vehicles subject to scofflaw and share this information with Paylock, a vendor contracted with the City since 2009 to provide a "smart parking boot" solution.

Parking occupancy information originating from the ALPR technology may be shared with and used by third-parties for smart parking applications. In such cases, license plate and other identifiable forms of data would be purged, resulting in only anonymous "counts" or "turn-over" indicators with time and geo-spatial information.

[3] Fiscal year +5 or calendar year +5 depending on type of record.

[4] "Establishing a City-Wide Records Management Program", Ordinance No. 11370 C.M.S.

9. Training

Training for operating ALPR will be provided by the Conduent and will be limited to authorized City staff. Staff will direct Conduent to incorporate this use policy and related privacy policies and procedures into its training materials.

10. Auditing and Oversight

City staff depends on Conduent to provide a "fully auditable" ALPR solution. For example, with the Conduent system staff expect transactions to be recorded in audit logs that capture the user ID of persons performing transactions, including the date, time and description of the functions performed. General oversight of the system falls to the City's contract manager, currently the Tax and Revenue Administrator. DOT oversight and responsibility for the ALPR solution will fall to the Parking and Mobility Division Manager. The legally enforceable sanctions for violations of the policy include relevant administrative instructions as well as provisions in the Surveillance and Community Safety Ordinance .

DOT will make available to the public, in an Annual Surveillance Report pursuant to Chapter 9.64 of the Oakland Municipal Code, a description of how the technology was used, including the type and quantity of data gathered or analyzed by the technology; whether and how often data acquired through the technology was shared with outside entities, the name of any recipient entity, the type(s) of data disclosed, under what legal standards the information was disclosed, and the justification for the disclosure(s); and other information required per Section 9.64.010 of that Ordinance.

DOT has demonstrated a willingness and ability to source citation data (less license plate or other personal identifying information) for open source use. DOT commits to making this data available upon request going forward.

11. Maintenance

The City's third-party vendor, Conduent, will be required to maintain the integrity of the Parking Citation system in general and the ALPR solution in particular. Details of the mechanisms and procedures are included in the City's contract.

Questions or comments concerning this draft Use Policy should be directed to Michael Ford, Manager, Parking and Mobility Division, via email at mford@oaklandca.gov or phone at (510) 238-7670.

Anticipated Impact Report for Vehicle-Mounted Automated License Plate Recognition (ALPR) for Parking Management and Enforcement

Michael P. Ford, Ph.D.
Parking and Mobility Division
Department of Transportation
City of Oakland
March 1, 2019

1. Information Describing Vehicle-Mounted Automated License Plate Recognition (ALPR) and How It Works

Vehicle-mounted Automated License Plate Recognition (ALPR) technology automates the processing of vehicle license plate and compliance information. Specifically, ALPR:

- uses specially-designed cameras mounted on parking enforcement vehicles to capture digital images from surrounding vehicles as they drive through the streets;
- transforms the images into alphanumeric characters with optical character recognition (OCR) software;
- stores the images, plate information, and related metadata in a restricted-access database;
- compares the transformed license plate characters to databases of license plates of interest to operators;
- archives photo evidence and metadata in support of citations issued ("hits") according to evidence retention standards consistent with City and State law; and
- archives anonymous information about parking usages (e.g., number of vehicles present on a given street at a given time and date) to support parking management decision-making ("reads").

[To do: add example images captured by ALPR, both parked and driving, as well as images of the user interface]

2. Proposed Purpose

City of Oakland Department of Transportation (DOT) proposes to use ALPR for parking management and enforcement purposes. Parking management includes occupancy and vehicle turnover information, and parking enforcement includes identification of possible violations and evidence in support of citations issued. ALPR would be integrated with a comprehensive Parking Citation solution that includes backend server processes, intersystem communication and various user interfaces ranging from authorized staff to public self-serve applications (e.g., a browser-based citation review and payment application that allows parkers to review photo evidence that may or may not have been gathered by the ALPR system).

Specific DOT uses of ALPR technology would include:

- "Virtual chalk," automating the time-stamping of vehicles in time-limited parking spaces and areas;
- "Digital permits," including annual, weekly, and other limited-duration permits in parking privilege permit areas, e.g., Residential Permit Parking (RPP) areas; City-owned or enforced parking facilities;
- Parking payment verification, including "pay-by-phone" and "pay-by-plate," on-street and off-street;
- "Hotlist" identification, including scofflaw and stolen vehicles;[1]
- Parking demand management, including parking occupancy and turn-over counts and analysis; and
- Supporting "smart parking" applications with occupancy information, including mobile apps providing parking availability and wayfinding information.

When ALPR systems are deployed for these purposes, they would be mounted on City-owned Parking Enforcement vehicles operated by Parking Control Technicians trained in proper ALPR operation. Currently, DOT is proposing to operate five ALPR systems with additional vehicles equipped in the future.

3. Locations Where ALPR May Be Deployed

ALPR equipped Parking Enforcement vehicles will be deployed throughout the City, while focusing on commercial districts and neighborhoods with Resident Permit Parking (RPP) areas.

4. Potential Impact on Civil Liberties & Privacy

DOT recognizes that all people have an inalienable right to privacy and are committed to protecting and safeguarding this right, and that ALPR could raise concerns regarding real and/or perceived threats to civil liberties and privacy.

In 2013, Edward Snowden and other data experts introduced to the public the concept of "meta data", individual data points such as phone number called, and time of day. Using a simple homemade app that captured only these data points (and never the content of the phone calls), Stanford lawyer and computer scientist Jonathan Mayer could accurately identify 80% of the volunteers in his study, using only open source databases such as Yelp, Facebook, and Google. Among the many individuals he identified, he successfully identified a woman that had an abortion, another woman that had cancer, and a man collecting guns and growing marijuana in his home. Today, data scientists can accurately identify over 95% of individuals based solely on 4 geospatial (time, location) data points. Human are creatures of habit, typically driving the same way to work, our house of worship, and our neighborhood grocery store. Current attempts to "de-identify" or anonymize data are insufficient, due to modern day computing power and the sheer collection of data points available from public and private sources.

[1] Vehicles with five or more outstanding citations at least 30 days old.

ALPR collects information from license plates of vehicles parked in public places and DOT is not proposing to track movement of individuals. However, DOT understands that the public may be concerned that the collection and analysis of this information over time could potentially be used to generate a detailed profile of an individual's movement or abused for other inappropriate purposes.

Specifically, the Department recognizes following actual or potential public concerns:

- **Identity capture.** The public may be concerned that ALPR will capture personally identifiable information (PII) without notice or consent. Although ALPR does not independently generate information that identifies vehicle occupants, license plate information can be used to determine the registered owner. In addition, vehicle occupants or immediate surroundings (including addresses) may be pictured. As a result, it is possible that individuals with access to this data could do additional research to identify the individual.
- **Misidentification.** The public may be concerned that, if ALPR data is widely accessible and inaccurate, individuals may be misidentified as the person driving a vehicle that is violation parking rules or is a scofflaw or stolen vehicle. This could lead to improper government actions against such individuals.
- **Activity monitoring.** The public may be concerned that ALPR data will enable individuals' behaviors to be revealed to and/or monitored by DOT or other government agencies, their partners or affiliates, companies interested in targeted marketing, and/or the public. Such concerns may include basic information about when individuals are in certain locations, as well as concerns about what government or individuals may infer from this data (i.e. marital fidelity, religious observance, or political activity). Although ALPR data is gathered from public places, this could conflict with an individual's expectation of locational privacy.

5. Mitigations

In recognition of these general and more specific concerns, DOT has taken the following steps to mitigate any perceived potential risk inherent in collecting this data, including but not limited to:

- DOT will tailor access and retention policies to the two categories of information collected:
    - 1) **Reads,** which are images of license plates on vehicles that are not violating parking requirements and are not stolen or scofflaw vehicles; and
    - 2) **Hits,** which are images of license plates on vehicles that are violating parking requirements or are stolen or scofflaw vehicles.
- DOT will use ALPR to support compliance with parking regulations and parking management initiatives, and will not share ALPR data with the Police Department, DMV, Law Enforcement Agencies, other cities jurisdictions, except when such data is used as evidence in support of parking violations ("hits");

- DOT will use ALPR technology according to the proposed ALPR for Parking Management and Enforcement Use Policy as well as all applicable laws, policies and administrative instructions;
- DOT has no plans or intentions of using or deploying the ALPR technology in a manner that is discriminatory, viewpoint-based, or biased via algorithm;
- DOT will conduct annual audits of ALPR data to ensure a reasonable standard of data accuracy and to verify that system operators and administrators are following use policies;
- DOT will keep the public informed about planned and actual ALPR usage, as well as changes that would significantly affect privacy, civil rights, or civil liberties.

To specifically mitigate the potential or feared impacts enumerated in Section 4 of this Anticipated Impact Report, DOT or vendors acting on its behalf will also take the following actions:

- **Identity capture and/or activity monitoring.**
    - ALPRs will not collect any additional information compared to information that is or could be captured manually by DOT Parking Control Technicians;
    - DOT will aim ALPR cameras downward towards the street, to the extent possible, to avoid capturing the faces of vehicle occupants or identifiable details or immediate surroundings;
    - Where PII, such as faces and house numbers, is captured in still images that are retained by DOT or those acting on its behalf, that data will be obfuscated or cropped through technical means such that it is no longer identifiable or reasonably re-identifiable. PII collected by ALPRs that cannot be technically obfuscated will be used solely for the purpose(s) specified in the City's citation notice.
- **Misidentification.**
    - DOT will restrict ALPR data access to registered users, who will be properly trained and will access the ALPR database through a password-protected system;
    - DOT will conduct annual audits of ALPR data to ensure a reasonable standard of data accuracy and to verify that operators and administrators are following use policies;
    - DOT will offer a mechanism for individuals who believe that their vehicle has been mistakenly identified to contest the information.
- **Activity monitoring.**
    - DOT will not retain ALPR data beyond specified time periods.
    - DOT will only use trained and registered uses-users to access ALPR data.
    - ALPR use will be limited to parking management and enforcement purposes.
    - Still images and metadata may potentially be shared with the following:
        - the public, to enable online search and payment of parking citations-by citation number, not by license number when applicable;

    - third-parties involved in City parking management and enforcement, including Conduent (parking citation issuance and processing solution), Paylock (ALPR scofflaw boot solution), Parkmobile (meter pay-by-phone), IPS (single-head and multi-space smart meters), and Scheidt & Bachmann (off-street parking and access control system); and
    - Outside of these planned distributions, DOT will take steps to ensure that systems and data will not be disseminated outside of DOT unless dissemination is required by law, or fulfills an authorized purpose and complies with the DOT's ALPR use policy.
  - Per DOT's ALPR Use Policy, DOT will make an Annual Surveillance Report describing how the technology was used.

6. Data Types and Sources

ALPR technologies are designed to capture still images of vehicles and vehicle details including:

- License plate information, including state and number;
- Wheel positions; and
- Vehicle make, model, color, and type.[2]

ALPR technologies are also designed to capture metadata related to the images mentioned above, including:

- Time and date of image capture;
- GPS coordinates; and
- Camera identification such as officer and vehicle/unit number.

Optical character recognition (OCR) technology converts images of license plates into readable formats that allow various applications including information matching, lookup, aggregating and storage.

7. Data Security

The City relies on third-party vendors for its parking management systems. Conduent has supplied the City's parking citation issuing and processing solution for the past five years and was recently awarded a new five-year contract. In response to security requirements in the City's competitive request for quotations, Conduent made the following declaration:

"Conduent takes the security of our systems and customer data very seriously. We go to great lengths to make sure that all the proper security measures from an application, operating system, hardware, and network perspective are in place and updated regularly. Starting with our network architecture, Conduent uses a series of industry-standard firewalls and intrusion detection systems to ensure that no unauthorized access to our systems is obtained. Our team

[2] Such as sedan, SUV, hatchback, pickup, minivan, van, or box truck.

of security experts is constantly monitoring for any new security alerts and patches that need to be applied to our infrastructure (e.g., OS, hardware, and network). We also perform regular internal security audits to make sure that all system security measures are kept up to date and no new vulnerabilities exist. From an application perspective, access to our systems requires a valid user ID and password that is set to expire at regular intervals. Each user is given access to specific functions based on job role and each user's access and activity is logged for auditing purposes."

Staff confirms that these general security measures will extend to its use of Conduent's ALPR solution. DOT commits to developing standard operating procedures that respect and build on these measures and related safeguards.

Remove Spaces

8. Fiscal Cost

Initial Purchase Cost

DOT secured City Council approval through the Mid-Cycle Budget process to procure ALPR equipment for five (5) parking enforcement vehicles at a one-time cost for equipment and setup of $338,600.

Personnel Costs

Existing DOT staff, including Parking Enforcement supervisors and Parking Control Technicians, will be trained by the City's vendor to use the ALPR system with the aim of incorporating the technology into its routine enforcement activities. Other DOT staff already dedicated to parking management initiatives will use occupancy data from the system in support of demand-responsive parking and other transportation-related initiatives.

Ongoing Costs

The annual, recurring costs of the five vehicle-mounted APLR systems is expected to be $28,800 payable to the vendor.

Potential Sources of Funding

With ALPR-equipped vehicles, increases in Parking Control Technician productivity are conservatively estimated to result in one additional citation per hour. Together, the five ALPR-equipped vehicles are expected to generate an additional $500,000 in citation revenue annually.

Potential Replacement/Insurance Costs

In the event an ALPR equipped vehicle is permanently out of service (i.e. due to a total loss vehicle accident) there will be an expected cost to replace.

9. Third Party Dependence

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The City depends on third-party vendors to provide parking management systems including Conduent (parking citation issuance and processing solution), Paylock (ALPR scofflaw boot solution), Parkmobile (meter pay-by-phone), IPS (single-head and multi-space smart meters), and Scheidt & Bachmann (off-street parking and access control system).

The proposed ALPR solution will be sourced and supported by Conduent. In April, 2018 the City contracted with Conduent to supply a Parking Citation Management Solution, Parking Enforcement Equipment and Special Service Project. That solution is intended to integrate "key City of Oakland and third party stakeholder systems to deliver a comprehensive automated parking citation processing, including a public portal for online services, accurate processing of lockbox payments, timely production of all correspondences and collection of unpaid citation and to ensure parking enforcement equipment/handheld devices and automated license plate recognition systems are fully functional and in compliance with all specifications of the City's Request For Qualifications #13375 and Contractor's RFQ Response." The Genetec-ALPR solution is offered as an option in the new contract.

10. Alternatives

The alternatives to using the proposed ALPR solution include:

- Continuing to capture license plate images as part of the citation issuing process with handhelds (this option will remain available under the new Conduent contract whether the APLR option is executed or not);
- Continuing to time-stamp vehicles in time-limited parking spaces and areas by staff typing plate information into handhelds (this option will remain under the new contact);
- Issuing permits for Residential Permit Parking (RPP) areas by using bumper stickers and hanging placards, the procurement, processing, and use of which would be relatively costly and inconvenient and less environmentally friendly;
- Verifying meter payments using "pay-by-phone" and "pay-by-plate," which would require staff to type plate information into their handhelds;
- Limiting "Hotlist" vehicle identification, including scofflaw and stolen vehicles, to those vehicles that are processed manually through handhelds;
- Continuing to conduct parking occupancy and turn-over counts and analysis in support of parking management programs intermittently and less reliably by costly consultants or, when available, student interns;
- "Smart parking" applications, including mobile apps providing parking availability and wayfinding information, will be less reliable and therefore less likely to be adopted.

11. Track Record

The City of Oakland Department of Transportation is a new department, so it does not have a track record to report concerning its use of ALPR. However, since 2009, the Finance Management Bureau has managed and Police Service Technicians (PSTs) in the Oakland Police Department have staffed a Paylock-contracted project using ALPR to enforce scofflaw vehicles.

In addition, several cities in California have been using ALPR for years. For example, the cities of Berkeley and Sacramento have been using ALPR since 2013 and 2003, respectively.[3] Although these cities most often use ALPR for law enforcement purposes, [DOT is not aware of any privacy issues or concerns arising from these programs.]

While this impact analysis and proposed use policy for ALPR have been developed by DOT alone, DOT staff recognizes the need to work across departments to maximize the benefits of ALPR investments to parking and related operations while preserving the civil liberties and privacy of the community. Questions or comments concerning this draft Impact Assessment should be directed to Michael Ford, Manager, Parking and Mobility Division, via email at mford@oaklandca.gov or phone at (510) 238-7670.

[3] See https://www.eff.org/pages/california-automated-license-plate-reader-policies for a list of California cities using ALPR. [FNs for Berkeley and Sacramento agreements]

Approved as to Form and Legality

DRAFT

City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION: (1) AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO ACQUIRE AND USE VEHICLE-MOUNTED AUTOMATIC LICENSE PLATE RECOGNITION TECHNOLOGY (ALPR) FOR PARKING MANAGEMENT AND ENFORCEMENT PURPOSES; (2) APPROVING THE SURVEILLANCE IMPACT REPORT FOR THE DEPARTMENT OF TRANSPORTATION'S ALPR (DOT'S ALPR); AND (3) APPROVING AND ADOPTING THE SURVEILLANCE USE POLICY FOR DOT'S ALPR AS CITY POLICY

WHEREAS, approval of this resolution will authorize City staff to use vehicle-mounted Automatic License Plate Recognition technology for the intended purpose of parking management and enforcement (DOT ALPR) by the Department of Transportation (DOT); and

WHEREAS, City vehicles used for parking enforcement can be equipped with DOT ALPR cameras and systems and connected to the City's current parking citation system; and

WHEREAS, DOT ALPR-equipped vehicles can be used to support the active management of the City's parking supply by efficiently collecting data such as occupancy and turn-over rates; and

WHEREAS, the alternative means of collecting parking management data of this type is costly consultants; and

WHEREAS, DOT ALPR-equipped vehicles can be also be integrated into ongoing parking enforcement efforts, significantly enhancing staff's capacity to enforce the growing number of resident permit parking and other time-limited areas; and

WHEREAS, DOT ALPR-equipped vehicles can be combined with other innovations in the City's parking citation management system to make parking easier in Oakland, for example, digital or virtual permits based on vehicle license plates can eventually replace permits based on stickers and hanging placards, which are costly to produce, distribute and procure; and

WHEREAS, DOT's proposed ALPR technology is a form of surveillance technology subject to the acquisition, use, and policy requirements set forth under Chapter 9.64 (Surveillance Ordinance) of the Oakland Municipal Code; and

WHEREAS, OMC Section 9.64.030 provides that City staff must obtain City Council approval for the acquisition and use of new surveillance technology; and

WHEREAS, OMC Section 9.64.020 requires that prior to seeking Council approval for the acquisition and use of surveillance technology, City staff must first develop a Surveillance Impact Report and Surveillance Use policy, present such policy to the Privacy Advisory Commission (PAC) and that the PAC shall then provide feedback to staff and make a recommendation as to whether or not the City Council should accept the surveillance use policy proposed by City staff; and

WHEREAS, Pursuant to the Surveillance Ordinance requirements referenced above, Department of Transportation (DOT) staff has presented a Surveillance Impact Report and a Surveillance Use Policy for ALPR before the PAC, worked extensively with and received feedback from PAC and responded to public comment on the topic of ALPR for Parking Management and Enforcement; and

WHEREAS, The ALPR Surveillance Use Policy and Surveillance Impact Report incorporates the recommendations of the PAC. This policy specifies what are authorized uses for ALPR for parking management and enforcement, and setting forth practices for data collection, retention, sharing, and annual reporting; and

WHEREAS, OMC Section 9.64.030.2 requires that for City Council to authorize the acquisition of use surveillance technology, it must do all of the following:

- Approve City's staff's surveillance impact report,
- Approve City's staff's surveillance use policy,
- Consider the recommendation(s) of the PAC on the proposed surveillance technology, and
- Make a finding that the benefits to the community of the surveillance technology outweigh the costs (cost benefit determination); that the proposal will safeguard civil liberties and civil rights, and that, no alternative with a lesser economic cost or impact on civil rights or civil liberties would be as effective; and

WHEREAS, pursuant to OMC Section 9.64.020.2.B, the PAC recommends that the City Council adopt the DOT ALPR Surveillance Technology Use Policy (Attachment A); and

WHEREAS, City staff recommends that City Council make a cost benefit determination as required by OMC Section 9.64.030.2 in favor of authorization for the DOT ALPR because the use of vehicle-mounted ALPR for parking management and enforcement should save staff time and taxpayer dollars, and City staff has developed a surveillance use policy that safeguards civil liberties and civil rights and evaluated such concerns in drafting the surveillance impact report for DOT ALPR and in discussions with the PAC; and

WHEREAS, City Council adopted Resolution 87051 C.M.S. authorizing the City Administrator or her designee to execute an agreement with Conduent for the procurement of a parking citation management system, including an option for DOT ALPR systems; and

WHEREAS, funds in the amount of $366,000.00 for procuring the first five ALPR systems was approved by City Council as part of the Fiscal Year 2018-2019 Mid-Cycle Budget; now, therefore be it

RESOLVED: That pursuant to Oakland Municipal Code Section 9.64.030.2, the City Council approves City's staff's surveillance impact report for the DOT ALPR technology, as provided in ***Attachment B***; and be it

FURTHER RESOLVED: That the City Council approves and adopts the surveillance use policy for DOT ALPR as a City policy, as provided in ***Attachment A***; and be it

FURTHER RESOLVED: That pursuant to OMC Section 9.64.020.2, City Council has considered PAC's recommendation in favor City Council authorizing the acquisition and use of the DOT ALPR; and be it

FURTHER RESOLVED: That pursuant to OMC Section 9.64.020.2, for the reasons referenced above by City staff and addressed in the agenda report and surveillance impact report accompanying this resolution, the City Council finds that the benefits to the community of the surveillance technology outweigh the costs (cost benefit determination); that the proposal will safeguard civil liberties and civil rights, and that, no alternative with a lesser economic cost or impact on civil rights or civil liberties would be as effective; and so authorizes the City Administrator or designee's acquisition and use of the DOT ALPR; and be it

FURTHER RESOLVED: That City Council's authorization of the acquisition and use vehicle-mounted DOT ALPR is for two purposes: 1) parking management, enabling the efficient collection of parking data in support of actively managing the City's parking supply; and 2) parking enforcement, increasing staff's capacity to enforce code violations in an increasingly complex parking system; and be it

FURTHER RESOLVED: That any changes to the adopted Surveillance Use Policy for DOT ALPR must be forwarded to the Privacy Advisory Commission and City Council for review and approval; and be it

FURTHER RESOLVED: That, if necessary, the funds in the amount of $366,000.00 now available for the procurement for the ALPR system in General Purpose Fund (1010), Mobility Management Organization (35247), Contract Contingencies Account (54919), Non-Project (1003469) be carried forward to Fiscal Year 2019-2020, without returning to Council.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES –

ABSENT –

ABSTENTION –

ATTEST:_____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California