

EXTERNAL CORRESPONDENCE

The City Clerk's Office received
the attached correspondence regarding
**Agenda Item #5-D on the
10-01-13 City Council Agenda**

Lara Weisiger - Fwd: Automated License Plate Recognition Systems (ALPRs)

From: Richard Hausman <rmhausman@att.net>
To: Lara Weisiger <lweisige@ci.alameda.ca.us>
Date: 9/30/2013 10:55 AM
Subject: Fwd: Automated License Plate Recognition Systems (ALPRs)

Hi Lara,

I am forwarding this as suggested by the Vice Mayor to be included as correspondence on the agenda item.

Regards,

Richard Hausman

Begin forwarded message:

From: "Marilyn Ezzy Ashcraft" <mezzyashcraft@alamedaca.gov>
Subject: Re: Automated License Plate Recognition Systems (ALPRs)
Date: September 30, 2013 7:44:40 AM PDT
To: <rmhausman@att.net>

Good Morning, Richard,

Thank you for your e-mail expressing your concerns with automated license plate readers. I forwarded your message to Interim Police Chief Paul Rolleri and asked him to provide any information he is able to obtain about the effectiveness of LPR's in reducing crime, as well as what criteria are applied by the San Francisco fusion center Alameda proposes to use, to determine the length of the retention period.

I will also request that this item be pulled from the Consent Calendar tomorrow evening because I think it merits a discussion by the City Council. I suspect we will also have public speakers, on both sides of the issue. You may want to forward your e-mail to City Clerk Lara Weisiger to be included as correspondence on this agenda item.

Best regards,
Marilyn

Marilyn Ezzy Ashcraft
Vice Mayor, City of Alameda
510.747.4745

From: Richard Hausman <rmhausman@att.net>
Date: September 29, 2013 at 11:57:45 AM PDT
To: Undisclosed-recipients: <>;
Cc: "John A. Russo" <manager@alamedaca.gov>, Michele Ellson <michele@thealamedan.org>, Alameda Sun

<suneditrix@aol.com>

Subject: Automated License Plate Recognition Systems (ALPRs)

Madam Mayor and Members of the City Council:

"He was literally driving down the street and got a hit on a car stolen out of San Mateo County," said the Acting Police Chief. What was not stated was the number of license plates tracked that weren't stolen but whose identity, geographic location and time of day were. Also not stated was that less than one percent of the license plates scanned by such systems result in a hit of stolen cars and wanted criminals.

On the Consent Calendar for the October 1, 2013, City Council Meeting is a recommendation to authorize the Alameda Police Department to seek grant funding for the purchase and implementation of Automated License Plate Recognition Systems (ALPRs). Before you provide the authorization, I strongly recommend that you enact an ordinance to make sure there are rules in place to protect the citizens of Alameda from the abuses that will inevitably result from a massive database documenting our travels. I specifically point to John Russo's recommendation for the system regarding the data collected that will be incorporated into the much larger "fusion center" known as the NCRIC database, which, in turn, is retained for 12 months.

The Acting Chief stated he didn't have data demonstrating the success of such systems. As such, this seems to be a "me, too" request; i.e., police departments in all 50 states (including the CHP) are currently using the system. There is clearly an irresistible lure of such technology that becomes menacing when coupled with the insatiable appetite of the government for information. But studies show no reduction in crime due to the technology!

Indeed, a study by the US Government's DOJ own National Institute of Justice has found no evidence that ALPRs actually reduce crime. (See <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=318>.) The only difference was found to be in the recovery of stolen vehicles, but that difference was described in the study as "a small, statistically significant difference." All this technology collection is on the vast majority of innocent people, all without a warrant.

The key issue with ALPRs is not only the lack of effectiveness in reducing crime, but the length of time that location data about innocent people is retained. As you can see from the chart below, retention periods vary from as short as 48 hours to indefinite.

<alpr_retention_chart2.jpg>

If ALPRs are proven to be an effective law enforcement tool, such a system in Alameda must be used without creating a database of innocent people's movements. Data retention periods should be measured in hours or days, not months or, as Mr. Russo recommends, a year so that databases are not created in the first place.

Furthermore, ALPR data is shared with other counties and potentially the federal intelligence community through a "fusion center." The US Senate concluded in 2012 that fusion centers fail to make us safer, tend to be mismanaged, and needlessly intrude on Americans' privacy. See http://www.coburn.senate.gov/public/index.cfm?a=Files.Serve&File_id=2e7ffc62-f7d9-46ff-8405-871391158cbe.) The suggestion that counties are sharing data *en mass* is particularly troubling.

Lastly are the chilling effects of ALPRs. Tracking endangers our rights of protests and association and has the potential to reach deeply into our lives. The data potentially allows authorities to track the movements of anyone who drives a car. Knowing or suspecting that we're being watched can have the effect of stopping us from engaging in certain kinds of behavior, even when it's perfectly lawful. Surveillance changes the way we make daily decisions. I'm certain that every one of you on the Council has felt nervous when you see a rapidly approaching police car in your rearview mirror -- even when you're driving completely lawfully.

Indeed, the International Association of Chiefs of Police noted that individuals may become "more cautious in the exercise of their protected rights of expression, protest, association, and political participation" due to ALPRs (see <http://www.theiacp.org/LinkClick.aspx?fileticket=N%2BE2wvY%2F1QU%3D&tabid=87>). These infringements on our privacy are potentially a greater danger to society than the dangers they are supposed to protect us from. As the ACLU has so well expressed, "Driving may be a privilege, but privacy is a right."

Respectfully submitted,

Richard M. Hausman
2620 Clay Street
Alameda CA 94501
510-522-4651

Lara Weisiger

From: <raidgato755@aol.com>
To: "Mgilmore@alamedaca.gov" <Mgilmore@alamedaca.gov>, "Mezzyashcraft@alamed...
Date: 9/26/2013 2:10 PM
CC: "Ltam@ci.alameda.ca.us" <Ltam@ci.alameda.ca.us>, "GMorgado@acgov.org" <G...
Attachments: LPR Letter to Alameda City Council.pdf

Mayor Gilmore and City Council members,

Here is a letter in support of the proposal by the Alameda Police Department to use license plate readers during their duties. I was contacted by Ms. Tam and asked to supply this letter in lieu of an appearance as I will be out of town for the meeting where this will be discussed.

Though I am now a member of the Transportation Commission I felt it more appropriate to address this issue as a resident.

Thank you for this opportunity.

Greg Morgado

Sent from Windows Mail

Greg Morgado
3268 Thompson Ave.
Alameda Ca, 94501
September 26, 2013

Honorable Mayor Marie Gilmore
Alameda City Council
2263 Santa Clara Ave.
Alameda Ca. 94501

As a 28 plus year resident of Alameda and retired 29 year veteran of the Alameda County Sheriff's Office, I support the Alameda Police Departments request to utilize License Plate Readers.

Many law enforcement agencies throughout California and the nation already use this valuable tool to further their ability to investigate crimes, recover stolen vehicles, and locate missing persons and I believe the Alameda Police Department should be allowed the use of license plate readers.

During the investigation of incidents in residential areas each and every license plate of every vehicle in the immediate vicinity of the scene is retained for investigative purposes. The use of this information allows law enforcement to conduct follow up to locate involved parties, witnesses, and suspects. The use of a license plate readers would increase the ability of the Police Department to compare and retain information concerning the scene of an incident both before and after something has occurred.

It is also a common practice for persons committing crimes to steal motor vehicles to get from place to place. These persons will steal a vehicle, drive it to another location to commit crime and abandon it... only to immediately steal another vehicle in the immediate area to use as transportation out of the area. In my experience, people who drive stolen vehicles will often possess weapons, narcotics, and place members of the public in harms way when they flee from law enforcement in a stolen vehicle to avoid being caught and held responsible for their actions. The use of license plate readers will increase the chances our Police Department has of detecting stolen vehicles both parked in and driving through our city.

Law enforcement also uses vehicle license and registration information during the investigations of Missing Persons cases. Information for license plates identifying in what vehicle a missing person might be found is entered into the system. The system can be programmed to alert the agency that a vehicle linked to a missing person has been detected. This will increase the ability of our Police Department to find missing persons reported both in its own jurisdiction and those missing persons reported by agencies across the state and nation.

In addition to these examples are the many alerts or "hits" made when our Police Department, using the system, "reads" license plates on vehicles in and driving through

our city connected to persons on probation, persons wanted for outstanding warrants, and vehicles connected to unpaid parking tickets.

Unfortunately, but deserving of mention is the fact our city is in close proximity to sites identified as possible terrorist targets. Should the Police Department mention these in their presentation, please consider this information in your deliberations as databases linked to the license plate readers can identify persons of interest. Though an incident will hopefully never occur, we as public servants and citizens can not leave this issue out of discussions and based on our cities geographic location there is a likely chance our city could be used as a highway between two of the highest rated targets in our region, the Port of Oakland and Oakland Airport.

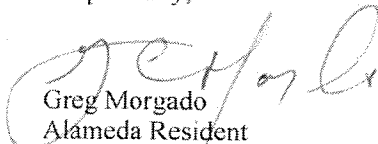
Finally, there will be those offering information on news stories reported in the media concerning the use of license plate readers. One news story mentions a citizen who lives in the City of San Leandro. After asking that agency how many times his license plate had been read and photographed by this important technology he was told "112" times. This figure was mentioned along with a quote where he reportedly said he was "frightened and concerned about the magnitude of police surveillance and data collection." But let's look at those numbers in relation to what we want our Police Department to do when they are not taking a report or off on the scene of an incident in our city.

I look at "112" as the number of times a uniformed police officer in a marked patrol vehicle had been by this citizens home or contacted his vehicle while he was out and about in the city since 2008. If we conservatively use the year 2009 as a starting point and average out 112 over a three year time period, this citizen's vehicle was "read" about 37 times a year. This is less than once a week in a calendar year and this is not enough for me. As a resident of Alameda I wish the police would come by my home at least three times that a year and if the use of license plate readers increases their ability to investigate crimes, and track possible criminal activities in our neighborhoods then I am all for it.

Please inform the Police Department they are more than welcome to use the license plate readers on my street anytime of the day or night and they can place my vehicle license number in any database they wish as this technology and all it can do will make our city a safer place to live.

I support the equipping of Alameda Police Department vehicles with license plate readers and urge you to grant their request.

Respectfully,



Greg Morgado
Alameda Resident