

RESOLUTION NO. 2023-125

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA APPROVING A 24-MONTH SERVICE AGREEMENT FOR THE LEASING OF TWENTY (20) AUTOMATED LICENSE PLATE READER (ALPR) CAMERAS FROM FLOCK GROUP, INC., IN AN AMOUNT NOT TO EXCEED \$130,000.00; WAIVING THE CITY'S FORMAL BID PROCESS, WITHOUT COMPETITIVE BIDDING, FINDING THAT COMPETITIVE BIDDING WOULD BE UNAVAILING, WOULD NOT PRODUCE AN ADVANTAGE AND WOULD NOT BE IN THE PUBLIC INTEREST; WAIVING THE LOCAL VENDOR REQUIREMENT FINDING THAT NO LOCAL VENDORS ARE AVAILABLE; AUTHORIZE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

WHEREAS, cameras and Automated License Plate Reader (ALPR) technology are useful tools used by police agencies to help solve crimes; and

WHEREAS, the Marina Police Department would like to enter into a 24-month lease agreement for twenty (20) ALPR Cameras from Flock Group, Inc. to be placed throughout the City in locations to be determined, but primarily in high crime areas and major arterial roadways into and out of the city; and

WHEREAS, Flock Safety is the sole manufacturer and developer of the Flock Safety Camera, and is the only manufacturer and service provider that leases ALPR services; others require the City to purchase equipment. The technology is also different because it captures motion and not just license plates; and

WHEREAS, there are no local vendors offering this equipment and/or service giving the City Council the authority to authorize this lease agreement without application of the local purchasing preference pursuant to Marina Municipal Code Section 3.16.070; and

WHEREAS, Flock Safety has a sole source agreement with Evidence.com, the evidence management system used by the City's Police Department; and

WHEREAS, Municipal Code section 3.16.040 provides an exception to the requirement for competitive bidding when the City Council finds by resolution that competitive bidding would be unavailing, would not produce an advantage and would not be in the public interest; and

WHEREAS, the funding for the proposed lease agreement was previously approved by the Marina City Council in the adopted FY23/24 – FY24/25 budget cycle;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby:

1. Approve the execution of a 24-Month Service Agreement for the proposed Automated License Plate Reader (ALPR) Camera System from Flock Group, Inc., and
2. Approves waiving the City's formal bid process; finding that competitive bidding would be unavailing, would not produce an advantage and would not be in the public interest, and;

3. Authorizes Finance Director to make necessary accounting and budgetary entries, and;
4. Authorize City Manager to execute purchase agreement on behalf of City subject to final review by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the by the following vote:

AYES, COUNCIL MEMBERS: Visscher, McCarthy, Biala, Medina Dirksen, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

**Marina Police Department**

Published by Andres Rosas Jr. · November 1 at 9:28 PM ·

The Marina Police Department is considering the implementation of the Flock Safety Camera System in the city to help deter crime and keep you safe. Please follow the link to find out more information on this valuable tool, and to provide us with your feedback using our online web form. We can also answer any questions you might have about the system using the same web form. We look forward to hearing from you!

<https://www.cityofmarina.org/.../MARPD-Flock-Safety-ALPR...>

**If link does not work, please copy and paste into your browser.

Marina Police Department**FLOCK SAFETY
CAMERA SYSTEM
PRESENTATION**[See insights and ads](#)[Boost post](#)

85

15 comments · 7 shares

Post Insights



The Marina Police Department is considering the implementation of the Flock Safety Camera System in t...

Published by Andres Rosas Jr. · November 1 at 9:28 PM ·

Post Impressions



6,889

Post reach



6,140

Engagement



854

Interactions



104



2



0



1



0



0



Reactions

107



Comments

16



Link Clicks

175



Shares

7



Other Clicks

479



Krystle Potts
Please do it!!!

1w Like Reply Hide 



Michelle Horne Hamby
Yes please

1w Like Reply Hide 



Efrem Valentín
Do it

1w Like Reply Hide 



Kevin Roa
Do it. All the other surrounding cities have them already and are effective

1w Like Reply Hide



Paul Manuel
Lets not consider it, lets do it!

1w Like Reply Hide  2 



Bill DeAmaral
What's to consider?

1w Like Reply Hide 

Marina Police Department's Post



Misty Flores · [Follow](#)

Great idea! 💡

1w Like Reply Hide



Chris James

Great idea MPD! I hear LPRs are highly effective at deterring crime and assisting with investigations!

1w Like Reply Hide



Barbie Maschmeier

Yes implement!

1w Like Reply Hide



Eileen Seeranee B. Perez

Thank you please do it

1w Like Reply Hide



Yvonne Stein Lomboy

I vote yes!

1w Like Reply Hide



Steve Wagy

Sounds great, let's do it

1w Like Reply Hide



Brittany Lee Derowski

Awesome!!

1w Like Reply Hide



Kathy Cook

Love it!

1w Like Reply Hide



Cathy Meachum

Yes

1w Like Reply Hide



Monterey Bay Crime/Emergency

November 4 at 3:15 PM · 🌐



[Show Attachment](#)

👍 16

1 💬 1 ➦



Like



Comment



Share

Most relevant ▼



Write a comment...



Alan Gutberlet

have read a lot of use by other departments and it seems to be a really valuable system for everyone except criminals...

1w [Like](#) [Reply](#)

3 👍 😂

Write a comment...

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Sole Source Letter for Flock Safety™ ALPR Cameras and Solution

Flock Safety is the sole manufacturer and developer of the Flock Safety ALPR Camera. Flock Safety is also the sole provider of the comprehensive monitoring, processing, and machine vision services which integrate with the Flock Safety ALPR Camera.

The Flock Safety ALPR camera and devices are the only Law Enforcement Grade ALPR System to offer the following combination of proprietary features:

1. Vehicle Fingerprint Technology™:

- Patented proprietary machine vision to analyze vehicle license plate, state recognition, and vehicle attributes such as color, type, make and objects (roof rack, bumper stickers, etc.) based on image analytics (not car registration data)
- Machine vision to capture and identify characteristics of vehicles with a paper license plate and vehicles with the absence of a license plate
- Ability to 'Save Search' based on description of vehicles using our patented Vehicle Fingerprint Technology without the need for a license plate, and set up alerts based on vehicle description
- Only LPR provider with "Visual Search" which can transform digital images from any source into an investigative lead by finding matching vehicles based on the vehicle attributes in the uploaded photo
- Falcon Flex™: an infrastructure-free, location-flexible license plate reader camera that is easy to self install. Falcon Flex ties seamlessly into the Flock ecosystem with a small and lightweight camera with the ability to read up to 30,000 license plates and vehicle attributes on a single battery charge

2. Integrated Cloud-Software & Hardware Platform:

- Ability to capture two (2+) lanes of traffic simultaneously with a single camera from a vertical mass
 - Best in class ability to capture and process up to 30,000 vehicles per day with a single camera powered exclusively by solar power
 - Wireless deployment of solar powered license plate reading cameras with integrated cellular communication weighing less than 5lbs and able to be powered solely by a solar panel of 60W or less
 - Web based footage retrieval tool with filtering capabilities such as vehicle color, vehicle type, vehicle manufacturer, partial or full license plate, state of license plate, and object detection
 - Utilizes motion capture to start and stop recording without the need for a reflective plate
-

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- Motion detection allows for unique cases such as bicycle capture, ATV, motorcycle, etc.
 - On device machine processing to limit LTE bandwidth consumption
 - Cloud storage of footage
 - Covert industrial design for minimizing visual pollution
3. Transparency & Ethical Product Design:
- One-of-a-kind “Transparency Portal” public-facing dashboard that details the policies in place by the purchaser, as well as automatically updated metrics from the Flock system
 - Built-in integration with NCMEC to receive AMBER Alerts to find missing children
 - Privacy controls to enable certain vehicles to “opt-out” of being captured
4. Integrated Audio & Gunshot Detection:
- Natively integrated audio detection capabilities utilizing machine learning to recognize audio signatures typical of crimes in progress (e.g., gunshots)
5. Live Video Integration:
- Ability to apply computer vision to third-party cameras using Wing™ LPR, transforming them to evidence capture devices using the same Vehicle Fingerprint technology offered on the Flock Safety Falcon™ ALPR cameras
 - Wing™ Livestream integrates live stream traffic cameras, publicly or privately owned livestream security cameras into one cloud-based situational awareness dashboard to increase response time in mission-critical incidents
 - Manage various government intelligence including ALPR, livestream cameras, CAD, automatic vehicle location (AVL) on Flock Safety's Wing™ Suite
 - Access Wing™ Replay to unlock enhanced situational awareness with 7-day footage retention, Hot List Live Video Instant Replay, and downloadable MP4
6. Partnerships:
- Flock Safety is the only LPR provider to officially partner with AXON to be natively and directly integrated into Evidence.com
 - Flock Safety is the only LPR provider to be fully integrated into a dynamic network of Axon's Fleet 3 mobile ALPR cameras for patrol cars and Flock Safety's Falcon cameras
 - Access to additional cameras purchased by our HOA and private business partners, means an ever-increasing amount of cameras and data at no additional cost
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7. Warranty & Service:

- Lifetime maintenance and support included in subscription price
- Flock Safety is the only fully integrated ALPR one-stop solution from production of the camera to delivery and installation
- Performance monitoring software to predict potential failures, obstructions, tilts, and other critical or minor issues

Thank you,



Garrett Langley CEO, Flock Safety

Automated License Plate Readers (ALPRs)

429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

429.2 POLICY

The policy of the Marina Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

The Marina Police Department does not permit the sharing of ALPR data gathered by the City, or its contractors/subcontractors, for purpose of federal immigration enforcement. Pursuant to the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq), these federal immigration agencies include the Immigrations and Customs Enforcement (ICE) and the Customs and Border Patrol (CPB).

429.3 DEFINITIONS

- (a) **Automated License Plate Reader (ALPR):** A device that uses cameras and computer technology to compare digital images to lists of known information of interest.
- (b) **ALPR Operator:** Trained Department members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the Department, and the ALPR Administrator may order the deployment of the ALPR systems for use in various efforts.
- (c) **ALPR Administrator:** The Administrative Division Commander or the Chief's designee, serves as the ALPR Administrator for the Department.
- (d) **Hot List:** A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, NCIC, CA DMV, Local BOLO's, etc.
- (e) **Vehicles of Interest:** Including, but not limited to, vehicles which are reported as stolen; display stolen license plates or tags; vehicles linked to missing and/or wanted persons, and vehicles flagged by the Department of Motor Vehicle Administration or law enforcement agencies.
- (f) **Detection:** Data obtained by an ALPR of an image (such as a license plate) within public view that was read by the device, including potential images (such as the plate and description of vehicle on which it was displayed), and information regarding the location of the ALPR system at the time of the ALPR's read.
- (g) **Hit:** Alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a

Automated License Plate Readers (ALPRs)

specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order or terrorist-related activity.

429.4 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates, along with the vehicle make, model, color, and unique identifiers, through the Marina Police Department's ALPR's system and a vendor's vehicle identification technology. The technology is used by the Marina Police Department to convert data associated with vehicle license plates and vehicle descriptions for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Department Information Technology Manager. The Department Information Technology Manager will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

429.4.1 ALPR ADMINISTRATOR

The Administrative Services Division Commander shall be responsible for compliance 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):

- (a) Only properly trained sworn officers, crime analysts, and police assistants are allowed access to the ALPR system or to collect ALPR information.
- (b) Ensuring that training requirements are completed for authorized users.
- (c) ALPR system monitoring to ensure the security of the information and compliance with applicable privacy laws.
- (d) Ensuring that procedures are followed for system operators and to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation is maintained. Continually working with the Custodian of Records on the retention and destruction of ALPR data.
- (f) Ensuring this policy and related procedures are conspicuously posted on the department's website.

429.5 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- (a) An ALPR shall only be used for official law enforcement business.

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- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) Partial license plates and unique vehicle descriptions reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert. Once an alert is received, the operator should confirm that the observed license plate from the system matches the license plate of the observed vehicle. Before any law enforcement action is taken because of an ALPR alert, the alert will be verified through a CLETS inquiry via MDC or through Dispatch. Members will not take any police action that restricts the freedom of any individual based solely on an ALPR alert unless it has been validated. Because the ALPR alert may relate to a vehicle and may not relate to the person operating the vehicle, officers are reminded that they need to have reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle. (For example, if a vehicle is entered into the system because of its association with a wanted individual, Officers should attempt to visually match the driver to the description of the wanted subject prior to making the stop or should have another legal basis for making the stop.)
- (f) Hot Lists: Designation of hot lists to be utilized by the ALPR system shall be made by the ALPR Administrator or his/her designee. Hot lists shall be obtained or compiled from sources as may be consistent with the purposes of the ALPR system set forth in this Policy. Hot lists utilized by the Department's LPR system may be updated by agency sources more frequently than the Department may be uploading them and thus the Department's LPR system will not have access to real time data. Occasionally, there may be errors in the LPR system's read of a license plate. Therefore, an alert alone shall not be a basis for police action (other than following the vehicle of interest). Prior to initiation of a stop of a vehicle or other intervention based on an alert, Department members shall undertake the following:

(1) **Verification of status on a Hot List** - An officer must receive confirmation, from a Monterey County Communications Dispatcher or other department computer device, that the license plate is still stolen, or that the vehicle on which the license plate is affixed is still reported as stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).

(2) **Visual verification of license plate number** - Officers shall visually verify that the license plate of interest matches identically with the image of the license plate number captured (read) by the LPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors before proceeding. Department members alerted to the fact that an observed motor vehicle's license plate is entered as a Hot

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Plate (hit) in a specific BOLO (be on the lookout) list are required to make a reasonable effort to confirm that a wanted person is actually in the vehicle and/or that a reasonable basis exists before a Department member would have a lawful basis to stop the vehicle.

(3) Department members will clear all stops from hot list alerts by indicating the positive ALPR Hit. (i.e. with an arrest or other enforcement action) If it is not obvious in the text of the call as to the correlation of the ALPR Hit and the arrest, then the Department member shall update with the Communications Dispatcher, and the original person and/or a crime analyst inputting the vehicle in the hot list (hit).

(4) General Hot Lists (SVS, SFR, and SLR) will be automatically downloaded into the ALPR system a minimum of once a day with the most current data overwriting the old data.

(5) All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting Department member within the appropriate general offense report. As such, specific Hot Lists shall be approved by the ALPR Administrator (or his/her designee) before initial entry within the ALPR system. The updating of such a list within the ALPR system shall thereafter be accomplished pursuant to the approval of the Department member's immediate supervisor. The hits from these data sources should be viewed as informational; created solely to bring the officers attention to specific vehicles that have been associated with criminal activity.

All Hot Plates and suspect information entered into the ALPR system will contain the following information as a minimum:

- Entering Department member's name
 - Related case number.
 - Short synopsis describing the nature of the originating call
- (g) Training: No member of this Department shall operate ALPR equipment or access ALPR data without first completing Department-approved training.
- (h) Login/Log-Out Procedure: To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be fully audited.

Permitted/Impermissible Uses. The ALPR system, and all data collected, is the property of the Marina Police Department. Department personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this Policy. The following uses of the ALPR system are specifically prohibited:

1. Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, it is a violation of this Policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).

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2. Harassment or Intimidation: It is a violation of this Policy to use the ALPR system to harass and/or intimidate any individual or group.
3. Use Based on a Protected Characteristic: It is a violation of this policy to use the ALPR system, or associated scan files and hot lists, solely because of a person or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.
4. Personal Use: It is a violation of this Policy to use the ALPR system or associated scan files or hot lists for any personal purpose.
5. First Amendment Rights. It is a violation of this policy to use the LPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.

Anyone who engages in an impermissible use of the ALPR system, associated scan files, or hot lists may be subject to:

- Criminal prosecution,
- Civil Liability, and/or
- Administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and Department policies.

429.6 DATA COLLECTION AND RETENTION

The Administrative Services Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data.

An ALPR vendor who provides data storage on behalf of the Marina Police Department will store the data (data hosting) in a manner to ensure proper maintenance and security of data stored in their data servers. The ALPR vendor will purge their data at the end of the 30 days of storage. However, this will not preclude Marina Police Department from maintaining any relevant vehicle data obtained from the system after that period pursuant to the established City of Marina retention schedule mentioned above or outlined elsewhere.

Restrictions on use of ALPR Data: Information gathered or collected, and records retained by ALPR vendor cameras or any other Marina Police Department ALPR system will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes.

429.7 ACCOUNTABILITY AND SAFEGUARDS

All data will be closely safeguarded and protected by both procedural and technological means. The Marina Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) All non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law.

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Automated License Plate Readers (ALPRs)

- (b) All ALPR data downloaded to the mobile workstation shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relates to a specific criminal investigation or department-related civil or administrative action.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes.
- (e) Every ALPR Detection Browsing Inquiry must be documented by either the associated Marina Police case number or incident number, and/or a reason for the inquiry.

For security or data breaches, see the Records Release and Maintenance Policy.

429.8 ALPR DATA DETECTION BROWSING AUDITS

It is the responsibility of the Administrative Services Division Commander or the Chief of Police's designee to ensure that an audit is conducted of ALPR detection browsing inquiries at least once a quarter. The Department will audit a sampling of the ALPR system utilization from the prior 3-month period to verify proper use in accordance with the above-authorized uses. The audit shall randomly select at least 10 detection browsing inquiries conducted by department employees during the preceding six-month period and determine if each inquiry meets the requirements established in policy section 429.7(e).

The audit shall be documented in the form of an internal department memorandum to the Chief of Police. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Chief of Police, the memorandum and any associated documentation shall be filed and retained by Administrative Services Division Commander.

429.9 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Chief of Police or the authorized designee and approved before the request is fulfilled.
- (c) The Chief of Police or the authorized designee will consider the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq), before approving the release of ALPR data. The Marina Police Department does not permit the sharing

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of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement. These federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CPB).

- (d) The approved request is retained on file. Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

429.10 TRAINING

The Training Sergeant should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Marina Police Department



FLOCK SAFETY CAMERA SYSTEM PRESENTATION

What this IS

- License plate recognition
- Gathers objective evidence and facts about vehicles, not people
- Alerts police of wanted vehicles
- Used to solve crime
- Adheres to all state laws

What this is NOT

- Not facial recognition
- Not tied to Personal Identifiable Information
- Not used for traffic enforcement
- Data not stored beyond 30 days ➡ *automatically deletes every 30 days*



Provides real-time alerts to dispatch, patrol vehicles, and officers in the field

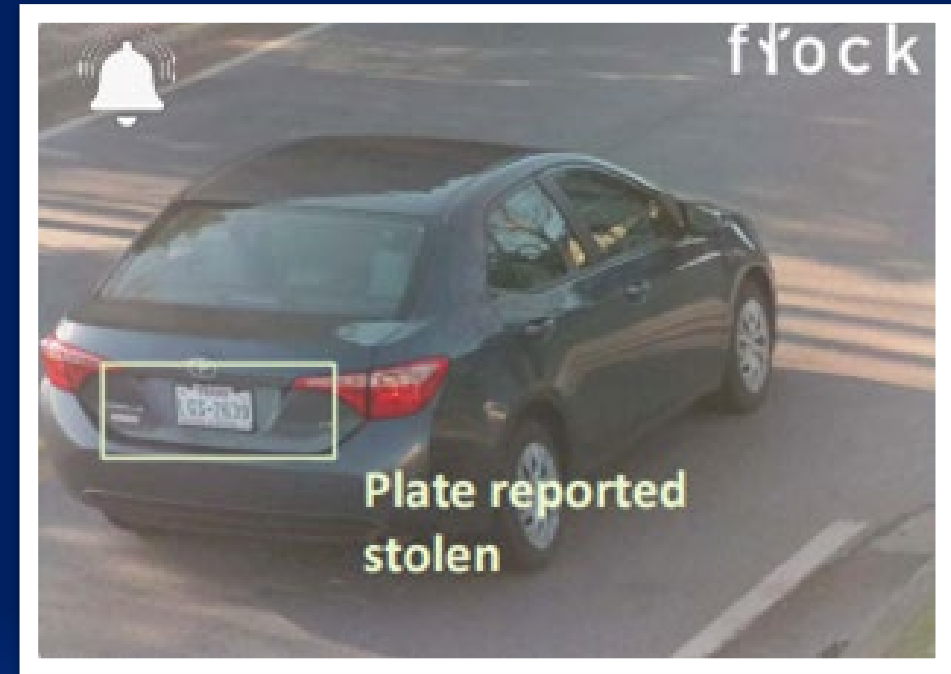
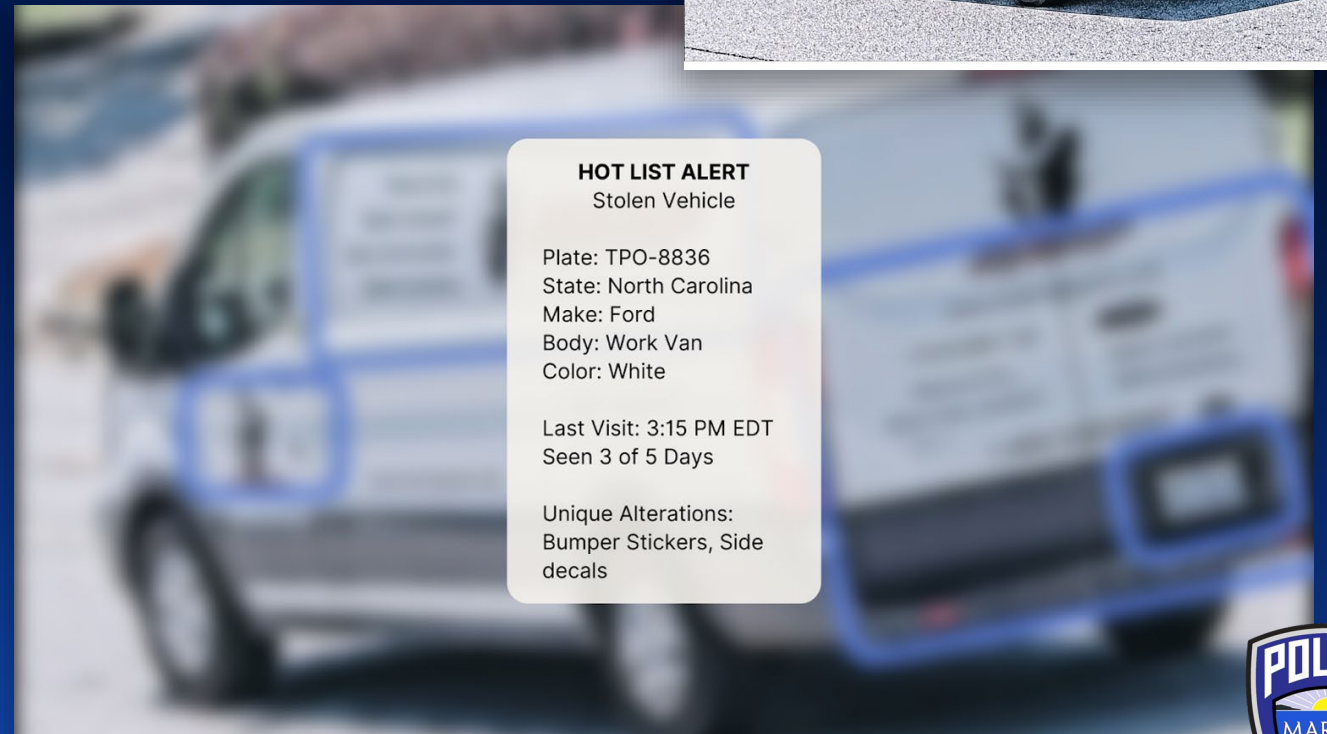


	Plate TX LGS2639		Last Visit 3:15 PM EDT
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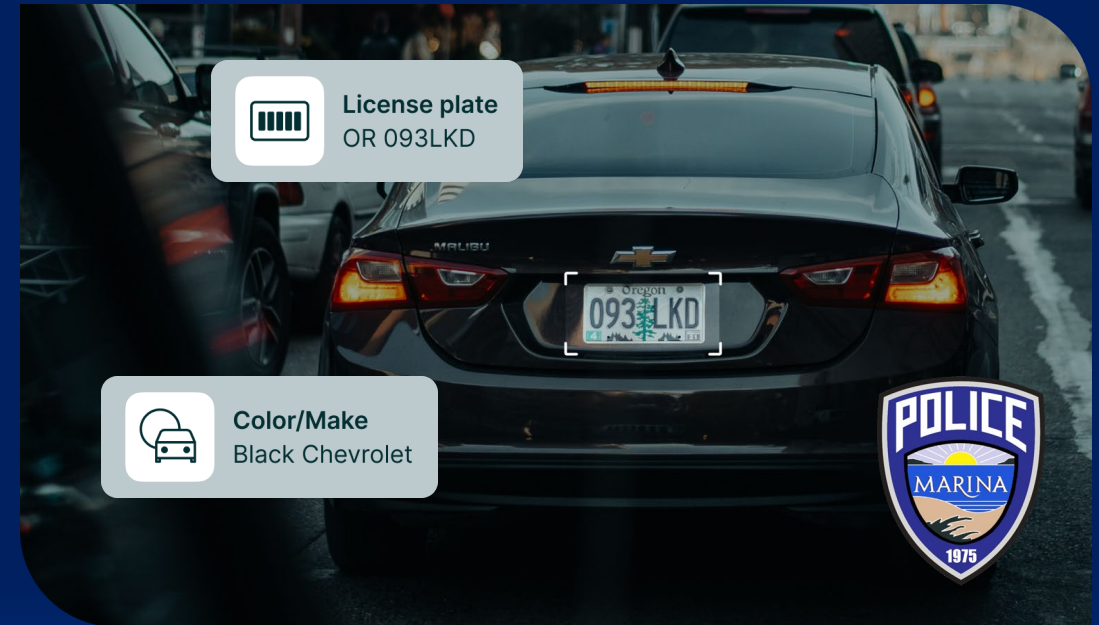
HOW IS THIS TECHNOLOGY DIFFERENT?

- Fingerprint™ Technology (i.e., color, make, model, racks, bumper stickers, size, State, damage, etc.)
- Vehicle Recognition vs ALPR
- Unlimited users within the police department, but each has a unique login for activity tracking
- Mobile Alerts
- Night Vision – Captures vehicles traveling up to 90 MPH
- Multi-lane view of traffic



When you get Flock you get:

Flock Safety provides our police department with indiscriminate evidence from fixed locations. They provide all of the maintenance so that our police department and city staff can focus on keeping you and your city safe and prosperous.



INFRASTRUCTURE FREE

Reduce time to value and utility costs with full -service deployment.



24/7 COVERAGE

Capture objective vehicle data around the clock to multiply your force.



REAL-TIME ALERTS

- NCIC
- NCMEC (Amber Alert)
- Custom Hot Lists



Ethically Made

- No people
- No facial recognition
- No traffic enforcement
- Indiscriminate evidence

Who Else Is Using Flock Safety?

Police Agencies Deploying
Flock Safety Technology In Their Jurisdictions.

Local Usage

Police Departments:

- Watsonville PD
- Seaside PD
- Pacific Grove PD
- Sand City PD
- Salinas PD
- Carmel PD
- Capitola PD
- CHP

National Usage

- 3700 communities
- 3000 police agencies



How does Flock Safety technology benefit the City of Marina and our residents?

- Enhances public safety for the community by having cameras act as a deterrent.
- Will be a police force “multiplier”.
- Creates public trust between our community and Law Enforcement through the online Community Portal and transparent department policy.
- Provides officers in the field with real-time alerts for stolen vehicles and other vehicles of interest related to criminal activity and missing persons. (Example: Amber Alerts)
- Assists officers with solving crime and missing person investigations quickly and more efficiently.

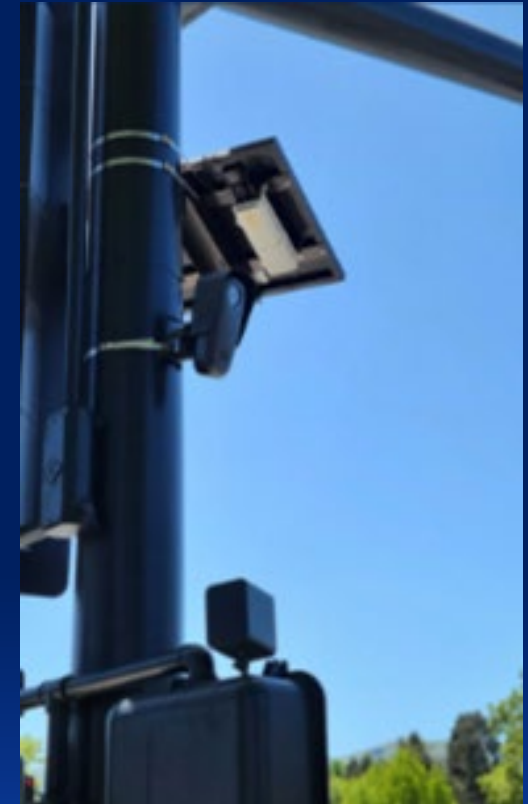




Solar &
Existing
Pole



Solar &
Flock Pole

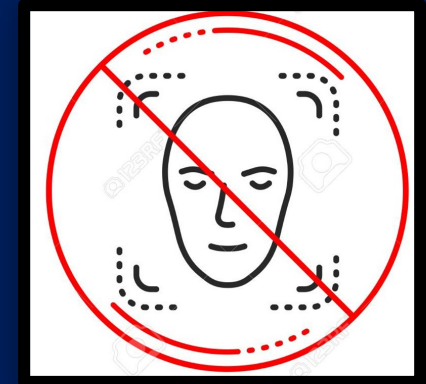


Solar &
Traffic
Pole

Mounting Options For Flock Cameras

Protecting Privacy Ethics-Driven Innovation

- Camera footage is 100% owned by our police department and will be deleted after 30 days, unless maintained as evidence in an investigation.
- Captured images will never be sold or shared by Flock. Your police department will only share information with other law enforcement agencies as part of a police investigation.
- All data is encrypted.
- Use of the Flock Camera System by trained personnel will be governed by a strict department policy. This policy will be made public.
- Flock camera systems are not connected to DMV registration data. License plate “HITS” come from NCIC, NCMEC (amber alerts), and custom hot lists.
- The Flock cameras capture vehicle and license plate images, not people or facial recognition. Images are typically captured of the rear of the vehicle with the license plate.



Policy
429

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SAMPLE POLICY

Automated License Plate Readers (ALPRs)

429.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

429.2 POLICY

Best Practice **MODIFIED**

The policy of the Marina Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Be



TRANSPARENCY PORTAL

Overview

Morgan Hill CA PD uses Flock Safety technology to capture objective evidence without compromising on individual privacy. Morgan Hill CA PD utilizes retroactive search to solve crimes after they've occurred. Additionally, Morgan Hill CA PD utilizes real time alerting of hotlist vehicles to capture wanted criminals. In an effort to ensure proper usage and guardrails are in place, they have made the below policies and usage statistics available to the public.

Policies



What's Detected

License Plates, Vehicles



What's Not Detected

Facial recognition, People, Gender, Race



Acceptable Use Policy

Data is used for law enforcement purposes only. Data is owned by Morgan Hill CA PD and is never sold to 3rd parties.



Prohibited Uses

Immigration enforcement, traffic enforcement, harassment or intimidation, usage based solely on a protected class (i.e. race, sex, religion), Personal use.



Access Policy

All system access requires a valid reason and is stored indefinitely.



Hotlist Policy

Hotlist hits are required to be human verified prior to action.

Usage



Data retention (in days)

30 days



Number of owned cameras

25



External organizations with access

ACRATT -CA, Alameda CA PD, Arcadia CA PD, Alherton CA PD, Auburn CA PD, Burlingame CA PD, Campbell CA PD, Danville CA PD, Fremont CA PD, Galt CA PD, Gilroy CA PD, Hayward CA PD, Hillsborough CA PD, Kings County CA DAs Office, Lathrop CA PD, Livermore CA PD, Los Gatos Monte Sereno PD - CA, Menlo Park CA PD, Milpitas CA PD, Monterey County CA SO, Mountain View CA PD, NCRIC, Newark CA PD, Ontario CA PD, Pleasanton CA PD, Richmond CA PD, Salinas PD - CA, San Jose CA PD, San Leandro PD CA, San Mateo CA PD, San Mateo County CA SO, San Pablo CA PD, San Rafael CA PD, Santa Clara County CA SO, Santa Clara PD - CA, Tracy CA PD, Ukiah Fire CA FD, Union City CA PD, Walnut Creek CA PD, Woodland CA PD, Yolo County CA SO, Yuba County CA SO



Hotlists Alerted On

California SVS, NCMEC Amber Alert



Vehicles detected in the last 30 days

431,624



Hotlist hits in the last 30 days

3,335



Searches in the last 30 days

239

100% Transparency

*Available on local
city website*

*Managed by Flock
Safety*



MARINA PD STOLEN VEHICLE REPORTS

Year	10851	664/10851	RECOVERIES
2020	61	3	27
2021	49	1	23
2022	57	3	31
2023	21	0	16 (As of 10/13/23)
NOTE: Stolen and Attempted Stolen Vehicle Numbers Are Only Those Stolen From Within The City Of Marina. Recovered Vehicle Totals Include Vehicles Stolen From Other Jurisdictions And Recovered Within The City Of Marina.			



CASE STUDIES





MORGAN HILL POLICE DEPARTMENT

- 2 Weeks: 9 stolen vehicles recovered and made even more arrests

- **2.5 Month Update:** 51 Stolen Vehicles Recovered and 66 Arrests Made

- **1 Year update:** 170 Stolen Vehicles recovered and 127 Arrests

- Initial deployment 25 Falcon Cameras, doubling the coverage with a 5-0 vote from council in August 2022

- 95% of suspects reside outside of Morgan Hill

- In comparison, during the prior year (without Flock), the Police Department had only recovered 16 stolen vehicles—a 963% increase.

- **IMPLEMENTED FLOCK AUGUST 2021**



Fairfield PD Fairfield, CA

- SOLUTION INSTALLED IN 7/2021. THE FLOCK SAFETY CAMERAS HAVE RESULTED IN OVER 50 SUCCESSES THROUGH THE END OF 2021. HERE IS A SMALL SAMPLE:
- LOCATED TWO SUSPECTS WANTED FOR MURDER BY LOCATING AN “ARMED AND DANGEROUS” HOMICIDE VEHICLE
- SUSPECT WITH FELONY WARRANTS WAS LOCATED IN POSSESSION OF AN AR-15 WITH A DRUM MAGAZINE AND A SAWED-OFF SHOTGUN
- VEHICLE VS BICYCLE HIT AND RUN
- TWO ATTEMPTED MURDER SUSPECTS LOCATED AND TAKEN INTO CUSTODY WITHOUT INCIDENT



SMASH & GRAB ROBBERY



San Bruno PD



San Bruno, CA

January 2022 - Five suspects attempt a smash & grab robbery at a jewelry store, but are chased off by the owner

But here's what didn't make the news...

- Suspect vehicle identified using Flock
- SBPD thought the suspects would try again, potentially more violently
- **Vehicle placed on a custom hotlist**
- SBPD receives a real time alert that the suspects are returning
- **Officers locate the vehicle within seconds preventing another attempted robbery**





Seaside PD



Seaside, CA

- Deployed Flock Cameras in March 2023

So far....

- Assisted in solving two homicides with suspects from outside the city
- Helped solve a hit and run case
- Helped to solve at least 10 other crimes since it's deployment



COULD FLOCK CAMERAS HAVE HELPED SOLVE THIS CASE QUICKER?

- TWO SUSPECTS WEARING SKI MASKS ATTEMPTED TO BREAK INTO A HOME IN THE 100-BLOCK OF PALM AVENUE
- SUSPECTS FLED IN A **LIGHT-COLORED VEHICLE WITH A SPOILER ON THE REAR**
- FLED ONTO LAKE DRIVE



COULD FLOCK CAMERAS HAVE HELPED SOLVE THIS CASE QUICKER?

- MARINA POLICE OFFICERS RESPONDED TO A HIT AND RUN COLLISION AT RESERVATION ROAD AND SALINAS AVENUE.
- A PEDESTRIAN WAS STRUCK BY A WHITE SEDAN, POSSIBLY A WHITE TESLA MODEL S.
- BASED ON THE LOCATION OF THIS CRASH, FLOCK CAMERAS WOULD LIKELY HAVE CAPTURED IMAGES OF THIS VEHICLE AND IT'S LICENSE PLATE. THIS WOULD HAVE PROVIDED VEHICLE INFORMATION TO FURTHER ASSIST OFFICERS IN QUICKLY LOCATING AND IDENTIFYING A SUSPECT.



Case Study - Long Term Results

Hillsborough PD -
Hillsborough, CA

“Word has gotten out about these ALPR programs, and folks that are in the business of stealing cars will typically do a little bit of research and find out that a city that has an ALPR program they then want to avoid”
- **Chief Ian Schmutzler**

33%

Decrease in Reported
Vehicle Thefts

35%

Increase in Arrests
related to Vehicle
Thefts

2X

Requested increase in #
of cameras

Less Vehicle Thefts
are happening in
Vacaville, and more
of them are getting
solved.



Case Study: Auto Theft



Chamblee
PD



Chamblee, GA



Stranger on Stranger Abduction August, 28
2020

When every second matters, Flock Safety's Machine Vision is Critical

- 12:33 PM ● Amber Alert Issued
- 1:01 PM ● Search Conducted with Flock Safety
- 2:30 PM ● Suspect Vehicle Located
- 5:03 PM ● Felony Stop + Arrest
- 6:00 PM ● Baby Reunited with Mother



QUESTIONS?



Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of November 21, 2023

CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2023-, APPROVING A 24-MONTH SERVICE AGREEMENT FOR THE LEASING OF TWENTY (20) AUTOMATED LICENSE PLATE READER (ALPR) CAMERAS FROM FLOCK GROUP, INC., IN AN AMOUNT NOT TO EXCEED \$130,000.00; WAIVING THE CITY'S FORMAL BID PROCESS, WITHOUT COMPETITIVE BIDDING, FINDING THAT COMPETITIVE BIDDING WOULD BE UNAVAILABLE, WOULD NOT PRODUCE AN ADVANTAGE AND WOULD NOT BE IN THE PUBLIC INTEREST; WAIVING THE LOCAL VENDOR REQUIREMENT FINDING THAT NO LOCAL VENDORS ARE AVAILABLE; AUTHORIZE FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

RECOMMENDATION:

It is recommended that the City Council:

1. Consider adopting Resolution No. 2023-, Approving the entrance into a 24-Month service agreement for the leasing of twenty (20) Automated License Plate Reader (ALPR) Cameras from Flock Group, Inc. with a total cost not to exceed \$130,000.00 (Estimated Year 1 Cost - \$66,000.00 & Year 2 Cost - \$60,000.00), and;
2. Consider waiving the City's formal bid process; finding that competitive bidding would be unavailable, would not produce an advantage and would not be in the public interest, and;
3. Consider waiving the City's local vendor requirements; finding that no local vendors are available, and
4. Authorize the Finance Director to make necessary accounting and budgetary entries, and;
5. Authorize City Manager to execute the leased services agreement on behalf of City, subject to final review by the City Attorney.

BACKGROUND:

Police Departments are increasingly using available technology to enhance safety, deter crime, and increase investigative efforts to bring criminals to justice. The Marina Police Department has been investigating the use of Automated License Plate Reader (ALPR) Cameras (**"EXHIBIT C"**) as a means to accomplish these goals, as well as being able to utilize this technology as a "force multiplier" by deploying the cameras in multiple locations at a fraction of the cost of an actual patrol officer. By strategically placing cameras throughout the city, we will multiply the ability to detect vehicles associated with criminal activity by the number of cameras deployed.

ALPR Camera systems, specifically the Flock Safety Camera System, is already being deployed in the cities of Seaside, Pacific Grove, Salinas, Watsonville, Carmel, Capitola, Sand City, and the

California Highway Patrol. Additionally, Monterey Police Department is considering adding ALPR cameras. These agencies have all found ALPR camera technology to be a preventative, effective, and beneficial tool for locating and identifying stolen vehicles, and other vehicles linked to criminal activity. Even within the Marina Police Department, we have already identified cases where these cameras likely would have assisted in a more rapid detection of the vehicles and suspects involved in criminal activity in our city.

ANALYSIS:

The Flock Safety Automated License Plate Reader (ALPR) System is a deployment of cameras throughout an area to provide greater coverage and more detailed information for law enforcement. The Flock lease proposed here would include 20 cameras which can be spread throughout the city with specific targets to include higher crime areas and major arterial roadways into and out of the city. Flock's cameras capture date, time, location, license plate (state, partial, paper, and no plate), vehicle details (type and color), as well as objects (bicycle, animals, and people). The system alerts police of wanted vehicles identified by the system.

Flock Safety provides a desirable approach to deploying ALPR cameras throughout the community. Unlike other fixed or mobile ALPR devices, the Flock system provides the ability to cover more areas of the city with system maintenance provided by the vendor rather than City staff. The Flock program is an all-inclusive model for deploying ALPR cameras. Flock Safety is the sole manufacturer and developer of the Flock Safety Camera. There are several other differences between Flock and other ALPR companies. Most notably they are the only manufacturer and service provider that leases ALPR services. Others require the city to purchase equipment. The technology is also different because it captures motion and not just license plates.

Based on the above-stated factors, and those included in “**EXHIBIT B**”, Sole Source Letter for Flock Safety ALPR Cameras, the City Council has the authority to approve this direct purchase under Marina Municipal Code Section 3.16.040. There are also no local vendors offering this equipment and/or service giving the City Council the authority to authorize this lease agreement without application of the local purchasing preference pursuant to Marina Municipal Code Section 3.16.070.

The key benefits of Flock Safety Camera Systems are that they charge an annual flat rate lease per camera of \$3,000, which is wireless, free of infrastructure setup, and has the option for solar or direct power. They also include a two-year warranty, Criminal Justice Information Services (CJIS) compliant cloud-based hosting, unlimited user licenses, ongoing software enhancements, camera setup, mounting, shipping, handling, and a cellular connection. The Flock lease program prevents the City from being burdened with maintaining costly equipment at the end of the agreement, which could require replacement.

The City Council previously approved money to purchase ALPR technology in the FY 23/24 and FY 24/25 Adopted Budget. The total amount approved for the purchase was \$130,000.00 and covers all anticipated costs of the 24-month lease program. (Year 1 Costs - \$66,000.00, Year 2 Costs - \$60,000.00) At the conclusion of the lease agreement, the Police Department will re-evaluate the effectiveness of the technology prior to making any continuing funding requests.

To date, no resident concerns have been received by the Police Department regarding the use of data collected by ALPR systems and the privacy of residents; however, ALPR privacy concerns were evaluated in a 2020 audit of four California law enforcement agencies—Fresno Police

Department, Los Angeles Police Department, Marin County Sheriff's Office, and Sacramento County Sheriff's Office—conducted by the California State Auditor.¹ Noting that “[t]he majority of California law enforcement agencies collect and use images captured by automated license plate reader (ALPR) cameras,” the State Auditor generally concluded that “[t]o better protect the privacy of residents, local law enforcement agencies must improve their policies, procedures, and monitoring for the use and retention of license plate images and corresponding data... Law enforcement agencies must first create policies that set clear guidelines for how they will use ALPR data. Setting certain expectations in writing through an ALPR usage and privacy policy helps ensure that agencies operate their ALPR programs in a manner that better protects individuals’ privacy.”

The Police Department has updated its internal policy on License Plate Readers (Policy 429, a copy of which is attached to this Report) to incorporate a quarterly audit, restrictions on the release of ALPR data, and training for officers in the use of the ALPR system. Section 429.9(c) of Policy 429 states that, “The Chief of Police or the authorized designee will consider the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq), before approving the release of ALPR data. The Marina Police Department does not permit the sharing of ALPR data gathered by the City, or its contractors/subcontractors, for purposes of federal immigration enforcement. These federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CPB).”² The proposed agreement with Flock Safety incorporates the same safeguards and restrictions on the use and the sharing of data collected by the ALPR system.

Data collected from the Flock Safety System will not be used for immigration or traffic enforcement purposes. The Flock Safety system is not a facial recognition system, nor does it contain any Personally Identifiable Information (PII). All footage is owned by the City/Police Department and is encrypted and securely stored. Collected images and data are only retained for a period of 30 days, unless it is necessarily retained longer as part of a criminal investigation.

California law (California Civil Code section 1798.90.5 et seq.) provides additional restrictions on the collection and the use of ALPR data and provides additional protections and remedies for residents. Included among the provisions of State law is a remedy provision for any individual who has been harmed by a violation of these provisions: “In addition to any other sanctions, penalties, or remedies provided by law, an individual who has been harmed by a violation of [these provisions] including, but not limited to, unauthorized access or use of ALPR information or a breach of security of an ALPR system, may bring a civil action in any court of competent jurisdiction against a person who knowingly caused the harm.” (California Civil Code section 1798.90.54(a)) Consequently, if the Marina Police Department knowingly fails to comply with its policies and applicable State law, or if Flock Safety fails to protect individuals’ privacy rights, an individual may bring a civil action against the City and seek monetary damages and other relief that the Courts may provide. Policy 429 and the restrictions incorporated into the proposed agreement with Flock Safety are consistent with these State law requirements and meet the 2020 recommendations of the State Auditor.

¹ “Automated License Plate Readers. To Better Protect Individuals’ Privacy, Law Enforcement Must Increase Its Safeguards for the Data It Collects.” February 13, 2020. <https://www.auditor.ca.gov/reports/2019-118/index.html>

² The California Values Act (SB 54, effective January 1, 2018) ensures that no state and local resources are used to assist federal immigration enforcement; the Act prohibits local law enforcement agencies from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes and proscribes other activities or conduct in connection with immigration enforcement by local law enforcement agencies.

To demonstrate and promote transparency, the Department will launch a public ALPR transparency portal. This portal will reside on the Department's webpage and aims to openly share information with the public around when and how we are using the data being collected. Flock Safety's commitment to improve public safety while protecting the critical right of privacy is uniquely aligned with the Marina Police Department's commitment to transparency, accountability, and integrity.

CEQA CONSIDERATION:

Not a Project. The City of Marina has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378).

DEPARTMENTAL COORDINATION:

The City's information technology service providers were consulted during the project review process and made recommendations regarding the project. The City Attorney's Office is assisting with the development of the Services Agreement. The City Engineer's Office and Public Works Department were consulted regarding the implementation and installation process/requirements for ALPR camera system. The Police Department will continue to coordinate with the Finance and City Attorney's Office during the lease and payment process, and with the IT and Public Works departments as necessary on technical and implementation issues.

COMMUNITY INPUT:

The Marina Police Department noticed and held a public community meeting on October 25, 2023, at 6pm in the Marina City Council Chambers. This meeting was noticed via the department social media channels and internet website. Only four residents attended the meeting. A presentation was made to those in attendance regarding the proposal and the public was given an opportunity to ask questions, which were all answered during the meeting. (Community Presentation, "**EXHIBIT D**")

Additionally, we received many comments on our department Facebook social media account in support of the implementation of the ALPR camera system. To date, no negative postings were received via social media. (Social Media Comments, "**EXHIBIT A**")

We also created a form on our website for residents to submit questions, comments, and concerns regarding this proposal. We publicized the use of the web form on our website and sent a notification that we were seeking comment through the form to all those subscribed to the department's "News Flash" notification feature on our website. Our social media postings also directed visitors to our website for further information on the ALPR system, to include the comment submission web form. To date, only one form submission was received that asked questions about camera deployment, which were answered. No community support or opposition to the implementation of ALPR technology was received via this method.

FISCAL IMPACT:

No new funding is requested for this project. The Marina City Council previously approved funding for this project in the FY 23/24 Adopted Budget in the amount of \$130,000.00 under Project Number HSR2325, which covers the cost of the two-year agreement being requested under this resolution. The proposed cost of the lease agreement will be \$66,000.00 in FY 23/24 and \$60,000.00 in FY 24/25.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Scott Clegg
Management Analyst
Police Department
City of Marina

REVIEWED/CONCUR:

Steven Russo
Interim Chief of Police
City of Marina

Layne Long
City Manager
City of Marina

ATTACHMENTS:

Community Social Media Comments (“**EXHIBIT A**”)

Sole Source Letter for Flock Safety ALPR Cameras (“**EXHIBIT B**”)

Marina Police Department Policy 429-Automated License Plate Readers (ALPRs) (Draft)
 (“**EXHIBIT C**”)

Community Presentation (PowerPoint) (“**EXHIBIT D**”)