August 21, 2012

American Civil Liberties Union
Attn.: Chris Conley
39 Drumm Street
San Francisco, CA 94111

Re: Mill Valley Police Department, Public Records Act Request regarding Automated License Plate Readers

Pursuant to your request the Mill Valley Police Department has enclosed with this document the public records you indicated in your letter to us dated August 13, 2012. The included documents are those that could be located in the City of Mill Valley's possession. The records that you requested that are not included have either never been possessed by the City of Mill Valley or are no longer available. Also included is an electronic copy of this letter and all attachments in PDF format provided on a DVD disk.

Sincerely,

J. Angel Bernal
Chief of Police

By:

[Signature]

Kenton Dunkel, Lieutenant
RESOLUTION NO. 09-35

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY REGARDING ALLOCATION OF FUNDING FROM CITIZENS' OPTION FOR PUBLIC SAFETY (COPS) PROGRAM

WHEREAS, Assembly Bill 3229, signed into law as Chapter 134, Statutes of 1996, establishes the Citizen Option for Public Safety (COPS) Program; and

WHEREAS, the Mill Valley City Council held a public hearing and received the written plan submitted by the Police Department; and

WHEREAS, the Mill Valley City Council supports the Police Department plan as approved on November 2, 2009,

NOW, THEREFORE, BE IT RESOLVED that the Mill Valley City Council reaffirms the Police Department plan establishing a Supplemental Law Enforcement Service Fund (SLESF) and the utilization of the 2009 grant monies for a Community Service Officer position; Less-lethal Weaponry; Tactical/Investigative Supplies and Automatic License Plate Recognition system.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Mill Valley on the 2nd day of November, 2009, by the following vote:

AYES: Councilmember Moulton-Peters, Lion, Marshall, Wachtel and Mayor Berman
NOES: None
ABSENT: None

____________________
Andrew Berman, Mayor

ATTEST:

____________________
Kimberly Wilson, Deputy City Clerk
Memorandum

To: Anne Montgomery, City Manager
From: James Wickham, Captain
Date: 11/02/09
Re: Supplemental Law Enforcement Services Fund (SLESF)

______________________________________________________________

Recommendation:  
For City Council to review the proposed use of 2009 SLESF money in the amount of $100,000, available from the State of California Citizens Option for Public Safety (COPS) funding and adopt the attached resolution to support the continued funding of the Community Services Officer (CSO) position; less-lethal weaponry; automatic license plate recognition unit; and investigative/tactical supplies.

Background:  
AB 3229, Chapter 134, Statute of 1996, established the Supplemental Law Enforcement Services Fund (SLESF) for the Citizens Option for Public Safety (COPS) program. The monies from this fund are restricted for the exclusive use of funding front-line municipal police services. The proportionate shares are based on population estimates determined by the California Department of Finance. The Mill Valley Police Department is making the following recommendations:

Community Services Officer: (Continue funding): $50,000

On September 5, 2000, Council approved the CSO position as a grant position funded by COPS. CSO Sheryl Patton has been assigned to this position since its inception.

Less-lethal weaponry: $20,000

Purchase twelve (12) less-lethal electronic control devices known by the brand name TASER with video recording auditing capability. Council approved the TASER last year and this would allow each officer to be assigned a TASER. The TASER is a less-lethal force option that would increase officer safety, reduce officer and civilian injuries, and potentially reduce the actual use of deadly force. Funds include extensive re-certification training required each year.

22012
Tactical/Investigative Supplies: $5,000

Department instructors have identified equipment that would assist them in the training of officers in range qualification and maintenance. Investigators have identified crime scene equipment needed.

Automatic License Plate Recognition (ALPR): $25,000

ALPR technology has seen a steady increase in local law enforcement deployment to increase overall public safety in recovering stolen vehicles, felony warrants, sex registrant violators and collection of data to assist in the apprehension of criminals. ALPR systems are designed to automate the process of checking license plates, a duty that officers already perform manually on a regular basis. Highly specialized cameras mounted on a patrol vehicle will use infrared illumination to make license plates visible at any time of day or under any weather condition. ALPR mobile systems help routine collection of data for investigations. The Department is currently evaluating three manufacturers prior to making a final decision. Once a manufacturer is chosen, one patrol vehicle would be equipped with the ALPR system. Launch of the ALPR system would be spring of 2010.
**INVOICE**

**FEDERAL SIGNAL CORP.**  
Advancing Security and Well-being

**SHIPPED VIA & TRACKING #:**  
FED-X GRND 17956921002684

**DATE SHIPPED:**  
02-22-10

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**BIL TO NO.**  
18788

**TERMS:**  
0.00/0/30

**BILL TO NO.**  
1432

**CUSTOMER'S ORDER NO.**  
KNOXVILLE

**FREIGHT TERMS:** Pay in full and Bill

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**ITEM NO.**  
1 2 3

**QUAN. ORDERED**  
1 1 1

**QUAN. BACK ORD.**  
0 0 0

**QUAN. SHIPPED**  
1 1 1

**PART NUMBER / DESCRIPTION**  
L34CZSV LAW ENFORCE 4-CAMERA ALPR AV06BOSS01USER BOSS BLOCK OF 1 FREIGHT SHIPPING COST

**UNIT PRICE**  
1870.00 995.00 50.00

**TOTAL AMOUNT**  
18,700.00 995.00 50.00

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**VENDOR NUMBER**  
PIPS01

**ACCOUNT CODE**  
14 58300

**AMOUNT**  
90 21517 65

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**PAID**  
MAR 31 2010

**CITY OF MILL VALLEY**

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**SUB-TOTAL**  
19,745.00

**TAXES**  
1,772.65

**SHIPPING & HANDLING**  
0.00

**INVOICE TOTAL**  
$ 21,517.65

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If you wish to receive your invoices via email please respond to: slakins@federalsignal.com

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**FAX #**  
(865)-392-5699
**CITY OF MILL VALLEY**
26 CORTE MADERA AVENUE
MILL VALLEY, CALIFORNIA 94941
TELEPHONE: (415) 388-4033

**SEND INVOICE TO:**
City of Mill Valley
26 Corte Madera Avenue
Mill Valley, CA 94941

**PURCHASE ORDER**
NO. 19798

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**DATE:** January 19 2010

**TO:** PIPS Technology
- 1108 T Raymond Street
  Anaheim, CA 92801

**DELIVER TO:** Mill Valley, Police Dept.
1 Hamilton Drive
Mill Valley, CA 94941

**SPECIAL INSTRUCTIONS:**

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<th>ACCOUNT CODE</th>
<th>ITEM NO.</th>
<th>QUANTITY ORD'D</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>EXTENDED AMOUNT</th>
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<td>14-58300-40</td>
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<td>EA</td>
<td>SLATE-810-LE-P Automated License Plate Recognition (ALPR) system</td>
<td>23,175.00</td>
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**SALES TAX**

1,773.00

**TOTAL AMOUNT**

24,998.00

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**ORDERED BY:** James Wickham - Police Captain

**PURCHASING OFFICER**

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22045
FINANCE

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Automated License Plate Readers (ALPRs)

462.1 PURPOSE AND SCOPE
Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Mill Valley Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

462.2 ADMINISTRATION OF ALPR DATA
All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Administrative Services Division Commander. The Administrative Services Division Commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

462.3 ALPR OPERATION
Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official and legitimate law enforcement business.
(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) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates 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) No ALPR operator may access California Law Enforcement Telecommunications System (CLETS) data unless otherwise authorized to do so.
(f) If practicable, the officer should verify an ALPR response through CLETS before taking enforcement action that is based solely on an ALPR alert.

462.4 ALPR DATA COLLECTION AND RETENTION
All data and images gathered by an ALPR are for the official use of the Mill Valley Police Department and because such data may contain confidential CLETS information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.
Automated License Plate Readers (ALPRs)

The Administrative Services supervisor is responsible to ensure proper collection and retention of ALPR data, and for transferring ALPR data stored in department vehicles to the department server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6), and thereafter may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

462.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Mill Valley Police Department will observe the following safeguards regarding access to and use of stored data:

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

(b) All ALPR data downloaded to the mobile workstation and server 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 relate 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 at any time for legitimate law enforcement purposes.

(e) ALPR system audits should be conducted on a regular basis.
August 13, 2012

Chief J. Angel Bernal
Mill Valley Police Department
1 Hamilton Drive,
Mill Valley, CA 94941

Re: Public Records Act Request regarding Automatic License Plate Readers

Dear Chief Bernal:

This letter is a request under the California Public Records Act (California Government Code §6250 et seq.) by the American Civil Liberties Union of Northern California. This request seeks records regarding automatic license plate readers (ALPRs). ALPRs are also sometimes referred to as Automatic Vehicle Identification, Car Plate Recognition or License Plate Recognition equipment and/or software. This records request uses ALPR in reference to any of this technology.

Records Requested

Please provide copies of the following records created from January 1, 2006 to the present:

1. All records regarding your policies, practices and procedures for procuring and using ALPR technology, and for storing, accessing and sharing data obtained through ALPR technology;

2. All records regarding the procurement of ALPR technology, including
   a. any needs assessment or other analysis of the decision to procure ALPR technology;
   b. the number of ALPR units or systems acquired;
   c. sources of funds used to pay for ALPR technology;
   d. invoices for the purchase of ALPR technology;
   e. local government approval for any ALPR purchase;

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Throughout these requests, the term “records” includes but is not limited to any paper or electronic information, reports, evaluations, memoranda, correspondence, letters, emails, charts, graphs, flyers, meeting agendas and minutes, training materials, diagrams, forms, DVDs, tapes, CDs, notes or other similar materials.
f. requests for proposal (RFP) for the procurement of ALPR technology and bid
documents submitted in response;
g. analysis or review of responses to any RFP;
h. interactions with vendors, suppliers and potential suppliers of ALPR technology,
including materials and fact sheets supplied by vendors describing their
products;
i. make, model, and manufacturers’ specifications and instructions for ALPR
unit(s) ultimately procured by your agency

3. All records regarding the use of ALPR technology, including
a. the number of vehicles equipped with ALPR technology;
b. for stationary deployments, the number and physical location of ALPR units;
c. the technical capabilities of the ALPR units;
d. what types of data are obtained by the use of ALPR units;
e. the purposes for which data obtained by the use of ALPR units are used;
f. the number of license plates scanned and/or read in a given time period (day,
month, year, etc.);

4. All records regarding the storage of data obtained using ALPR technology, including
a. what types of data are stored for any period longer than an hour;
b. how long data is stored;
c. when data must be discarded;
d. how many individual license plate scan records your agency currently stores;
e. protocols to ensure the security of the data;

5. All records regarding access to ALPR data, including
a. the legal justification required before an individual accesses ALPR data;
b. purposes for which the data may be accessed;
c. purposes for which the data may not be accessed;
d. who may access the data, what procedures they must go through to obtain access,
and who must authorize access;
e. the existence or non-existence of a system that records who accesses the data and
when the data is accessed;

6. All records regarding the sharing of data obtained through ALPR technology, including
a. what type of data is shared;
b. which databases your agency puts collected ALPR data into;
c. third parties, governmental or private, that may access your agency’s ALPR data,
including what procedures third parties must go through in order to access the
data and any restrictions placed on third parties regarding further sharing of your
ALPR data;
d. any agreements to share ALPR data with outside agencies, corporations or other
entities;

7. All records regarding obtaining ALPR data from third parties, including which databases
your agency can access;
8. All training materials used to instruct members of your agency in ALPR deployment and use, data management, or operation of automated records systems that contain ALPR data to which any member of your agency has access, including regional or shared ALPR databases.

Because this request is on a matter of public concern and because it is made on behalf of a non-profit organization, we request a fee waiver. See North County Parents Organization v. Dept. of Educ., 23 Cal. App 4th 144 (1994). We are also requesting documents to be provided in electronic format if at all possible. Doing so would eliminate the need to copy the materials and provides another basis for our requested fee waiver. If, however, such a waiver is denied, we will reimburse you for the reasonable cost of copying. Please inform us in advance if the cost will be greater than $50.

According to the California Public Records Act (California Government Code §6253(c)), a response is required within 10 days. Thank you for your prompt attention to this matter. Please furnish all applicable records to the undersigned at 39 Drumm Street, San Francisco, CA 94111 or cconley@aclunc.org. If you have questions, please contact me at cconley@aclunc.org or 415 621 2493, ext. 308.

Sincerely,

Chris Conley
Technology and Civil Liberties Project
American Civil Liberties Union of Northern California