



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** January 9, 2024

**TO:** Mayor and Councilmembers

**FROM:** Police Department; Downtown Team Division, Public Works Department

**SUBJECT:** Amendments to Automated License Plate Recognition Policy

### **RECOMMENDATION:**

That Council approve amendments to the City of Santa Barbara Automated License Plate Recognition Policy to assist public safety in response to critical incidents or investigations and improve customer service at Downtown parking lots.

### **DISCUSSION:**

#### Background

The City of Santa Barbara (City) manages approximately 7,360 parking spaces in the City lots located at the Waterfront, Airport, and Downtown corridor. The City Departments use Parking Access and Revenue Control Systems (PARCS) to collect parking fees, control lot access, and ensure customer compliance with rules and regulations. Newer PARCS incorporate Automated License Plate Recognition (ALPR) technology to optimize revenue collection and enhance the customer experience.

The City's ALPR-equipped PARCS use specialized cameras to capture images of license plates when a vehicle enters or exits a parking lot. These images are fed through programs that use character recognition algorithms to convert the images into computer-readable data. This data is then used to determine what time a vehicle entered and exited a parking lot and to calculate parking fees for each customer. If no fees are owed, the ALPR system enables the PARCS to automatically raise the exit gate without the customer needing to supply a ticket or have further interaction with the system. ALPR also enables parking permit holders to pass in and out of lots without having to display or scan a permit or pay fees upon exit. The license plate number takes the place of a traditional access card, hang tag, or permit sticker.

The City's ALPR-equipped PARCS only capture a vehicle's license plate number, entrance time, exit time, and fees due. These systems do not collect any information about the registered owner of a vehicle, the driver of a vehicle, the occupant(s) of a vehicle, vehicle registration status, or vehicle type.

California Civil Code 1798.90.51 requires the City, as a public ALPR operator, to adopt a usage and privacy policy to ensure that the collection, use, maintenance, sharing, and dissemination of ALPR information is consistent with respect for individuals' privacy, security, and civil liberties. Civil Code Section 1798.90.55 also requires that the City provide an opportunity for the public to review and comment on this Policy at a Council meeting.

Accordingly, on September 29, 2020, the City Council adopted the City of Santa Barbara Automated License Plate Recognition Policy, pursuant to the requirements under California Civil Code Section 1798.90.51. This policy governs the City's collection, use, storage, and distribution of ALPR data for parking operations.

### Proposed Amendments

Having operated ALPR systems in compliance with this policy for three years, City staff recommends two changes to improve parking management and address public safety issues.

#### **1. Update the process for disclosure of ALPR data to law enforcement:**

The current adopted policy permits the City to provide ALPR information to law enforcement agencies only if a warrant or other type of court order is issued. The proposed change removes this requisite and instead requires a case or incident number to be provided to respond to a public safety incident or to assist in a criminal investigation. There are many occasions where there is an immediate need to obtain this information without the delay that the warrant process presents. Some examples of this need include the identification of missing persons, responses to AMBER alerts, and the presence of a stolen vehicle.

It is important to again note that ALPR data only consists of the captured images of license plates and the times a vehicle has entered and exited a public parking lot. To that point, there are several federal and state court opinions that have determined that ALPR checks of license plate numbers do not qualify as searches under the Fourth Amendment. For example, the Ninth Circuit Court of Appeals ruled in *U.S. v. Diaz-Castaneda* that a license plate check was not a search under the Fourth amendment. The court noted that individuals do not enjoy a subjective expectation of privacy for their license plates, and even if they did, the court concluded that society would not recognize this belief as reasonable. License plates are visible on a car's exterior for anyone to see and are intended to provide information about a vehicle to the police. It is not reasonable for a person to believe that their expectation of privacy has been breached when an officer sees what is visible and uses that information to check the status of the vehicle and its registered owner. Nevertheless, the Santa Barbara Police Department will predicate their requests on a need-to-know basis when making an ALPR data request in that such a request will assist in investigations and/or responding to incidents.

**2. Increase the length of data retention for Downtown Parking:**

The adopted policy allows Airport and Waterfront parking to retain ALPR data for up to 30 days but requires Downtown Parking to purge data after 72 hours. Staff recommends revising the policy to enable Downtown Parking to retain ALPR data for up to 30 days, in keeping with other departments. Downtown Parking offers long-term parking at the Depot Lot and for 24/7 (resident) permit holders in designated locations. Additionally, though prohibited, customers frequently park for longer durations in other Downtown lots. Increasing the amount of time data is retained will improve customer service by eliminating delays and confusion created when a customer, whose entry time has been purged, attempts to exit a parking lot. Aligning Downtown Parking data retention limits with other departments would not result in any changes to customer privacy protections.

**BUDGET/FINANCIAL INFORMATION:**

This action has no financial/budget impact on the City.

**ENVIRONMENTAL REVIEW:**

The proposed amendments to the Automated License Plate Recognition Policy are not subject to CEQA. They involve a change to administrative policy and have no effect on the physical environment.

**ATTACHMENT:** City of Santa Barbara Automated License Plate Recognition Policy

**PREPARED BY:** Sarah Clark, Public Works Downtown Team Manager/KG/JD/nv

**SUBMITTED BY:** Chief Kelly Gordon, Santa Barbara Police Department  
Clifford M. Maurer, P.E., Public Works Director

**APPROVED BY:** City Administrator's Office