



Staff Report

Date: August 23, 2022

To: City Council

From: Valerie J. Barone, City Manager

Prepared by: Greg Taylor, Director of Information Technology
Greg.taylor@cityofconcord.org
(925) 671-3189

Subject: **Considering approval of a 24-month Services Agreement with Flock Safety for the lease and installation of approximately 65 Flock License Plate Reader cameras and associated software services with the option to renew for one additional 24-month term in a total amount not to exceed \$789,187.50 over four years, including a 15% contingency, and authorizing the City Manager to execute the agreement in a form acceptable to the City Attorney. (General Fund)**

CEQA: Not a project/exempt pursuant to Public Resources Code Section 21065, CEQA Guidelines Sections 15060(c), 15061(b)(3), and/or 15378.

Report in Brief

On April 2nd, 2022 City Council identified License Plate Reader Camera Deployment as a “Tier 2” priority during their Council Priority Setting Workshop for Fiscal Year 2022-23. After conducting extensive research, City Staff determined Flock Safety’s Automated License Plate Reader (ALPR) System as the optimal choice for a citywide fixed Automated License Plate Reader Camera System.

Flock Safety’s ALPR system provides patented proprietary machine vision technology to analyze vehicle license plates, state affiliation, and vehicle attributes such as color, type, make and objects (roof rack, bumper stickers, etc.) based on image analytics, not car registration data. Their trademarked Vehicle Fingerprint technology allows for vehicle identification despite partial, missing, temporary or covered plates, and cameras can be installed almost anywhere by leveraging solar batteries for power and cellular (LTE) for data communications.

The City has identified 65 camera locations within the City of Concord for Flock camera deployments which will create a citywide ALPR system and add significant investigative options to help solve, as well as deter, crime throughout Concord. Flock has been shown to connect serial criminal activities and identity vehicles of interest related to missing persons, theft and serious offenses.

The agreement with Flock Safety is a lease/subscription model based on a 24-month renewal cycle which includes the cameras, maintenance, video hosting, cellular service and software updates. The initial 24-month lease and software subscription for 65 cameras with implementation professional services, is \$403,937.50, including a 15% contingency.

The City also seeks the option to renew for one additional 24-month term which would total an additional \$385,250, including a 15% contingency. The total not to exceed cost for 4 years, including the option to renew after the first 24-month cycle and 15% contingency, is \$789,187.50 for 65 Flock cameras, and all funds were identified and approved by City Council on June 28th, 2022 in CIP 2641: License Plate Reader Camera System and Database Integrator.

The above totals an amount not to exceed of \$789,187.50, including a 15% contingency.

Recommended Action

Authorize the City Manager to approve a 24-month Services Agreement with Flock Safety for the lease and installation of approximately 65 Flock License Plate Reader cameras and associated software services with the option to renew for one additional 24-month term, in a total amount not to exceed \$789,187.50 for four years, including a 15% contingency; and authorizing the City Manager to execute the agreement in a form acceptable to the City Attorney.

Background

On April 2nd, 2022 City Council identified License Plate Reader Camera Deployment as a “Tier 2” priority during their Council Priority Setting Workshop for this fiscal year. After conducting extensive research on fixed ALPR options, Staff determined that only Flock Safety’s Automated License Plate Reader (ALPR) System with its proprietary software, cloud network and specialized interfaces would meet the City’s Public Safety investigative needs.

The Concord Police Department has a history of utilizing ALPR technology dating back to 2008, and currently has systems mounted to five patrol vehicles. Even in this limited deployment model, ALPR technology proves useful in identifying stolen vehicles while providing investigative data to solve crimes. The implementation of a citywide network of stationary ALPR cameras from Flock Safety is expected to vastly improve the Police

Department's ability to identify vehicles of interest related to missing or endangered persons, or associate with serious crimes under active investigation.

The City has identified 65 locations for a Flock Safety ALPR citywide camera system. Using their patented proprietary machine vision technology to analyze vehicle license plates, state affiliation, and vehicle attributes such as color, type, make and objects (roof rack, bumper stickers, etc.) based on image analytics and not car registration data, the City's Police Department will have a significant investigative option to locate missing persons and solve crimes. Flock's trademarked Vehicle Fingerprint technology allows for vehicle identification despite partial, missing, temporary or covered plates, and cameras can be installed almost anywhere by leveraging solar batteries for power and cellular (LTE) for data communications.

Flock Safety also serves HOAs, neighborhoods, and businesses in addition to other law enforcement agencies with camera systems throughout Contra Costa County and California as a whole. Whereas these systems can share data, the City of Concord would have sole control and discretion with what data is shared by the City's ALPR system. The data contained in the proposed ALPR system would be controlled by the City of Concord and no data would be released without the City's permission.

The agreement with Flock Safety is a lease/subscription model based on a 24-month renewal cycle which includes the cameras, maintenance, video hosting, cellular service and software updates. The price per camera is \$2,500 per year and for 65 cameras that totals \$162,500 per year. The City seeks to also purchase a software upgrade for \$5,000 per year that will allow advanced search options that includes Convoy Analysis, Multi Geo Search, Specialized Visual Search and Cradlepoint Integration. Professional services for initial implementation is \$250 per camera and for 65 cameras totals a onetime cost of \$16,250.

The initial 24-month lease/subscription, including implementation of professional services, amounts to \$183,750.00 for the first year and \$167,500.00 for the second year for a total of \$351,250 for 65 cameras. When adding in a 15% contingency the total not to exceed cost for the initial 24-month term is \$403,937.50.

The City also seeks the option to renew for one additional 24-month term which would total an additional \$385,250, including a 15% contingency. This amount is slightly less than the first term since there would not be any need for implementation services. The total not to exceed cost for 4 years, including the option to renew after the first 24-month term and 15% contingency, is \$789,187.50 for 65 Flock cameras, and all funds were identified and approved by City Council on June 28th, 2022 in CIP 2641: License Plate Reader Camera System and Database Integrator.

***24-month Lease/Subscription Term
with Optional Renewal***

	24-month Term		Optional Renewal	
	2022-23	2023-24	2024-25	2025-26
65 Flock Falcon Cameras	\$ 162,500.00	\$ 162,500.00	\$ 162,500.00	\$ 162,500.00
Advanced Search Software	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Implementation Services	\$ 16,250.00	\$	\$	\$
Yearly Total =	\$ 183,750.00	\$ 167,500.00	\$ 167,500.00	\$ 167,500.00

Initial 24-month term is \$351,250.00 and with a 15% contingency totals \$403,937.50

OPTIONAL 24-month renewal is \$335,000.00 and with a 15% contingency totals \$385,250.00

TOTAL 4-Year Cost with Contingency: \$789,187.50

Procurement Process

Pursuant to Municipal Code-Title 3 Revenue and Finance-Chapter 3.10 Purchasing, bidding regulations may be waived when there is only one verified vendor for the product or service. Flock Safety's ALPR system is the only ALPR system that provides patented proprietary machine vision technology to analyze vehicle license plates, state affiliation, and vehicle attributes such as color, type, make and objects (roof rack, bumper stickers, etc.) based on image analytics and not car registration data. Their trademarked Vehicle Fingerprint technology allows for vehicle identification despite partial, missing, temporary or covered plates. Based on research by a staff selection team this specialized proprietary technology is optimal and best meets the needs of the City.

Financial Impact

There is no additional fiscal impact associated with this action as all necessary funding has been previously budgeted and approved in CIP project #2641, License Plate Reader Camera System and Database Integrator.

Public Contact

The City Council Agenda was posted.

Flock Automated License Plate Reader (ALPR) Cameras

PROV. LT. KEVIN HALM, CONCORD POLICE DEPARTMENT

AUGUST 23, 2022



Overview

- Flock ALPR Cameras
- How Does the Technology Work?
- Solving and Preventing Crime
- Contract Approval with Flock Safety



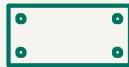
How Does the Technology Work

What you get with Flock:

objective, real-time, vehicle data

- Vehicle Fingerprint TM = license plate plus
- **Indiscriminate evidence** from fixed locations
- No people, no facial recognition, no traffic enforcement



	Plate TX LGS2639		Last Visit 3:15 PM EDT
	Make Toyota		Seen 3 OF 30 DAYS
	Color Gray		

How Does the Technology Work

What is this tech?

- 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 ISN'T this tech?

- Not facial recognition
- Not tied to PII (Personal Identifiable Information)
- Not used for traffic enforcement
- No video, still photograph only of the license plate and part of the vehicle.

Flock ALPR Cameras

- Allows for efficient use of limited personnel (Service Multiplier)
- Provides critical data to locate missing persons and solve crimes



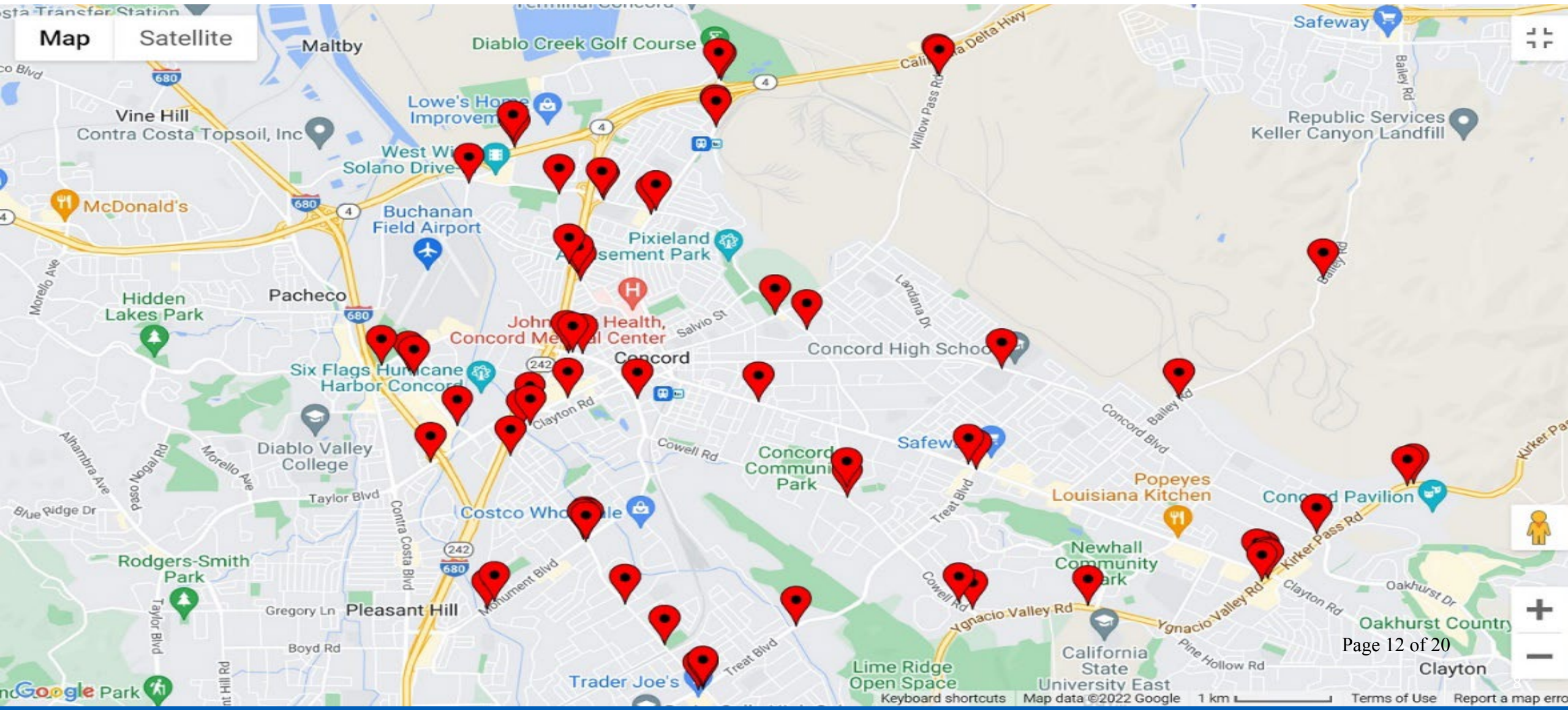
How Does this Impact Crime

- **Proactive:** Real-time alerts when stolen or wanted vehicles drive through Concord
- **Community Component:** Flock Safety also helps HOAs, businesses and other non-government organizations to partner with Law Enforcement
- **Investigative:** Provides significant options to identify vehicles related to missing or endangered persons or help solve serious crimes

Flock Data Management

- Flock license plate data is owned by the City of Concord and will never be shared without the City's permission
- 30 day retention of Flock data unless footage is tied to a Police investigation

Initial Concord Locations



EXAMPLES

- Stolen Car with Child Inside
- Organized Retail Theft

Recommended Action

- Approve a 24-month Services Agreement with Flock Safety for the lease and installation of Flock ALPR cameras with the option to renew for one additional 24-month term, in a total amount not to exceed \$789,187.50; and authorize the City Manager to execute the agreement in a form acceptable to the City Attorney.

Questions?

From: Hope Johnson <hope.johnson@earthlink.net>

Sent: Tuesday, August 23, 2022 3:28 PM

To: City Clerk <cityclerk@cityofconcord.org>

Cc: Barone, Valerie <Valerie.Barone@cityofconcord.org>; Brown, Susan <Susanne.Brown@cityofconcord.org>; Aliano, Dominic <Dominic.Aliano@cityofconcord.org>; Hoffmeister, Laura <Laura.Hoffmeister@cityofconcord.org>; Birsan, Tim <Tim.Birsan@cityofconcord.org>; Obringer, Carlyn <Carlyn.Obringer@cityofconcord.org>; McGallian, Tim <Tim.McGallian@cityofconcord.org>

Subject: 8/23/22 meeting: Item 7D Lease & Installation of License Plate Readers

Benched Correspondence
Agenda Item No. 7.d

August 23, 2022

Posted August 24, 2022 –

Received after 3 p.m. on August
23, 2022

Dear Mayor, Vice Mayor, and Councilmembers:

Concord City Council should not approve the lease or installation of ALPR cameras (automated license plate recognition) without first approving a written policy for their use during a public hearing and providing justification for and approving the placement of each camera also during a public hearing.

I personally do not support the installation of any public surveillance cameras by government entities because they erode our constitutional right to privacy. I understand that many people believe these cameras will enhance public safety and that public safety is a top priority. However, merely referencing public safety does not allow our government to override the individual right to privacy provided in the State Constitution. Even the State has recognized this (see for example California Civil Code §§ 1798.90.5-1798.90.55, 1798.29, 1798.82 which attempt to limit how public agencies can use ALPR data).

I also understand that, because this is an election year, councilmembers running to retain their council seats will want to use approval of these cameras as campaign talking points. This means the council is likely to want to approve the cameras. Therefore, the council needs to establish a written policy for use of these surveillance cameras that balances public safety with the right to privacy.

Before any cameras are purchased or installed, the public and all public agencies need to be perfectly clear on the Council's intended policy on use of the cameras. Any agencies authorized to use the camera data should be required to appear before the council at a public hearing to request changes to the written policy. These cameras will be collecting data on hundreds of people, the majority of whom will not have committed a crime, but all of whom have a right to privacy.

Following are examples of what a written policy for use needs to address.

What data will be collected and who will have access to the data? Flock Safety ALPR cameras not only track license plates but also track the number of times each car travels through an area. A written policy on what data will be collected, how long it will be kept, and which agencies can access it needs to be voted on by the council. Will city employees have access? Will the officers of Homeowners Associations have access? Flock Safety has agreements with nationwide agencies. Will the company be allowed to share data outside the City of Concord? Will they share it with the FBI or ICE or other agencies that are not under the control of the council? It must in a written policy if the data will be used in accordance with the Civil Code referenced above. How long will the data be saved and for what specific purpose? Will the City of Concord or the Concord Police Dept. release camera data in response to criminal, family dispute, or civil subpoenas?

The idea that if you don't do anything wrong, you don't have anything to worry about is not accurate and it does not address the right to privacy. We need to know the council's specific intentions on data use. Do you intend to allow HOAs to track residents' travel patterns? Do you intend for Concord PD to collect information on when people visit health centers, religious buildings, or gun shops? Will agencies be allowed to consider everyone who happened to drive near by a crime a suspect? Will the data be used to limit movement or intimidate political adversaries?

Council needs to justify and approve the location for placement of the cameras. The camera data is generally used for crime investigation rather than crime prevention. The public should be able to know the cameras will serve a specified purpose in the location and not be a fishing expedition that chills public life.

I urge the Council not to approve the ALPR system.

If the Council intends to approve such a system, then the public should not have to leave the right to privacy up to the unelected City Manager, Concord PD, and private company Flock Safety. We should not have to assume what public agencies will use the data for. If these cameras are to be placed in the name of public safety, the council must oversee at public hearings the balancing of the right to privacy granted by the State Constitution. Members of the public must be able to access a written policy to understand their rights under surveillance. Council needs to table this item until it can be placed on an agenda with an accompanying written policy for consideration.

Thank you,

Hope Johnson

Concord Resident

From: Hope Johnson <hope.johnson@earthlink.net>

Sent: Wednesday, August 24, 2022 12:32 AM

To: City Clerk <cityclerk@cityofconcord.org>

Cc: Barone, Valerie <Valerie.Barone@cityofconcord.org>; Brown, Susanne

<Susanne.Brown@cityofconcord.org>; Aliano, Dominic <Dominic.Aliano@cityofconcord.org>;

Hoffmeister, Laura <Laura.Hoffmeister@cityofconcord.org>; Birsan, Edi <Edi.Birsan@cityofconcord.org>;

Obringer, Carlyn <Carlyn.Obringer@cityofconcord.org>; McGallian, Tim

<Tim.McGallian@cityofconcord.org>

Subject: Re: 8/23/22 meeting: Item 7D Lease & Installation of License Plate Readers

Dear City Councilmembers:

Your discussion at the end of the license plate camera item was disingenuous. Ring cameras or other private cameras are not the same as Flock - they do not create a database of aggregated data on every car that drives by. Council may have constituents that want these cameras but that does not mean the Concord Police Department should have free reign to set city policy for the city's intended use of the cameras. I am sure many constituents would be interested to know how their own data is used. HOAs should also be aware, through written policy from the Council, of the expectation of how the data is used or guidelines of how to set policy for themselves. Are you going to allow the HOA to set up its private Flock camera to film down Concord Boulevard? Can an individual set one up on a street where city staff lives? A written policy does not prevent you from approving and using the cameras. It is oversight to protect the right to privacy, a right outlined specifically in the State Constitution and it's code despite Councilmember Hoffmeister's stated disdain for it. You have basically allowed unelected law enforcement control over data from people who have not violated any laws with absolutely no written input from the elected Council.

Council recently decided to set policy for who gets an "official" city flag. We have a written city policy for use of the city flag but no written city policy of the expectation of how mass data collected on your constituents is used by law enforcement? This is the tail wagging the dog - the city should have a written policy on its expectations for use of the data and with whom the police can share data from individuals not suspected of a crime. Councilmember Obringer was recently concerned about how her data would be used when a police drone filmed her at a public protest or march. This is no different. Council needs its own written policy for the use of the cameras, which is not something that would prevent the city or the police from using the cameras.

Hope Johnson

From: Hope Johnson <hope.johnson@earthlink.net>

Sent: Wednesday, August 24, 2022 8:39 AM

To: Aliano, Dominic <Dominic.Aliano@cityofconcord.org>; Hoffmeister, Laura <Laura.Hoffmeister@cityofconcord.org>; Birsan, Edi <Edi.Birsan@cityofconcord.org>; Obringer, Carlyn <Carlyn.Obringer@cityofconcord.org>; McGallian, Tim <Tim.McGallian@cityofconcord.org>

Cc: Barone, Valerie <Valerie.Barone@cityofconcord.org>; Brown, Susanne <Susanne.Brown@cityofconcord.org>; City Clerk <cityclerk@cityofconcord.org>

Subject: Flock Safety misrepresents subpoena responses

Dear Councilmembers:

Please be advised that Flock Safety misrepresented its policy on responding to third party subpoenas at last night's meeting. The Flock Safety representative stated Flock has found it is not subject to disclosing data collected by its cameras through subpoena. However, Flock Safety's own terms of service reserve the right to not only respond to subpoenas by disclosing data collected from cameras but to store data for longer than the stated 30 days if the company believes the data may become subject to disclosure. This is why Concord needs a written policy on how it intends to manage data aggregated from the public without cause for suspicion, an issue regularly addressed with respect to private entities. It is not true that making the public safe requires us to give up our constitutional right to privacy but it is true that Council is refusing to take steps to balance these issues.

From the Flock Safety Terms and Conditions

1.14 "**Footage**" means still images, video, audio and other data captured by the Flock Hardware or Customer Hardware in the course of and provided via the Services.

4.1 **Confidentiality.**For clarity, Flock may access, use, preserve and/or disclose the Footage to law enforcement authorities, government officials, and/or third parties, if legally required to do so or if Flock has a good faith belief that such access, use, preservation or disclosure is reasonably necessary to: (a) comply with a legal process or request; (b) enforce this Agreement, including investigation of any potential violation thereof; (c) detect, prevent or otherwise address security, fraud or technical issues; or (d) protect the rights, property or safety of Flock, its users, a third Party, or the public as required or permitted by law, including respond to an emergency situation. Flock may store deleted Footage in order to comply with certain legal obligations, but such retained Footage will not be retrievable without a valid court order.

Hope Johnson