

WHEREAS, Automated License Plate Reader (ALPR) technology is used as an investigative and real time crime tool that improves the effectiveness of police operations by locating violent offenders quickly as well as identifying missing persons; and

WHEREAS, on September 15, 2022, City Council adopted Resolution No. 20220915-056 directing the development of a revised ALPR policy and providing guidance on that policy that ensures the privacy and civil rights of the residents of Austin are protected; and

WHEREAS, Resolution No. 20220915-056 directs that the “Hot List” used by the ALPR program is limited to license plates listed as stolen, B.O.L.O., SILVER and AMBER alerts, wanted individuals with any Class A misdemeanor offense or greater warrant, Class B and Class C misdemeanor hate crimes, or Class B and Class C misdemeanor sex crimes; and

WHEREAS, Resolution No. 20220915-056 directs a reduction of the prior data retention period from one year to 30 days and authorizes a pilot program that terminates at the end of Fiscal Year 2022-2023; and

WHEREAS, on March 31, 2023, the Office of Police Oversight (OPO) provided a thorough memorandum outlining changes necessary to the Austin Police Department’s initially proposed policy regarding the use of ALPR technology; and

WHEREAS, the Public Safety Commission adopted Recommendation No. 20230515-002 that requests that the ALPR policy be consistent with the Council direction in Resolution No. 20220915-056 and OPO feedback; and

26 **WHEREAS**, the Austin Police Department has provided a revised ALPR
27 policy with safeguards that are consistent with the Public Safety Commission
28 recommendation, OPO feedback, and prior Council direction as documented in
29 Resolution No. 20220915-056; **NOW, THEREFORE,**

30 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

31 The Council amends its prior direction and directs the City Manager to
32 update proposed draft General Order 344 regarding the Automated License Plate
33 Reader program to reflect that data collected by the program will be kept for a
34 maximum of seven days and destroyed thereafter except for the following
35 circumstances, as currently written in the draft General Order, Subsections
36 344.4(e) and (f) (Safeguards):

37 (e) For ALPR data related to ongoing criminal investigations or criminal
38 investigations that contain ALPR as evidence, investigators must
39 download and record the relevant ALPR data into the case file.

40 (f) The Department shall retain all ALPR data related to an endangered,
41 missing person, or criminal investigation for a period consistent with the
42 City of Austin's Records Management Ordinance, Chapter 2-11, and any
43 applicable City Records Control Schedules or the State and Local
44 Government Retention Schedules.

45 **BE IT FURTHER RESOLVED:**

46 The pilot program will extend to the end of Fiscal Year 2023-2024 and cease
47 unless further extended by Council.
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BE IT FURTHER RESOLVED:

Prior to the termination of the pilot period, the City Manager shall present to Council a recommendation on the continuation of the program, including any proposed adjustments to data retention or other elements of the associated policy.

ADOPTED: _____, 2023 **ATTEST:** _____
Myrna Rios
City Clerk