

23 Alerts, Silver Alerts, missing person reports, abductions reports, and vehicles
24 connected to other crimes; and

25 **WHEREAS**, the use of license plate readers bolsters the capability of local
26 law enforcement to act and apprehend criminals swiftly, leading to the deterrence
27 of crimes; and

28 **WHEREAS**, re-introducing license plate readers to the Austin Police
29 Department will help reduce crime and prevent residents and visitors to the City
30 from being victimized, particularly from car and property thefts and lead to
31 deterrence of crime; and

32 **WHEREAS**, license plate readers can notify Austin Police Department
33 officers within seconds that a license plate has passed within the device's range,
34 allowing APD officers to take immediate action in furtherance of public safety;

35 **WHEREAS**, the Texas Penal Code potentially provides criminal penalties if
36 an officer or other public servant intentionally or knowingly misuses information
37 from the license plate reader with the intent of obtaining a benefit, harming,
38 defrauding, oppressing another person, or disclosing the information for a
39 nongovernmental purpose that has not otherwise been made public; and

40 **WHEREAS**, the Austin Police Department's General Orders includes rules
41 on the Security and Release of Records and Information, General Conduct and
42 Responsibilities, Racial or Biased Profiling, Responsibility to the Community, and
43 other policies that ensure an officer keeps private or confidential information
44 secure, knows and complies with laws, does not engage in racial or biased
45 profiling, performs their services in an impartial and equitable manner, and

46 provides equal and fair protection of all rights under local, state, and federal law
47 for all members of the community; and

48 **WHEREAS**, a violation of such a rule provides cause to discipline a police
49 officer under Section 143.052 of the Texas Local Government Code and Rule 10
50 of the Rules of Procedure for the Firefighters', Police Officers' and Emergency
51 Medical Service Personnel's Civil Service Commission; **NOW, THEREFORE,**

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

53 The City Council directs the City Manager to identify funding in the amount
54 of \$114,775.00 that can be used for the license reader program in this Fiscal Year's
55 budget and return with any actions that are necessary for Council to authorize this
56 expenditure.

57 **BE IT FURTHER RESOLVED:**

58 Council directs the City Manager to include authorization for continuation of
59 the license reader program for Council consideration during the upcoming budget
60 adoption for Fiscal Year 2022-2023.

61 **BE IT FURTHER RESOLVED:**

62 The City Council directs the City Manager to re-evaluate the Austin Police
63 Department's former policy on license plate readers and take necessary and
64 appropriate steps to ensure policy and/or procedure includes, but is not limited to,
65 the following:

- 66 1. Data used for the license plate reader program will be kept and
67 destroyed after one year.

- 68 2. Data sharing will only occur for investigating and/or prosecuting
69 criminal activity, unless a circumstance arises where the City is
70 required by state or federal law to share the information at the request
71 of a state or federal agency for another lawful purpose.
- 72 3. Annual training of all Austin Police Department personnel will be
73 conducted on the policies and restrictions concerning license plate
74 reader camera use and data.
- 75 4. An annual audit and review on license plate reader data and program
76 will be conducted by the Austin Police Department, and to the extent
77 allowed by the law, information obtained by the audit and review will
78 be shared with the Office of Police Oversight and the Public Safety
79 Committee. Except for law enforcement sensitive information and
80 information considered to be confidential by law, either constitutional,
81 statutory, or by judicial decision, the audit and review will be posted
82 on the City's website for the public to view.
- 83 5. The City Manager will post the Austin Police Department's usage and
84 privacy policy regarding license plate readers on the City's website.
- 85 6. No person will be the subject of police action because of actual or
86 perceived race, color, religion, creed, sex, gender, gender identity,
87 sexual orientation, age, national origin, ethnicity, disability, veteran
88 status, marital status, partnership status, political affiliation or beliefs,
89 and, to the extent permitted by law, alienage or citizenship status,
90 when license plate reader data is used.

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92 **BE IT FURTHER RESOLVED:**

93 The City Manager will implement necessary and appropriate changes to
94 former policy and/or procedure and restore the Austin Police Department’s license
95 plate reader program by October 1, 2022 if funding is appropriated by Council for
96 this purpose.

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98 **ADOPTED:** _____, 2022 **ATTEST:** _____

99 Myrna Rios
100 City Clerk

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DRAFT