

1 **RESOLUTION NO.**

2 **WHEREAS**, license plate readers gather objective and unbiased facts about
3 vehicles; and

4 **WHEREAS**, license plate reader technology focuses solely on extracting
5 empirical data, primarily the license plate numbers which Texas state law requires
6 to be affixed to every vehicle; and

7 **WHEREAS**, license plate readers only record the vehicle make, model, and
8 license plate number of a vehicle; and

9 **WHEREAS**, license plate readers are not a "live camera" and cannot be
10 used for surveillance, traffic enforcement, or any other purpose; and

11 **WHEREAS**, these cameras do not capture images of vehicle drivers; and

12 **WHEREAS**, maintaining the privacy of the data collected through license
13 plate readers is paramount; and

14 **WHEREAS**, the license plate readers historically used by the Austin Police
15 Department are categorically objective and cannot collect information in ways that
16 discriminate against any resident in the City; and

17 **WHEREAS**, the use of license plate readers assists police departments
18 across the country by increasing their investigative efficacy while reducing
19 unnecessary delays in pursuing leads; and

20 **WHEREAS**, camera data helps solve crimes when crimes occur; and

21 **WHEREAS**, license plate readers previously helped the Austin Police
22 Department locate stolen or wanted vehicles, vehicles connected to AMBER

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, will prevent residents and visitors to the City
30 from being victimized, particularly from car and property thefts, and will 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 Austin Police Department officers to take immediate action in furtherance
35 of public safety;

36 **WHEREAS**, the Texas Penal Code creates a criminal offense for an officer
37 or other public servant who intentionally or knowingly misuses information from
38 the license plate reader with the intent of obtaining a benefit, harming, defrauding,
39 oppressing another person, or disclosing the information for a nongovernmental
40 purpose that has not otherwise been made public.

41 **WHEREAS**, the Austin Police Department's General Orders include rules
42 on the Security and Release of Records and Information, General Conduct and
43 Responsibilities, Racial or Biased Profiling, Responsibility to the Community, and
44 other orders to ensure officers keep private or confidential information secure,
45 know and comply with laws, do not engage in racial or biased profiling, perform
46 their services in an impartial and equitable manner, and provide equal and fair

47 protection of all rights under local, state, and federal law for all members of the
48 community; and

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

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

55 The City Council directs the City Manager to identify funding in the amount
56 of \$114,775.00 that can be used for the license reader program in the Fiscal Year
57 2021-2022 budget and return with any actions that are necessary for Council to
58 authorize this expenditure.

59 **BE IT FURTHER RESOLVED:**

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

63 **BE IT FURTHER RESOLVED:**

64 The City Council directs the City Manager to re-evaluate the Austin Police
65 Department's former policy and/or procedure on license plate readers; work with
66 the Office of Police Oversight and coordinate a minimum of two community input
67 sessions related to the policy; and take appropriate steps to ensure the policy and/or
68 procedure includes, but is not limited to, the following:

- 69 1. Data used for the license plate reader program will be kept for a
70 maximum of 30 days and destroyed thereafter. License plate reader
71 data that is related to a criminal case or investigation may be stored in
72 a criminal case folder for longer periods as needed. One year from the
73 passage of this Resolution, the Austin Police Department will return
74 to Council to provide an evaluation of the 30-day data retention policy
75 and its effectiveness.
- 76 2. Data sharing will only occur for investigating and/or prosecuting
77 criminal activity unless a circumstance arises where the City is
78 required by state or federal law to share the information at the request
79 of a state or federal agency for another law enforcement purpose.
- 80 3. Annual training of all Austin Police Department personnel will be
81 conducted on the policies and restrictions concerning license plate
82 reader camera use and data, including how to properly respond to
83 requests for data from other law enforcement agencies.
- 84 4. An annual audit and review on license plate reader data and program
85 will be conducted by the Austin Police Department, and to the extent
86 allowed by the law, information obtained by the audit and review will
87 be shared with the Office of Police Oversight and the Public Safety
88 Committee. Except for law enforcement sensitive information and
89 information considered to be confidential by law, either
90 constitutionally, statutorily, or by judicial decision, the audit and
91 review will be posted on the City's website for the public to view.
- 92 5. The City Manager will post the Austin Police Department's usage and
93 privacy policy regarding license plate readers on the City's website.

94 6. No person will be the subject of police action solely because of actual
95 or perceived race, color, religion, creed, sex, gender, gender identity,
96 sexual orientation, age, national origin, ethnicity, disability, veteran
97 status, marital status, partnership status, political affiliation or beliefs,
98 and, to the extent permitted by law, alienage or citizenship status,
99 when license plate reader data is used.

100 7. The license plate reader data collected by the Austin Police
101 Department will not be used for the purpose of collecting traffic fines,
102 warrant roundups, or any other similar purpose of generating revenue
103 or collecting money owed by the public.

104 **BE IT FURTHER RESOLVED:**

105 The City Council directs the City Manager to ensure the Austin Police
106 Department Chief takes appropriate steps to implement changes to the former
107 policy and/or procedure and restore the Austin Police Department's license plate
108 reader program by October 1, 2022, if funding is appropriated by Council for this
109 purpose.

110
111 **ADOPTED:** _____, 2022 **ATTEST:** _____

112 Myrna Rios
113 City Clerk

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