

Blackshear, Regina

From: Jacob Wourms
Sent: Wednesday, July 13, 2022 4:58 PM
To: CCO Clerk
Subject: Dayton Police & ALPRs

Good afternoon,

I'm writing today about the Dayton Police Department's interest in expanding the use of Automatic License Plate Readers. I've spoken with both a Flock Safety rep as well as a DPD Sergeant about the technology and I appreciate their insights into the strategy/ability of ALPRs when it goes "right." However, I still have concerns about its use, primarily due to the series of steps involved in the process and the cumulative ways it can lead to negative outcomes.

The ALPR identification process relies on a series of systems and databases, all requiring a high level of accuracy. By the time an officer receives a "hit", the system is relying on the accurate initial identification by the ALPR camera, the accuracy of the databases from which it pulls its "hotlist", the frequency of updates from the database (how often it checks for added/removed vehicles), and the reliability of officers removing cleared/recovered vehicles.

1. **Initial Identification** - A study by IPVM found that the Flock Falcon camera system (manufacturer featured in the impact report) misidentified the license plate's state approximately 10% of the time. Misidentifying one out of every ten vehicles is a significant error rate, resulting in large numbers of drivers incorrectly pulled over and introducing significant
2. risk to civilians who are assumed to be criminals.
3. **FBI's NCIC Database** - A review by the National
4. Employment Law Project (NELP) found that 50% of the FBI's criminal records were incomplete and did not include case outcomes. People who were acquitted or never charged are frequently left in the system and would be subject to incorrect stops.
- 5.
- 6.
7. **Frequency of Updates**
8. - Flock's system updates its database
9. twice
10. per day, meaning that a vehicle removed by law enforcement is still "hot" and at risk for aggressive law enforcement
11. tactics for up to twelve hours after its removal. DPD's draft
12. policy requires officers to download the most recent hot list upon deployment, but this directive doesn't
13. solve the issue of the database itself.
- 14.
- 15.
16. **Officer Clearance** - The hotlist is often only as accurate as the officers on patrol who add/remove vehicles. DPD is understaffed and spread thin, meaning in their rush to get to the next call for service, officers may make human error and forget to remove the vehicle, leading to continued hits by the database.

The cumulative risk and multiple failure points of the four steps above has led me to seriously question this technology. DPD can have the best policy and our officers can utilize the best practices, but three of the four steps will remain out of their control. In the absence of better information, I urge the commission to vote against this adoption. Too many of the non-DPD entities that are relied upon for the ALPR process have proven to be inaccurate.

Thank you kindly,
Jacob Wourms

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Blackshear, Regina

From: Lynn Buffington
Sent: Wednesday, July 13, 2022 4:57 PM
To: CCO Clerk
Subject: ALPR - a compliant report is required, including before scheduling hearing

Dear Commissioners and Mayor:

I am Lynn Buffington, 354 N Ashleaf Ln, 45440. I am writing about the proposed ALPR's (Automated License Plate Readers). I do not live in Dayton but I believe my voice counts for two reasons: (1) as a Beavercreek resident, I am in Dayton frequently and anyone who travels through Dayton will be impacted and (2) because Beavercreek does not have an income tax, my household pays considerable income taxes to the city of Dayton.

I applaud Dayton for adopting the Surveillance Technology Oversight Ordinance. However, the policy must be accompanied by correct implementation! My concerns are that the ALPR impact report and the ALPR use policy do not comply with the Surveillance Technology Oversight Ordinance. I greatly respect the Coalition on Public Protection and I have read and considered their concerns. I have copied those after my name below. **The impact report and policy should be returned to the police for revision. Once a new, compliant report is released, then a public hearing can be scheduled but only thirty or more days after the release of the compliant report.**

Sincerely,

Lynn Buffington 937-657-0426 (see below for the concerns of the Coalition on Public Protection).

The Coalition has three main concerns:

1. The process for police requests for surveillance technology has not been fair or transparent. The report and policy, as written, are opinion pieces that seek to persuade the Commission to approve ALPR use. Instead, the ordinance requires that the report be fair and impartial, allowing Commissioners to fairly decide whether to approve the technology.
 - a. One example of this is the use of crime data in Walnut Hills and Twin Towers. The police compare 2018 and 2020 crime statistics to show a reduction in crime, which they attribute to an ALPR pilot program. **However, the pilot program was only launched in 2020, and statistics from 2019 show that crime rose when the ALPRs were used.**
 - b. The police have also failed to provide any independent (non-law enforcement) reports showing ALPRs are effective. They have ignored independent reports that call into question the efficacy of ALPRs.
2. The police have not effectively addressed many concerns about ALPRs, particularly around data sharing and data security, including:

- The impact report and policy state that ALPR data will be kept for 30 days even when it's not being used for an investigation, with no justification for this time frame.
- The vendor (and thus their data security and storage protocols) is unknown. DPD conducted community presentations with a vendor, Flock Safety, to sell the community on their data security. However, the report states that DPD has not selected a vendor.
- Data sharing: The impact report outlines a process to prevent data sharing with ICE, but the policy (which actually governs how the police handle data) does not have this process.
- There is not enough information about Evidence.com and data sharing agreements with Axon (the vendor for the mobile ALPRs, which the City has already purchased).

3. The Adverse Impact section—one of the most important sections, in our Coalition's opinion—reads as an opinion section as to why the police should be trusted. It does not contain data or other objective indicia for why these ALPRs will not have an adverse impact on minority communities nor does it link to any provisions in the proposed use policy that might mitigate those impacts

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Blackshear, Regina

From: Liz Grauel
Sent: Wednesday, July 13, 2022 4:49 PM
To: Blackshear, Regina
Subject: Public Comment re: AUTOMATED LICENSE PLATE READER TECHNOLOGY

This email serves as written public comment ahead of the Dayton City Commission's July 20, 2022 public hearing on proposed use of automated license plate reader (ALPR) technology by the Dayton Police Department.

My name is Liz Grauel and I am a citizen of Dayton, Ohio, where I am a homeowner and resident in the Linden Heights neighborhood and work for a locally headquartered business in Webster Station. I am writing in opposition to the use of automated license plate reader (ALPR) technology by the Dayton Police Department.

I oppose ALPR technology for several reasons, the foremost of which being its risk to civil liberties and freedoms. As a citizen of Dayton I hold concerns about the effect of ALPR and other police surveillance technology on my and my neighbors' privacy. Simply put, license readers constantly collect information about all people with license plates, not just those involved in criminal activity, and it is unclear how that information is being stored, shared, for how long, and for what purpose. The data captured through ALPR technology can be used to track a person (or, more accurately, a license plate's) travels over a period of time and there is an incredible lack of standards or regulations about this information's collection, storage, and sharing - including in the policy documents associated with the proposal being reviewed by Dayton City Commission today. Even if the commission is approaching the implementation of ALPR technology from a standpoint of preventing and prosecuting crime, the constitutionality of using information based on license plate tracking during criminal cases has been questioned, specifically in reference to the 4th amendment. In fact, there is little evidence that ALPR technologies have any impact on crime at all - most figures touting crime reduction are published by the companies selling such technologies.

From a purely functional perspective, there are many ways that this type of technology poses risk. ALPR and related surveillance technology is largely proprietary and sourced from privately held companies which are under no obligation to disclose the inner workings of such technology. This is dangerous to the public for two reasons. First, although many surveillance technologies are well-marketed and positioned as tools for public safety, they are created and supplied by corporate entities which will first and foremost serve private interests. This means that we can not assume that public safety is a core priority of the tools. Second, the black-box nature of these types of technologies means that we don't actually know if they are working the way in which they are intended by the operators, in this case the City of Dayton Police; that we don't know the reliability of the information captured; that we don't know how secure or insecure data storage and transmission is; and that we don't know the rate of error. The implications of data capture and storage through the use of such tools range from cases of failure to capture complete data to cases of mistaken identity and accidental arrest, or worse, physical harm.

In his 2016 article, "The Color of Surveillance", Alvaro M. Bedoya writes "There is a myth in this country that in a world where everyone is watched, everyone is watched equally." This myth underscores final point I would like to share today in opposition to implementing ALPR technology. Surveillance has historically been used as a tool to control, police, and disenfranchise Black people in America, and today's surveillance technology continues to perpetrate this discrimination, both through encoded bias (software is written by humans, after all) and through discriminatory placement, data collection, and interpretation practices. This is a harsh reality that should not be dismissed when considering the introduction of any type of private or state-sanctioned surveillance.

As a citizen of Dayton and advocate for our community, I ask the commission to vote against the adoption of ALPR technology and to continually review and regulate the use of surveillance technologies in our city.

Thank you,
Liz Grauel

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Liz Grauel
216.255.4315
<http://www.linkedin.com/in/elizabethgrauel>

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Blackshear, Regina

From: Hollingsworth, Torey
Sent: Wednesday, July 13, 2022 6:21 PM
To: Blackshear, Regina
Subject: FW: Community Concern

This one should probably go in the comments too. Sorry I missed that you weren't on it before.

From: Brown, Destiny ·
Sent: Tuesday, July 12, 2022 2:15 AM
To: Schaller, Margaret <Margaret.Schaller@daytonohio.gov>; Schaller, Margaret <Margaret.Schaller@daytonohio.gov>; Adams, Jeffrey <Jeffrey.Adams@daytonohio.gov>; Adams, Jeffrey <Jeffrey.Adams@daytonohio.gov>; Hollingsworth, Torey <Victoria.Hollingsworth@daytonohio.gov>
Cc: Mayor <Mayor@daytonohio.gov>
Subject: Community Concern

Dear Commissioners,

On June 30, 2022, The Coalition on Public Protection submitted a request to the commission to send back the Dayton Police Department's Automatic License Plate Reader (ALPR) Surveillance Impact Report and Use Policy to make revisions that make the documents more objective to allow the Commission to make an informed decision. This would necessarily require the July 20th ALPR hearing date be pushed back.

As stated in the initial request, we do not believe the report and policy, as written, serve the purposes mandated in the Surveillance Technology Oversight Ordinance. These reports do not contain enough objective information and accurate, relevant data for the Commission to make an informed decision—as our elected officials—on whether the technology should be acquired and, if acquired, the policy that should govern its use.

We request the Commission's response to our collective request to push back the hearing date to allow for an informed decision upon completion of the Dayton Police Department providing compliant report and policy revisions. Ordinance compliance requires a minimum of 30 days' notice thus this would require that the hearing date be delayed.

Per our letter dated June 30th, this delay is necessary for two reasons. First, this is the first time a technology item has gone through the ordinance process, and it is important for future technology requests that these documents are written in full compliance with the ordinance. Secondly, it is ultimately more efficient to address these issues now, rather than at the public hearing, where the Commission might then decide to send the report back.

We appreciate your consideration and expect to hear from you in the immediate future.

Sincerely,

Black Lives Matter Dayton

Dayton Unit NAACP

Latinos Unidos

LEAD

ABLE

Access Center for Independent Living

The Coalition on Public Protection ALPR concerns include:

- The Adverse Impact section—one of the most important sections, in our Coalition’s opinion—reads as an opinion section as to why the police should be trusted. It does not contain data or other objective indicia for why these ALPRs will not have an adverse impact on minority communities nor does it link to any provisions in the proposed use policy that might mitigate those impacts.
- The explanation of the “impact on crime” data is confusing, incomplete, and makes unsupported claims about the efficacy of the pilot program. The Impact Report again claims that reductions of crime from 2018 to 2019 occurred "during the program", which is not true. The report claims that "Walnut Hills neighborhood which experienced a 10% reduction of overall crime", which is not true either; overall crime increased 10% from 2019 to 2020, when the ALPRs were in use. Any decrease in crime occurred from 2018 to 2019 when no ALPRs were installed.
- As DPD has not selected a vendor for the fixed-site ALPRs, and all community outreach and information pertaining to ALPRs has been with Flock Safety, the specifications regarding the data-sharing and storage protocols for each leading potential vendor must be provided prior to approving any potential RFP, bid, or contract. Those specifications are not included.
- There is not enough information about Evidence.com and the data storage and sharing agreement with Axon. A copy of this agreement should be provided.
- Changes to the use policy now allow for every police officer to access ALPR data, rather than certain command officers, as in previous versions of the policy. This is concerning.
- Per the use policy, data will be kept for 30 days, which in our opinion is not proportionate to the use of the ALPR. A period of 48 hours for data not related to a specific criminal incident would be sufficient.
- The ALPR use policy does not include the procedure outlined in the impact report that requires recipients of ALPR data to attest they will not share the information with immigration enforcement agencies. This is concerning, since it is the policy that will govern the police department’s conduct going forward.
- The report that was shared at the end of the report was not “independent” as required by the ordinance. There are other independent reports about ALPRs that the police are likely aware of that should have been provided.

Destiny Brown
Community Organizer



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