Attachment A

ATHERTON POLICE DEPARTMENT

Inter-Department Correspondence

To: Chief McCulley

From: Commander Larsen

Date: February 16th, 2023

Subject: 2022 ALPR Audit Review

SUMMARY:

I reviewed the 2022 ALPR Audit Results completed by Menlo Park Police Commander Moffett. Cmdr. Moffett wrote that text was entered into the "reason" field for all records, but 48% of all inquiries did not have an associated report or incident number. Cmdr. Moffett believed the search "reasons" entered were for a legitimate law enforcement purpose. Cmdr. Moffett noted a 27% search increase from the previous year. Due to increase usage, Cmdr. Moffett recommended using a standard audit methodology that examines a set number of random records.

RECOMMENDATIONS:

I agree with Cmdr. Moffett's recommendation to limit query reasons to incidents and/or report numbers and having this written into policy. I agree with Cmdr. Moffett's recommendation of using a standard audit methodology that examines a set number or random records.

02-20-2023 I have reviewed the 2022 ALPR audit results and concur with Commander Moffett's + Commander Larsen's recommendations. The current Lexipol ALPR policy does require a case or incident number be listed. All personnel have been advised of the audit outcome + future expectations. A follow up audit will be conducted in July 2023

CITY OF MENLO PARK

MEMORANDUM

Date: 2/16/2023
To: Chief Steven McCulley, Atherton Police Department
From: Commander T.J. Moffett, Menlo Park Police Department
Re: **Atherton Police Department – 2022 ALPR Audit Results**

On February 15th, 2023, I conducted an audit of your Flock Systems ALPR database/usage for calendar year 2022 at your agency's request. For the purposes of the audit, I worked with Commander Larsen to access your Flock database and review your agency's usage. I also reviewed the previous audit completed on April 6th, 2022 by Captain John Gunderson of the Redwood City Police Department.

Audit Purpose: The purpose of the audit is to measure the Atherton Police Department's compliance with Lexipol Policy Section 469 – Automated License Plate Readers (ALPR), with specific emphasis on section 469.6 – Accountability (a) and (b), which requires that officers only access ALPR data for a legitimate law enforcement purpose.

Audit Scope: The audit included all ALPR inquires made by Atherton PD personnel for:

a) The Department's Flock camera system, ranging for 01/01/2022 through 12/31/2022.

Analysis: There were a total of 4,974 inquiries of the Flock system by Atherton PD personnel for calendar year 2022 (refer to attached spreadsheet), an approximately 27% increase over the 3,913 inquiries made in 2021.

Of the 4,974 inquiries, text was entered into the "reason" field for all records; however, 2,376 records did not include a full case or incident number. These records account for almost 48% of all inquiries and listed reasons range from "test" to more commonly referencing a criminal code or radio code. For example, the reason of "459" was used 465 times.

Conclusion: As identified in previous audits, the lack of a case or incident number for a significant portion of inquiries during the 2022 calendar year prohibits any reasonable analysis of the legitimacy of those inquiries to determine if they conform with Atherton Police Department's Policy #469 that requires, in part, "Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only…"

The listed criminal code(s) and relevant radio codes entered as inquiry reasons do lead me to believe that there was a legitimate law enforcement purpose for these searches, but absent exhaustive research of unit histories and associated date/time stamps, this cannot be expressly determined. Standardized use of incident and/or case numbers exponentially simplifies this process.

Recommendation: As suggested by previous auditors, users should be required to include an associated case or incident number, and this should be codified in Policy 469. Additionally, what appears to be continued growth in the use of the Flock ALPR system makes granular examination increasingly tedious. I recommend developing and memorializing a standard audit methodology moving forward that requires a more detailed examination of "X" number of random records, rather than any certain percentage.

Should a more granular examination of a significant percentage of inquiries be desired, I concur with previous assessments that a more formalized process with a professional auditing service will likely be required.

Respectfully,

T.J. Moffett, Commander