

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Anthony Mata
John Ristow

SUBJECT: ILLEGAL STREET RACING

DATE: March 26, 2021

Approved



Date

03/26/21

SUPPLEMENTAL

REASON FOR SUPPLEMENTAL

This supplemental memorandum provides information in response to two questions asked by a member of the Rules and Open Government Committee at the Committee's March 3, 2021 meeting during discussion of measures to address illegal street racing.

BACKGROUND

At the March 3, 2021 meeting of the Rules and Open Government Committee, Councilmembers Esparza and Davis brought forward a memorandum proposing four recommendations intended to combat illegal street racing. Staff prepared an Early Consideration Form evaluating the work involved with each recommendation (the Early Consideration Form is also posted under this item.) During discussion of this item, Councilmember Davis asked that staff provide additional information on two questions, as follows:

1. One of the recommendations from Councilmembers Esparza and Davis was to explore the use of Automated License Plate Readers (ALPRs). In the Early Consideration Form, staff indicated that while the Police Department already uses ALPRs on marked police vehicles, installation of stationary ALPRs would require additional budget and would need to be coordinated across several City departments and vetted for privacy issues. Councilmember Davis asked for more information about what this coordination would entail.
2. Councilmember Davis requested that DOT and the Police Department explore installation of physical barriers in intersections where street racing occurs frequently as a form of deterrent.

The Rules Committee agendaized Councilmember Esparza and Davis' memo for the March 30, 2021 City Council meeting, with direction that staff return with information on the two questions above.

The Mayor's March Budget Message for 2021-2022, as approved by the City Council at its March 16, 2021 meeting, directs the City Manager to address illegal street racing and sideshows by identifying "one-time funding to proactively investigate and enforce violations through a combination of staffing or overtime, use of technology such as automatic license plate readers, 'quick-build' street modifications, and vehicle impoundment." The Administration will bring forward a proposal to fund the four items listed in this direction as part of the 2021-2022 Budget Process.

ANALYSIS

This supplemental memorandum provides responses to the two questions posed at the March 3, 2021 Rules Committee meeting, as described in the Background section. The Internal Coordination and Privacy sections respond to question 1 and the Physical Deterrents to Street Racing section responds to question 2.

Internal Coordination

Based on preliminary assessment of stationary ALPR implementation, the Police Department would coordinate with other City departments as follows:

- **Budget Office** – Consistent with direction provided in the Mayor's March Budget Message, the Police Department and the City Manager's Budget Office will work through the 2021-2022 Proposed Budget development process to identify funding for stationary ALPRs, along with the other street racing enforcement items listed in the Message.
- **The Department of Transportation** – The Police Department and the Department of Transportation (DOT) would coordinate to determine the most effective locations for placement of stationary ALPRs based on traffic flow and visibility. The departments would also collaborate to determine the best format for implementation of stationary ALPRs, including exploration of mounting ALPRs on trailers that could left stationary at specific locations, but could also be moved from place to place based on enforcement needs.
- **Public Works Department** – The Police Department will coordinate with the Public Works Department, if necessary, for traffic control review, should deployment of trailer-mounted ALPRs have an effect on the flow of traffic, or for code review and inspection, should the ALPRs be mounted on fixed infrastructure.

- **Information Technology Department** – The Police Department would coordinate with the Information Technology Department in two aspects: (1) Ensuring the solution and handling of image capture is secure, as an extension of the Police Department's existing ALPR system and storage. (2) Developing a project charter for the potential initiative. If funded and prioritized for project activation, the Information Technology Department may re-evaluate technology projects at that time to reassign a Products-Projects Manager to aid in the execution of the initiative. SJPD would serve as Project Sponsor.

Privacy

At the September 17, 2019 City Council meeting, the Council approved Digital Privacy Principles to guide the City's work on digital privacy issues.¹ At the December 8, 2020 City Council meeting, the Council approved Council Policy 0-46, the Digital Privacy Policy.² This policy establishes a framework to ensure that the public's digital privacy rights are protected when the City collects personally identifiable information. While the privacy review and assessment process contemplated in the Digital Privacy Policy may not be fully in place by the time stationary ALPRs are procured and implemented, the Police Department will take steps to ensure that the purpose and intent of both the Principles and the Policy are carried out. These steps will include the following:

- **Outreach:** The Police Department will conduct appropriate community outreach to ensure that the public is informed about the planned use of stationary ALPRs and has the opportunity to raise questions and concerns with the City on this issue.
- **Policy Review and Development:** Section L4207 of the Duty Manual establishes a comprehensive policy for use of the Department's current vehicle-mounted ALPRs. It sets out detailed rules on topics critical to protecting privacy interests. In implementing stationary ALPRs, the Police Department will build on this foundation. It will review Duty Manual provisions in light of the City's Privacy Principles and Privacy Policy, feedback or concerns received from the public during outreach, feedback from other City Departments received as part of the coordination described in the previous sections, and any additional policy considerations that may arise with use of stationary ALPRs as against vehicle-mounted ALPRs, and make any amendments to the Duty Manual necessary to protect the public's privacy rights.
- **Cybersecurity:** As noted in the previous section, the Police Department will coordinate with the Information Technology Department. As part of this coordination, a security and privacy review will be conducted to ensure that stationary ALPRs meet or exceed the City's cybersecurity standards.

¹ Digital Privacy Principles found here: <https://www.sanjoseca.gov/your-government/city-manager/civic-innovation-digital-strategy/digital-privacy>

² Digital Privacy Policy found here: <https://www.sanjoseca.gov/home/showpublisheddocument?id=68053>

- **Follow-up:** Once the review and assessment process contemplated in the Digital Privacy Policy is established, the Police Department would have the option of taking stationary ALPRs through that review process even if they have already been implemented.

In combination, the Police Department believes these measures will ensure that the City's Privacy Principles and Privacy Policy are respected.

Physical Deterrents to Street Racing

To implement physical deterrents to street racing, DOT would coordinate with the Police Department to select five initial locations to pilot such deterrents. DOT would review intersection geometry, traffic demands and access requirements to develop appropriate intersection or roadway treatment strategies. Quick-build material (paint, bollards, pavement markers and delineators) would be utilized for ease of construction, flexibility, cost effectiveness and expediency.

Existing staff working on Vision Zero and safety programs would be diverted to focus on this work as needed. It is anticipated that a Senior Engineer and an Associate Engineer would be required to review traffic data, prepare design options and drawings, and coordinate outreach and implementation work. Typically, in-house pavement crews would be used for implementation of this type of work. Their availability to support this pilot is expected to be limited due to the significant pavement program planned for this year. As such, these pilot projects will be outsourced and installed by a contractor to avoid impacting the pavement program delivery schedule.

DOT estimates that this pilot project at five locations would cost \$200,000. Consistent with direction in the Mayor's March Budget message, DOT and the Budget Office will work to identify funding for the pilot through the budget process. The delivery schedule would be dependent on the ability to procure quick-build material and would need to be prioritized along with the delivery of other scheduled Vision Zero and safety projects.

CONCLUSION

Consistent with direction included in the Mayor's March Budget Message, the Administration will bring forward as part of the 2021-2022 Budget Process a proposal to fund overtime, ALPRs, quick-build physical deterrents, and vehicle impoundment for the purpose of combating illegal street racing.

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COORDINATION

This memorandum was coordinated with the City Manager's Budget Office, the Information Technology Department, the Public Works Department and the City Attorney's Office.

/s/

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/s/

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