

City of Coral Gables City Commission Meeting
Agenda Item H-2
August 28, 2018
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Raul Valdes-Fauli
Vice Mayor Frank Quesada
Commissioner Pat Keon
Commissioner Vince Lago
Commissioner Michael Mena

City Staff

City Manager, Cathy Swanson-Rivenbark
Assistant City Manager, Peter Iglesias
Assistant City Manager, Frank Fernandez
City Attorney, Miriam Ramos
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Information Technology Director, Raimundo Rodulfo

Public Speaker(s)

Raul Mas

Agenda Item H-2 [4:40:52 p.m.]

A discussion regarding ALPR system in Coral Gables.
(Sponsored by Commissioner Mena)

Mayor Valdes-Fauli: Okay, discussion regarding ALPR system in Coral Gables.

Commissioner Mena: Okay, so this item came up briefly at a prior meeting after Mr. Mas, who's here today, was here at the time. As a follow-up to that meeting, we offered and he took advantage of an opportunity to come in and meet with Director Fernandez and get a tour of the facilities, have some of his questions answered. After that, he sent a letter, dated June 25, 2018, to all of us addressing some concerns. There's also been concern from a couple of other residents, including Jack Thompson, who had asked several times that this be placed on the agenda, which I obliged. I don't believe Mr. Thompson's here, but in either event, what I've asked is, A, for Director Fernandez, who's on his way, to give us a quick synopsis. But Mr. Mas, if you'd like to go first, I'm okay with that too.

Mayor Valdes-Fauli: I would like -- no, no. Wait, wait. I'll call you. I have the...

Commissioner Mena: Okay. Apologies.

Mayor Valdes-Fauli: Card here. Madam City Attorney, will you -- you want to address the issue?

City Attorney Ramos: Yes, sir. Back in May, when questions started to be asked about the legality of the ALPR and CCTV systems, this office issued a written email in the way of a response to Mr. Thompson's email that essentially states that while Article I Section 23 of the Florida Constitution does obviously provide a right to privacy, case law, state, as well as federal, is very well established that there is no expectation of privacy on public roads and where you are exposed to the public view. All of the CCTV and ALPRs are obviously located on public roads and in areas that are frequently considered public and that are frequented by the public. Therefore, there can be no violation of privacy if there is no expectation of that privacy. In addition, Florida Statutes has ratified the use of this type of imaging, and there are two statutes on point, 316.0777 mandates that the information gathered by these systems is confidential and exempt from the Public Records Law and 316.0778 instructs FDLE and the Department of State to create a retention schedule for these systems. In addition, the Florida Department of Law

Enforcement, also known as FDLE, has an entire manual on how these systems should be administered and the different requirements for them. So, there is no question in the state of law -- in the State of Florida, at this time, both these systems are legal.

Mayor Valdes-Fauli: Mr. Mas, would you like to address the issue?

Raul Mas: First of all, thank you, Mr. Mayor, and thank you, Vice Mayor Quesada and Commissioners. I'm not an attorney, so I'm not here to sort of debate the legal merits with the City Attorney. As was mentioned, I first brought this to the attention of the City in written form back in late May. I subsequently attended a meeting where we had some discussion about the item. As Commissioner Mena mentioned, I took the opportunity to visit the Crime Information Center or Crime Intelligence Center -- however you describe it -- and see and speak to Assistant City Manager Frank Fernandez, I believe, for about three hours and really get an understanding of the system. Following that, I returned to the -- I didn't return to the Commission, but I sent to the Commission a letter on June 25 that basically outlined my continuing concerns regarding this issue, some of which are the fact that we are basically, through the use of these cameras, literally capturing tens of millions of images -- particularly, the cameras that are on US-1 that are basically positioned in such a way that they capture the right lane, the center lane and the left lane of all the northbound traffic on US-1, 24 hours a day, 7 days a week, 365 days a year, alright. We all know that 99.9 percent of that traffic is probably completely innocuous, and yet, that data is being stored for a period of three years and is assessible to other law enforcement agencies. I disagree strongly with the City Attorney's view that this is not a violation of privacy. I believe it is a violation of privacy under the Florida Constitution. I believe it's a violation of privacy under the Fourth Amendment of the US Constitution, and I also believe that it's in contravention of state law that does not allow you to use cameras or ALPRs for anything other than red light cameras. As a result of that, I have retained counsel in the form of the New Civil Liberties Alliance. We want the system to stop. We want to shut it down, quite frankly. And I simply came here today to let you know that, you know -- and I've presented you, I think, with

written documentation of what the objections are. And hopefully, you know, we can figure out a way to resolve this issue as soon as possible and that's pretty much all I have to say.

Mayor Valdes-Fauli: Thank you, Mr. Mas. And I have a comment. And we have been threatened with litigation, and maybe it is not proper for us to discuss this at this point.

City Attorney Ramos: It's entirely up -- obviously, it's entirely up to the Commission. I have not had a chance to fully digest the arguments that are being made. This was sent as the Commission meeting was starting this morning. I will state that one of the issues that is being brought up is that -- according to this letter at least -- back in 2015, when the Commission approved the CCTV system, it was approved with apparently a 30-day retention period. And I say apparently because I'm just reading what the allegations are here. I haven't had a chance to independently confirm them. And that the City has chosen to retain these for a period of three years, which is the maximum allowable under state law. That's the only thing I can say at this time with regard to (INAUDIBLE)...

Mayor Valdes-Fauli: I would ask the Commission, based on the threat of litigation, not to discuss this at this point, as a matter of prudence.

Commissioner Mena: I'm...

Mayor Valdes-Fauli: Okay.

Commissioner Mena: I mean, I'm open to discussing it because it's all public information anyway and we've already sort of made it all available.

Mayor Valdes-Fauli: Yeah, but anything we say will be used against us.

Commissioner Mena: I don't have anything to hide. I'm not worried about it. I mean, I'm...

Mayor Valdes-Fauli: Let's go on to the next -- H-4.

Commissioner Mena: Wait.

Mayor Valdes-Fauli: No, no. I think it is imprudent for us to discuss this based on this four-page letter or five-page letter threatening us with litigation.

Commissioner Lago: So, we got a standoff at the Okay Coral. What is the (INAUDIBLE) on the Commission (INAUDIBLE)?

Vice Mayor Quesada: I think we can talk about it as long as we're not discussing strategy. I mean -- on the litigation. This is a conversation I've had with our City Attorney in the past. It's sort of a trigger point when we're allowed to go into executive session and strategize. And technically, we're not allowed until we get sued.

City Attorney Ramos: Correct.

Vice Mayor Quesada: Which is, I think is a flaw in the law because it doesn't...

City Attorney Ramos: I agree.

Vice Mayor Quesada: Allow us to properly strategize, but that's a whole nother conversation. I think the Mayor is correct. He's being cautious that, look, we're probably going to get sued as it blatantly says in this letter. I think there's (INAUDIBLE) topics where we don't really get into strategy on that. We don't want to expose ourselves to anything, but if there's some basic remarks that people want to put, I have no problem with that.

Commissioner Lago: No. My -- I only have one question though. And Mr. Mas, from the emails that he sent us in the past, I was under the impression that your main concern was the time that this information was stored, a total of three years, but that you were okay with six months, a year. I don't want to put words in your mouth. Can you clarify that for me because I stepped in halfway through your presentation?

Mr. Mas: Listen, I think that -- you know, and the letter -- if you read through the letter...

Commissioner Lago: I just got the letter.

Mr. Mas: It makes reference to the original mention in the resolution that was passed to initiate the ALPR system that originally was supposedly a 30-day limit. The attorney basically mentions that even though he believes that constitutionally that is still egregious, certainly, three years is completely out of the ordinary. And I think the fact that you also have this system that is capturing so many images, completely indiscreet -- and we also talked about the fact that it's my belief that Vigilant Solutions is not really in the public safety business. They're in the data mining business and the data collection business. That's why they have...

Commissioner Lago: Are you aware that they're selling -- are they selling that data?

Mr. Mas: Well, that's a very good question to ask, but they're certainly, for example, putting ALPRs on private tow trucks to find, you know, vehicles that, you know, the people haven't made their car payments, you know. I wouldn't be surprised if they come back to you and want to put the ALPRs on the scooters, you know, and pay you for it so they can see, you know, who else is...

Mayor Valdes-Fauli: Maybe we should.

Mr. Mas: (INAUDIBLE) here in Miami-Dade County. So, look, it's a series of things that we've discussed, alright, including the fact that I think, very important to me, is in my conversations with Assistant City Manager Fernandez, there was all sorts of sort of, you know, stories -- I mean, apocryphal stories about, gee, we rescued this kid that was lost in a crowd. Gee, we captured this rapist that was on his way to South Miami. But there is no documentation showing that the ALPR system has actually been used in solving a specific crime. And I've heard a lot of things about, well, gee, we have the lowest crime rate ever, et cetera, et cetera. But again, that could surely be coincidental. It's not proof of the fact that this system is working. You're spending millions of dollars on a very intrusive surveillance system that is costing us an awful lot of money. There does not seem to be an audit trail that shows any success. But aside from that, I think in the last couple of months -- and again, you know, I don't want to get into a legal debate here and I don't think it's appropriate either -- but I think there have been Supreme Court decisions that have basically challenged what you described earlier in terms of a reasonable expectation of privacy in the public. I -- we do not believe that it is right that city government or any government should be monitoring the movements of so many people who are basically innocent individuals without good cause. And we think that the law is very quickly beginning to realize and transition to that belief. So...

Mayor Valdes-Fauli: Thank you. Alright.

Commissioner Mena: I'm -- again, I'm happy to discuss some of the issues. I think a lot of what was just said is not entirely accurate, but you know, we can reasonably differ on some of the points you made.

Commissioner Lago: Let's talk about it.

Commissioner Mena: But...

Commissioner Lago: I'm with you.

Commissioner Mena: Yeah.

Vice Mayor Quesada: So am I. What do you want to say?

Commissioner Mena: Well, look, I'm prepared to have -- I had Mr. Fernandez prepare to address a lot of what we do, how we do it, a lot of the safety measures that we have in place to make sure that our information is secure. You know, for example, the statement that we don't keep -- there's no evidence of any, you know, positive successes from this is not entirely accurate. There's not, you know, a system in place where we check a box for any direct incident relating to ALPR, but we have just recently, a few weeks ago, a car that -- a gentleman that was apprehended who had a missing child in the car as a result of ALPR. We have a...

(COMMENTS MADE OFF THE RECORD)

Commissioner Mena: If I could finish.

Mayor Valdes-Fauli: No, hey, hey, hey.

(COMMENTS MADE OFF THE RECORD)

Commissioner Mena: If I could finish. Could I -- I let you speak. Could I speak?

Mayor Valdes-Fauli: You've had your chance. Go on.

Commissioner Mena: Could I speak? Thank you. When you say anecdotal, Mr. Fernandez has a police report from one of our police officers, which he shared with me -- I believe he has here - - where there was a hit on an ALPR. Is that correct?

Assistant City Manager Fernandez: Um-hum.

Commissioner Mena: He pulled -- well, why don't you tell -- why don't you explain it because I don't want to misstate anything. Just as an...

Assistant City Manager Fernandez: I've Chief Hudak for...

Commissioner Mena: Just as an example, and then I'll ask you to address it more broadly.

Assistant City Manager Fernandez: I've asked Chief Hudak to talk about the apprehension of (INAUDIBLE), and I've also asked the Director from IT to present to you an overview of all of the entire system. This is like an ecosystem whereby CCTV and ALPRs work together so we could show you from a data mining perspective how crime has been reduced when we placed this system in -- these systems in place. So, with that, I'd like to start off by saying that I've opened up the Crime Intelligence Center to anyone that wants to see and understand this system. We have briefed all the Commissioners and the Mayor on the entire system and you've seen it yourselves. I spent four and a half hours with Mr. Mas Canosa. In fact, I didn't let him leave until every single question he had was answered. He had two areas of concern that were still remaining with him when he left me, at least the ones we discussed, the retention period, which we utilized three years, which is the state law that allows us to keep it for three years. It's also the default for the contract. And the next part was he was concerned about how do we audit these systems to make sure they're not abused. I could not find anywhere where the ALPR systems were compromised, not just in Coral Gables, but anywhere. We're not the only ones that have it in Dade County. We're probably one of the last ones to get it. Sunny Isles is one of the leading cities in license plate readers, followed by Doral. And a more comprehensive system as I understand -- I haven't seen it though -- is Miami Gardens. So, we're just one of many. The City of Miami also has them. And there are many agencies that have them on their police cars that they are mobile LPRs or mobile trailers that have license plate readers, so we're not alone with this. Nonetheless, I've explained to all of you and I've shown it to Mr. Mas Canosa as well,

the list of audits that we go through, both internal and external, for our entire data system. We are due for an annual audit for the LPR system in November. We will start that in October. But to that end, I'd like to ask Director Rodulfo to come up -- Raimundo Rodulfo to come up and explain to you the audits as we've done before and also the study that he did regarding the results of the cameras.

Information Technology Director Rodulfo: Thank you, Director. So, we undergo multiple audits every year. And some of the last ones were the audit from the Florida Department of Law Enforcement, FDLE, and the Criminal Justice Information System, CJIS, that was completed in April 2018. That's a very comprehensive audit that took several months to complete. They look holistically at all the security systems, all the network systems that are related to public safety and to law enforcement data. And we also went through an audit by the Commission on Accreditation for Law Enforcement Agencies, CALEA. It was completed on June 2018. External audits by financial security auditor, RSM, completed in March 2018. And an internal information security audit and internal/external security vulnerability assessment. That means that they test our system from inside and from outside. That was done by (INAUDIBLE), the City's internal auditor, a very comprehensive cyber security audit. That happens twice a year. The last one was completed in January 2018. We went through a payment card industry security and compliance audit by the firm ERM. The last one was completed in July 2018. They are currently performing a quarterly vulnerability assessment audit, which is part of a three-year ongoing test. eCommerce data processing clearinghouse audit by (INAUDIBLE). The last one was completed in August 2018. And risk management and cyber liability audit that we do every year. The last one was completed in April 2018. So, all those different audits, they look holistically at different systems. They look at our network system, our cyber security controls in place, our internal controls for how we safeguard our data. They look at privacy. They look at cyber security, and they also look at several things in common. So, they test our system from outside and from inside, and they also look for compliance. Compliance can be with law enforcement standards, with financial best practices and standards, with other type of regulations and policies that manage the way how we assure our information. So, all those audits, they have

things in common. They look at all our systems, and in particular, the FDLE audit also looks at our public safety systems, which include the LPR systems inside of our network, the (INAUDIBLE) systems. They don't in particular -- specifically look at the LPR system. That's something that is part of a guidelines that we have from FDLE, and that's an audit that we have started. We scheduled the next month for October, and it's going to be an annual process, where we're going to perform other controls that are recommended as part of those guidelines. And those controls are to look into an annual ALPR audit process, which will look for user account validation and rights, data sharing validation, how we share that data with other agencies, and validation on all the inventory of license plate readers, and also, an assessment of the (INAUDIBLE) systems that maintain LPR data, and also, the systems where that data is maintained on the cloud. In this case, the server where the data is stored is located at the police department of the City of Miami Beach, and the (INAUDIBLE) store the data that all -- we share in the state of Florida on that location, so we will include also an audit in communication and coordination with Vigilant and also with Miami Beach Police Department at that time. And that's...

Commissioner Lago: Could I ask you a quick question? I'm not an IT expert but how do we compare to other municipalities in reference to the storage of all these photos and data? And also, how do we compare with other municipalities in reference to the amount of audits that we're doing?

Assistant City Manager Fernandez: I've asked Director Rodulfo to do an assessment countywide. So, we went to Sunny Isles, Doral and other cities that he talked about. And to our surprise, we're actually showing them our practices for auditing...

Commissioner Lago: It doesn't surprise me.

Assistant City Manager Fernandez: For their -- I'm sorry?

Commissioner Lago: It doesn't surprise me.

Assistant City Manager Fernandez: No. He's definitely gone above and beyond to ensure that we have the best safeguard against protecting this data. Nationwide, I haven't found a breach yet. It doesn't mean it hasn't happened. I just haven't been able to find it.

Commissioner Lago: And have we asked other municipalities to find out how long they're storing this data?

Assistant City Manager Fernandez: I looked -- the state statute says a maximum of three years.

Commissioner Lago: Okay.

Assistant City Manager Fernandez: It's my understanding that they've kept it for three years. That's the fallback, if you will, to a contract. I looked nationwide and did some assessments of other cities. It really comes down to a tolerance level for the city. What is tolerable for a city to retain this information? Is it one year, two years or three years? But you cannot go beyond three years.

Commissioner Lago: And has that state statute been litigated?

Assistant City Manager Fernandez: I defer to the City Attorney.

City Attorney Ramos: No. That's the retention record.

Commissioner Lago: But there has...

City Attorney Ramos: And I'll add, actually, that it's a maximum of three years unless it has investigatory value. So, if that piece of information is involved in a current investigation, it can be retained for longer.

Commissioner Lago: But there hasn't been any entity, there hasn't been an organization that has gone and tried to, you know, try that statute and case -- you know, excuse me, in court to see if it's viable or not, if it passes muster.

City Attorney Ramos: That I know of, there has not been a challenge to the retention schedule.

Commissioner Lago: A challenge.

City Attorney Ramos: And if there has been, they've won because that's currently the retention schedule.

Commissioner Lago: Okay.

Assistant City Manager Fernandez: So, I'll defer back to the Director.

Information Technology Director Rodulfo: Do you have any particular question, follow-up?
No?

(COMMENTS MADE OF THE RECORD)

Commissioner Lago: (INAUDIBLE) jumped the gun.

Information Technology Director Rodulfo: So, we have some data that we have analyzed (INAUDIBLE) crime data. And I will ask CGTV to have -- put it there. So, this data (INAUDIBLE) includes all the efforts of the inclusion of the technology. It's more like the

public safety and police strategies and where technology is one of many strategies, one of many components. But this includes data related to the implementation of technologies that police and public safety is using today, like CCTV and ALPR cameras and trailers. So, what you see here are two heat maps. The first heat map that you see to the left shows a period of six months, and from February to August of last year. And to the right you see kind of the equivalent same period until today, until August, of six months. So, that green, it means a lowest crime occurrence, and that red, a highest crime occurrence. So, you can see it from -- recently, you can see a big difference. And the data validates those numbers here in the next slide. You will see on this graph a significant reduction, between 30 and 40 percent, of crime since the beginning of 2017. You will see an outlier in September 2017. That lowest valley is related to Irma, hurricane. And this, in particular, analyzes the effect of placing a CCTV or LPR trailer, which are mobile units. Some of them are entirely CCTV trailers. Some of them are a combination of CCTV and license plate. It shows how in four different locations where this technology has been placed, it has an immediate deterrent effect and you see how crime lowers significantly on each one of them. On the last one in particular, you can see as a control how as soon as the trailer was introduced, you see how crime went to zero. And then as soon as the trailer was moved to another location, it came back and you have (INAUDIBLE). So, that's a case where you have a high ratio of correlation, I guess, between the placement of a technology and the reduction of crime. However, those other cases that I showed is a holistic approach of improvements in public safety strategies, I guess.

Commissioner Keon: Thank you.

Commissioner Lago: Thank you.

Assistant City Manager Fernandez: Thank you very much. The Commission had asked about the apprehensions. We have talked to Mr. Mas Canosa and also the Herald reporter about a number of different apprehensions that have been effected through the assistance of an LPR. But

I've asked Chief Hudak to be prepared to discuss with you some very basic apprehensions that have taken place throughout the last couple of months related to license plate readers.

Commissioner Mena: And to be clear, we don't -- you know, and we talked about this a bit and, you know, it goes to Mr. Mas's point. We don't currently have a system whereby, you know, you check a box for any given investigation or lead or whatever that ties it to LPR.

Assistant City Manager Fernandez: Yes, we don't. We would have to go...

Unidentified Speaker: (INAUDIBLE) keep a record of...

Assistant City Manager Fernandez: And modify the reports.

Commissioner Mena: Right.

Assistant City Manager Fernandez: But we've talked about it. He's right about the cases that we talked about as examples. So, what I'm telling you today, he's already heard it before.

Commissioner Mena: Right.

Assistant City Manager Fernandez: And so...

Commissioner Lago: Yeah, but there's also -- go ahead, Commissioner.

Commissioner Keon: I'm sorry. But when you write out the report, is it indicated in the report that there was a hit on the LPR and whatever? I mean, is that included in your report?

Police Chief Hudak: At times, it is. We have since -- the ongoing discussion -- I mean, we reviewed...

Commissioner Keon: Yeah.

Police Chief Hudak: This moving document, if you will, our SOP that guides it along with the City Attorney about how we continue to evolve our processes.

Commissioner Keon: Right.

Police Chief Hudak: So, we're looking at actually in the report where we can track it within our databases of when an ALPR has been used or certain methods. If it's in the narrative, sometimes it's hard for us to track that unless we go through it by hand. But -- so we are getting better at tracking that information. I know there was some public records requests that came (INAUDIBLE) about where it was going to go. I didn't respond to those because we did not have a document that said that. So, we weren't going to create something that we didn't have and it be in error. For the record, we have had license plate reading technology in the City of Coral Gables since 2011; 2012, we put them on cars. That's how we started, and then we got into the stationary issue. So, we have had that vendor before we got into this conversation. Can I quantify the fact that it has helped us? Absolutely. As recently as this morning, somebody's driving down -- or late last night -- somebody's driving down US-1 in a stolen rental car. Taken into custody without incident. Violent crimes -- and again, the red maps -- I love to see them when they turn green. That's just a few incidents, but it's a red dot. It's important to me. There was a young woman who I met this afternoon at break with her two-year-old child who had a gun put in her face on Saturday night, and that was because of this technology and the detectives that we were able to see the bad guys following the woman, got the tag number, put it out and caught him in the car in Homestead within three days, and you saw that on the telecast that -- and we have other people. So, you know, there is a value to that, the technology. You talk about keeping up with technology, I get up one morning -- this is one of our morning conversations, and I hear that Massachusetts State Police is looking for a murderer in Coral Gables. And I had no idea what they were talking about. It was our system, as the subjects were driving through...

Vice Mayor Quesada: You said this morning?

Police Chief Hudak: No, no, no, no. This was a few months ago.

Commissioner Keon: Yeah.

Police Chief Hudak: Or maybe even a year ago. You know, there it is where a law enforcement personnel puts something in there and the gentleman -- I use the term loosely -- he was wanted for murder in Massachusetts. They were later picked up down in South Dade. So, there is an inherent deterrent value when we have them up there. There is a bigger investigative value right now, and it helps us know what we're up against. I would tell you, as a law enforcement officer, some of the longest walks we have is up to a car that we don't know. Officers get killed at an alarming rate. Right now, walking up to a car, they don't know what it is. If this technology provides that to the officer that they know beforehand, I'm all for it. We can continue to work on the safeguards, and I -- in the spirit of transparency -- I know we use that word -- we're not looking to keep data and go back and mine on it. What we're looking to do is to make this a safe pass-through city for everybody, including the police officers.

Commissioner Lago: One of the comments that Commissioner Mena was making was all those comments are like not in the abstract. I always look at something in the sense of how can you quantify having these LPRs, like what is the good that is coming out of it. I don't think you can really understand it when you look at it that it's a major deterrent to people who were even considering driving through the city because knowing that your license plate is going to be read. And I think that message is getting out there to a lot of people because I've heard it from people who've told me, hey, I hear you guys are putting cameras and I heard you guys are putting license plate readers. Those are all good people that are not committing crimes. Obviously, the people who are committing crimes or are looking to assault people or looking to steal property, they're going to give a second thought about coming into the Gables because, number one, their

license plate's going to be read or, number two, their face is going to be recognized and put into...

Assistant City Manager Fernandez: Commissioner, when we presented this system to the Commission (INAUDIBLE)...

Commissioner Lago: That's hard to quantify. You can't put a number on that.

Assistant City Manager Fernandez: No, you really can't.

Commissioner Lago: You can't put a number on that. You can't check a box, like Commissioner Mena was saying.

Commissioner Mena: Right.

Commissioner Lago: There's no...

Assistant City Manager Fernandez: Part of the...

Commissioner Lago: How do you do it?

Assistant City Manager Fernandez: Introduction of the system here to the Commission was that it's an overt system, not a covert, but an overt system. The system is identified by a red and blue light, so people see it when they're going by it. So, it's not covered up and so that has a deterrent value that speaks to the reduction in crime. It's not just the cameras, but it's a holistic approach to a reduction in crime that speaks to the system. This system works. It not only works here, but it's worked in Sunny Isles. It's worked in Miami Gardens, and it's worked in Doral. If not, those cities would not have maintained those systems year after year. We could certainly check off a box in a report when there's a connection to an LPR, but the box we cannot check off once

you look at the statistics is the deterrent value, which is one of the bases under which we started this system from the beginning.

Commissioner Mena: We both agree it's obviously a deterrent.

Police Chief Hudak: Well, and again, I'll go back to our original start, you know, during my tenure. I can't quantify how many crimes our presence -- being the police department in the neighborhood -- deters...

Commissioner Mena: Right.

Police Chief Hudak: Along with the NSAs and the NTLs, but I can quantify the fact that our residents feel safer. In this case, as the Director said, this is not just putting up the cameras covertly. There are signs we've put up, police activity in the area. Your tag is being read. I mean, there is a deterrent value with that as well, so...

Commissioner Mena: Right.

Police Chief Hudak: You know, it's a holistic approach, as our PSI meetings are, to look at and deal with these issues.

Commissioner Mena: And wasn't -- sorry, I know there was also an incident -- I want to say like three weeks ago, maybe a month, not even -- about a child that was recovered from an LPR hit that you...

Assistant City Manager Fernandez: Yeah. There was a stolen vehicle with a missing juvenile inside that car, so those parents are grateful that an officer stopped that vehicle and recovered that child. But like that, there are many other examples of (INAUDIBLE) successful stories of a home invasion robber in the City of Miami committed two other home invasion robberies in the

County. Coral Gables officer or (INAUDIBLE) officer intercepted the vehicle based on a hit from an LPR, made the apprehension. Those are just some examples. And I've shared all these examples with Mr. Mas Canosa here at length. This is very transparent, out in the open, nothing is hidden. Anyone that's coming to see the CIC center, come and take a look at it. We spent four hours -- four and a half hours with him and three hours with the Herald reporter. So, this is as transparent as you could be.

Commissioner Mena: Right. So, you know, listen, I'm -- as far as where I'm -- you know, if you want to have a discussion -- but where I'm at with it is, you know, I'm comfortable with the fact that it's a worthy investment from the perspective that it's obviously a deterrent. You just told me it keeps your officers safer. Obviously, our crime statistics are -- because of the holistic approach -- are the best they've ever been. You know, I think the privacy question is a legal question. Our City Attorney's chimed in on that. I know Mr. Mas addressed -- you know, didn't want to get into a legal debate and I agree. I don't think that's for this forum. Obviously, there's a disagreement on that.

Vice Mayor Quesada: You know, the biggest issue that I have...

Commissioner Mena: Is now the retention is my view of it.

Vice Mayor Quesada: That and also some of the points that were brought up in this letter that was sent this morning, but I'd rather -- those are the conditions I don't want to speak about on the dais.

Commissioner Mena: Right.

Vice Mayor Quesada: I'd rather speak one on one with the City Attorney...

Commissioner Mena: Right.

Vice Mayor Quesada: About that.

Commissioner Mena: But I also think it's worthwhile to have a discussion on the retention because I understand that, you know, three years is the maximum that you can retain these records, but is that really necessary? You know, we talked a little bit about the fact that this is not, you know, the type of municipality where you have, you know, a lot of homicides and things like that where maybe retaining records for a longer period has a greater value. So, I wanted to sort of just have that discussion as far as do you really think keeping it for three years is necessary? You know, Director Fernandez, I think you described it well, that it's really about, you know, the community's tolerance for that retention time. You know, so that's part of what I wanted to discuss here today because that is an area where I can understand that, you know, we don't necessarily have to keep it for the maximum amount of time.

Commissioner Keon: You know, I...

Vice Mayor Quesada: The problem is -- I'm sorry, go ahead.

Commissioner Keon: There was an article in the paper last week, I think, where -- I mean, it has to do with the retention of records. The ability to retain records is similar to this. We are -- it was a rape that had occurred 31 years prior that when they -- when the detectives went through their cold case files and started to look into them, they said -- you know, based on DNA, they weren't able to have a hit or whatever. But because the technology had been so improved over the years, they were able to identify the individual. They did get a hit and it turned out it had -- it was a -- continued to be a sex offender 31 years later. They were able to find him based on that information. I don't know what the necessity maybe is of keeping that data, you know, from some of our smaller streets. But I think because so much of it is on US-1 and it -- you know, is a great transit corridor...

Commissioner Mena: Sure.

Commissioner Keon: It isn't only that, you know, its availability to us as a city to use it, it's available to the law enforcement community to be able to have that data for a couple of years because something else could happen and they may want to go back.

Commissioner Mena: Yeah.

Commissioner Keon: So, you know, I don't really know one way or another -- you know, the only thing I would say to you is if it's allowable, I don't see a downside to it. And if it helps, you know, other law enforcement agencies as well as yourself, I certainly would -- I mean, I wouldn't stop it. You can't walk down a street in London without being on camera, any street, and that is -- they're not taking pictures of your license plate. They're taking pictures of you.

Commissioner Mena: That's not the case here, by the way.

Commissioner Keon: No.

Commissioner Mena: I think that's an important...

Commissioner Keon: It is.

Commissioner Mena: Fact.

Commissioner Keon: Right, but it's -- I mean, so you talk about an invasion of privacy, there are a lot of places around -- even within the US where, you know, in Manhattan, certain districts of the city, you're under constant video surveillance.

Vice Mayor Quesada: Well, yeah, but now you're getting into the legal issue, which is...

Commissioner Keon: But it allows them...

Vice Mayor Quesada: What we should not be discussing.

Commissioner Keon: Or it doesn't allow them -- and as long as it's, you know, it's allowed by state statute and, you know, we chose to invest in this and to have this in our city, you know, if -- I'm -- if someone wants to engage in a lawsuit over it, I -- you know, we're not going to discuss that, but I would, you know, certainly -- I wouldn't remove it.

Commissioner Mena: No, you know...

Commissioner Keon: I wouldn't remove it, so...

Commissioner Mena: Remove...

Commissioner Keon: And I'd like them to...

Commissioner Mena: (INAUDIBLE) remove (INAUDIBLE)...

Commissioner Keon: Continue to operate as they are, you know, while that goes through.

Assistant City Manager Fernandez: I just want to clarify that the 30 days that we had talked -- that we heard earlier, that's for CCTV.

Commissioner Mena: Not ALPR, right?

Assistant City Manager Fernandez: Not ALPR, right. I just want to make sure...

Vice Mayor Quesada: Right. I remember you told us that in the past, yeah.

Commissioner Mena: And does that -- that remains -- if I recall correctly, that's an automated...

Assistant City Manager Fernandez: It's automatic.

Commissioner Mena: System.

Assistant City Manager Fernandez: It's automatic.

Commissioner Mena: But 30 days...

Assistant City Manager Fernandez: It erases.

Commissioner Mena: CCTV erases.

Police Chief Hudak: And that's also -- and going along those guidelines, that's exactly what we hold our 911 calls for, 30 days. We've historically done that back when we were on reel to reel tape players. We had 31 of them, and we'd change it every day, so we went along with that same retention schedule. And again, it just comes to storage. And to do this kind of storage and -- you know, we're looking at pilot programs and body cameras and how much that's going to cost, which is the back end that a lot of people don't think about of having those cameras out there, so it's an ongoing problem.

Mayor Valdes-Fauli: Anything else, Commissioner?

Commissioner Mena: Yeah. I mean, again, my question for these two gentlemen is, you know, do you think there's room to possibly reduce that retention time and is there really any, you know...

Assistant City Manager Fernandez: I'll state my position...

Commissioner Mena: Downside to...

Assistant City Manager Fernandez: As I mentioned to Mr. Mas Canosa, with all due respect, that I believe that three years is the appropriate retention time, but I'm looking at it from a criminal justice perspective following state law. Again, looking at it nationwide, it's a tolerance level for a community, so you could definitely decide that you want to reduce it. I do not recommend 30 days. I do not recommend one year. I would recommend the three years. Just my tolerance.

Mayor Valdes-Fauli: Okay, anything else?

Commissioner Keon: Thank you.

Mayor Valdes-Fauli: Thank you very much.

Commissioner Keon: Thank you for putting it on the agenda.

Mayor Valdes-Fauli: Thank you.

Vice Mayor Quesada: I want to think about that a little bit more on the timeframe because I think what Commissioner Keon said is what I agree with. What if there's another case like the Maryland example (INAUDIBLE)?

Commissioner Mena: Right.

Vice Mayor Quesada: And if it helps us catch a murderer later on...

Commissioner Mena: Right.

Vice Mayor Quesada: I mean, yeah.

Commissioner Mena: Understood.

Mayor Valdes-Fauli: Okay.

Vice Mayor Quesada: That's powerful.