

Whisler Ridge Owners Association

Memorandum to Whisler Ridge Community

Subject: Security Update Status – December 27, 2021

From: Board of Directors

The Board's duty to the Community regarding security is to provide full and accurate information, propose reasonable security options, and fully consider the sentiments of the Community. Accordingly, the Board took several measures the week of December 20 to further our goals:

- Met 2 security camera contractors on-site seeking professional opinions regarding the type, number, placement, effectiveness, and limits of security cameras at the WR entry. Final proposals are expected in mid-January.
- Updated earlier proposals from Flock Security for LPR cameras. Flock now offers a 1-year contract. Previously, Flock required a 2-year contract for its leased system. Our CC&Rs prohibit contracts exceeding 1 year.
- Obtained cost estimates for on-site security patrols which are prohibitively expensive at \$30 per hour with a minimum of \$120 per day. Intermittent security patrols would be less costly but likely ineffective.
- Contacted the AT&T Internet Construction Team to determine feasibility and cost of providing internet service at the camera location at the top of Whisler Ridge Drive where none is now available. Cellular service for cameras is available and will work but is more costly and less desirable due to upload speed limits.
- Contacted SCE to determine feasibility and cost of providing electric service at the camera location. The existing electrical box near the proposed camera placement is owned by IRWD who will not permit use by the HOA.
- Researched and evaluated the strict regulations and privacy requirements California law imposes on the operation of LPR cameras. California Civil Code § 1798.90.5 *et seq.*
- Contacted OCS D for policy on arrests for misdemeanors and trespass infractions. OCS D, Policy 327.
- Obtained legal advice on 2021 California law leading to virtually automatic release for petty misdemeanors.

Once we have accurate cost estimates for both a security camera system and upgraded electric infrastructure, a new survey seeking Community sentiment will be circulated. For both residents and the Board to make informed decisions, accurate cost estimates and a full understanding of the effectiveness and limits of security cameras is needed. We expect to be able to provide such information before mid-January.

In anticipation of the new survey, we initially discuss below some of the issues associated with 1. camera system recommendations, 2. the effectiveness and limits of security cameras, and 3. California law for misdemeanors and the types of evidence needed for OCS D action.

A. Security Camera Options

HOA-Owned System. Both security contractors met on-site last week recommended a single LPR camera and a single HD overview camera mounted on a pole centered on the hill above the Whisler Ridge Drive entry. A single LPR camera can capture both lanes. A single HD overview camera with 100° view can capture both sidewalks. Estimated costs for an HOA-owned security camera system and infrastructure upgrades are not yet known. We await both contractor bids and SCE advice on installing an electrical connection.

Flock Leased Cameras. Flock recommends we install 2 LPR cameras (for license plate capture only) on either side of the entry and exit. Flock does not offer overview cameras to capture pedestrians. We know the costs already for the Flock real-time LPR cameras. The minimum cost for the 1st year would be \$6260 and \$5760 every year thereafter. If we install only 1 Flock camera at the top of the WR entry, the cost would be about \$3130 the 1st year and \$2880 each year thereafter. Price increases are expected.

B. Effectiveness and Limits of Security Cameras

LPR Cameras at WR Entry. Automated LPR cameras (using AI) are highly effective (but not foolproof) at capturing license plate images. If a vehicle-related crime occurs somewhere in the Community, the LPR video can provide the license plate of a vehicle entering/exiting WR around the time of a crime. The identification of the vehicle license plate would be reliable corroborating evidence of the presence of a vehicle at the time of a crime elsewhere in the Community.

Overview HD Camera at WR Entry. The highest quality overview cameras now available are only partially effective and limited in their ability to capture identifiable facial images. Security professionals advise that clear facial images are not adequate for recognition beyond about 35 feet. Night capture with clear facial recognition distance is less, possibly 25-30 feet with IR illumination. The camera location proposed by both security pros, (on the hill at the top of the entry) is ~60 feet from the sidewalks across the street. At 60 feet, some minimal facial details might be captured along with other physical characteristics such as clothes, stature, and time stamp. The overview camera may be able to back up LPR video of identifying vehicles entering and exiting the Community.

C. California Law for Misdemeanors and Overview of needed evidence for OCSD to investigate or arrest.

- Based on advice from OCSD, experienced criminal attorneys for OCSD to pursue an investigation for any crime including our petty property crimes, an adequate threshold of reliable evidence is needed.
- OCSD will always take a report, but with petty crimes (such as porch pirate theft and vandalism), OCSD will take no further action with insufficient evidence of who committed the crime or some way to determine who committed the crime. Such cases are “dead on arrival” with OCSD.
- **Recorded video or photos adequate to evidence a crime with sufficient details of the culprit are the critical link for OCSD to act on a complaint.**
- Property crimes almost always occur at or near a home. Accordingly, high quality security cameras at residents’ homes is critically important to engage OCSD in further investigation and possible arrest. If detail is inadequate, OCSD will have little to justify further resources. High quality home security cameras are recommended.
- Security cameras at the WR entry will almost never capture a crime being committed (due to location) but may be able to provide important corroborating evidence of a crime committed elsewhere in WR by validating a description of a vehicle or person and providing a time stamp.
- Importantly, when considering whether the substantial cost of security cameras is justified and will improve Whisler Ridge security, it is worth considering, with some exceptions, the following laws and policies:
 - a. OCSD policy is to cite and immediately release suspects for most street arrest misdemeanors unless a specific exception applies such as physical threat or firearm. OCSD, Policy 327.
 - b. For warrant charges, California law for misdemeanors involving petty theft or vandalism citations are issued without an arrest and court “diversion” instead of prosecution. See CPC Sec. 827.1 and links below.
 - c. Vehicle break-ins (auto burglary) may be either a misdemeanor or a felony. A burglary charge requires that there be forced entry – i.e., a vehicle is locked. Entering an unlocked vehicle is a “tampering” misdemeanor. See CA Penal Code Sec. 459 PC and links below.
 - d. Trespass on private property, in the first instance, is not a misdemeanor but rather an “infraction” with a \$75 fine. A second trespass may result in an increased fine. See CPC Sec. 602.8 and links below. OCSD will not arrest someone for simple trespass if they voluntarily leave.

See links for more information. <https://www.ocsheriff.gov/sites/ocsd/files/2021-03/Policy%20327%20Cite%20and%20Release%20Policy%20for%20Misdemeanor%20Non-Warrant%20%28Street%29%20Arrests.pdf>

<https://law.onecle.com/california/penal/827.1.html#:~:text=CA%20Penal%20Code%20C2%A7%20827.1%20%282017%29%20A%20pers%20on,The%20misdemeanor%20cited%20in%20the%20warrant%20involves%20violence.>

<https://www.californiacriminaldefenselawyerblog.com/new-law-may-end-many-misdemeanor-prosecutions-in-california/>

<https://www.shouselaw.com/ca/defense/penal-code/602/#2.2>

<https://www.shouselaw.com/ca/blog/burglary/is-it-a-crime-to-break-into-an-unlocked-car-in-california/>

Next Steps

At this time, the Board expects security contractor bids before mid-January. The Board is also in the process of securing an SCE estimate for necessary electrical box installation. Once final cost estimates for the HOA-owned security system and SCE construction are confirmed, the Board will circulate a new survey to the Community.