

PETITION FOR CITY COUNCIL REVIEW

of Bend Police Department Policy 428 (Automated License Plate Readers)

Submitted pursuant to Bend Code 1.30.005(C)

To: Bend City Council, by and through the City Recorder / City Manager's Office

Petitioner: Jonathan Westmoreland, resident of Bend, Oregon

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Date submitted: June 3, 2026

Regulation at issue: Bend Police Department Policy 428, Automated License Plate Readers (ALPR), bearing a document date of May 15, 2026

1. Request

Pursuant to Bend Code 1.30.005(C), I respectfully petition the City Council to review Bend Police Department Policy 428, Automated License Plate Readers (ALPR), adopted by the City or under the City's administrative authority. I request that the Council exercise its authority under 1.30.005(C) to review Policy 428 at a public meeting, with opportunity for public comment, before the City relies on Policy 428 as the governing framework for any fixed automated license plate reader system.

2. Authority for this petition

Bend Code 1.30.005(C) provides, in relevant part:

“The Council may review any regulation adopted by the City Manager on its own motion, or on petition of any person filed within 30 calendar days of the first public posting of the regulation.”

If the City contends that Policy 428 is not a “regulation” within the meaning of BC 1.30.005(C), the petitioner respectfully requests that Council review the matter on its own motion under the same subsection, or otherwise place the question of review on a Council agenda under its broader legislative and governing authority.

Bend Code 1.30.005(E) further provides that all regulations, policies, and guidelines adopted by the City Manager “shall be consistent with the City of Bend Charter, the Bend Code, and Council ordinances.”

The Bend Charter reinforces that the authority to review such matters rests with Council. Charter Section 6 provides that, except as the Charter prescribes otherwise, “all powers of the city are vested in the council.” Charter Section 5 directs that the Charter be “liberally construed, so that the city may exercise fully all its powers.” Charter Section 24 establishes the City Manager as the administrative head of city government, who administers ordinances “to the satisfaction of the council” and performs duties “as the council prescribes.” The Manager's administrative authority therefore operates within the governing and legislative framework established by the Charter, the Bend Code, Council ordinances,

and Council direction. This petition does not ask Council to manage department staff or direct police operations. It asks Council to review a public-facing surveillance policy within that framework.

3. Timeliness

This petition is filed within 30 calendar days of the first public posting of the current version of Policy 428. On the evening of May 13, 2026, during a Council meeting, the petitioner checked the City's posted materials and noted on the record that the current version of Policy 428 was not yet posted and that only a prior version was on file. Accordingly, the first public posting could not have occurred before May 14, 2026. The current version carries a document date of May 15, 2026.

Under Bend Code 1.05.020, time is computed by excluding the first day and including the last day, and if the last day falls on a Saturday, Sunday, or legal holiday, the deadline extends to the next day the City is open for business. Calculated from the earliest possible posting date of May 14, 2026, the 30-day period would otherwise end Saturday, June 13, 2026; calculated from the document date of May 15, 2026, it would otherwise end Sunday, June 14, 2026. Under BC 1.05.020, both dates extend to the next business day, Monday, June 15, 2026. This petition is submitted on or before that date and is therefore timely under either posting date. If the City's records establish a different first-posting date, the petitioner requests written notice of that date and reserves the right to address it.

4. Why Policy 428 warrants Council review

Policy 428 is not a typical internal administrative policy. Most department policies govern the internal conduct of officers. Policy 428 governs a public-facing surveillance system: the collection, access, use, retention, sharing, auditing, and oversight of automated license plate reader data associated with members of the public, the majority of whom are not suspected of any wrongdoing. A policy that determines how the government collects, stores, shares, and may search time-and-location data associated with ordinary residents' vehicles is a matter of public governance, civil liberties, and public trust, and is appropriate for Council-level review under 1.30.005(C).

Review is particularly warranted because the framework established by Policy 428 will, as a practical matter, shape any future fixed-ALPR procurement. Although a new fixed-ALPR contract would come before Council at a public meeting, by that point the governing rules for data collection, retention, sharing, vendor access, and auditing may already be effectively settled by the policy and the vendor's terms. Council review of the policy framework before or alongside any such contract would allow the public and the Council to consider those rules while they can still be shaped.

5. Specific matters for review

Without limiting the scope of Council's review, the petitioner respectfully identifies the following matters, which are documented in detail in the petitioner's written comments and section-by-section comparison previously submitted to Council. These include both places where Policy 428's text appears to authorize conduct broader than state law contemplates and places where the policy could be strengthened to protect the public:

- Policy 428.3 authorizes ALPR use for “parking regulation and the management of parking facilities,” which may be broader than the bounded purpose of “regulating the use of parking facilities” authorized by Oregon law (SB 1516 §4(2)(g)).
- The vendor contract terms required by Policy 428.7 do not appear to expressly enumerate the CJIS Security Addendum execution, security-incident notification, and damages-liability terms that state law contemplates for the operative vendor contract.
- Audit and search-log requirements omit certain per-search and outside-agency fields, affecting the public's ability to verify how the system is used.
- Substantive limits on outside-agency data sharing — limiting shared data to what is relevant to the law enforcement purpose, with no unrestricted or ongoing access — are not operationalized in the policy.
- Data-retention, sensitive-location, and public-reporting provisions could be strengthened to better protect residents who are not suspected of any wrongdoing.

6. Relief requested

The petitioner respectfully requests that the Council:

- Place the review of Policy 428 on a Council agenda for consideration at a public meeting with opportunity for public comment;
- Direct staff to present Policy 428 and any proposed safeguards publicly, before or alongside any fixed-ALPR contract or procurement; and
- Consider whether a Council-adopted surveillance-technology procurement and oversight ordinance would provide a clearer, more predictable framework for acquisition, expansion, data use, retention, sharing, auditing, and public reporting going forward.

This petition is submitted in good faith and in a spirit of constructive public engagement. The petitioner is not asking Council to manage department staff or direct operational decisions, but to exercise its authority under Bend Code 1.30.005(C) to review a public-facing surveillance policy before it becomes the settled governing framework for fixed ALPR use in Bend.

7. Filing and service

Bend Code 1.30.005(C) does not specify a filing location for a petition submitted under that subsection. To ensure proper receipt, the petitioner is filing this petition with both the body authorized to act on it and the City's official custodian of records:

- The Bend City Council, via councilall@bendoregon.gov, the address designated by the City for written comments to Council; and
- The City Recorder, as custodian of city records under the Charter, via the City Recorder's office and the City Manager's Office.

The petitioner requests written acknowledgment of receipt, including the date of filing, and requests that the City advise the petitioner in writing if it contends this petition must be filed in any different manner or location, so that any such defect may be promptly cured within the time allowed.

Respectfully submitted,

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