

Policy 617 Automated License Plate Readers (Flock Safety Cameras)

617.1 PURPOSE AND SCOPE

The Mountlake Terrace Police Department authorizes the use of Flock Safety cameras for law enforcement and community safety purposes. These devices gather and analyze the data to further enable the rapid identification and location of vehicles and persons of legitimate interest to law enforcement.

The purpose of this policy is to establish guidelines for the use, management, and operation of Flock Safety cameras by the Mountlake Terrace Police Department. The Mountlake Terrace Police department is committed to utilizing Flock Safety cameras to enhance community safety, deter and solve crimes, maintain public trust, and support the overall mission of the department.

617.2 POLICY

The Flock Safety Falcon is a license plate reader (LPR). It is a system consisting of a camera and related equipment. The LPR cameras automatically, without human control, locate, focus on, and photograph vehicles and license plates that come into range of this device. The LPR cameras capture a contextual photograph of the vehicle, an image of the license plate, the geographic coordinates of where the image was captured, and the date and time of the recording. The LPR devices capture images of a vehicle rear license plate and transforms the image into alphanumeric characters. The data is then compared to official local, state, and federal database records, and alerts are delivered to authorized law enforcement users when a license plate of interest has been detected.

The LPR system does not intentionally identify any individual or conduct facial recognition analysis. It shall not be used by this department for the purpose of tracking speed or parking violations, immigration enforcement, or monitoring First Amendment expressive activity through the analysis of license plate characters. Officers can only identify the registered owner of a vehicle by querying a separate, secure state government database of vehicle license plate records, which is restricted and controlled by state law and department policy. The queries will be audited to ensure the system is being used correctly.

617.2.1 DEFINITIONS

Detection: The Flock system identifies and captures images of a vehicle license plate as they pass through the camera field of view. This process includes the automated recognition and recording of license plate numbers, vehicle characteristics, and the associated date, time, and location data. Detection enables the system to document and store information about vehicles for further analysis and investigation.

System Administrator: The Chief shall designate sworn personnel to serve as the department administrator. The administrator is responsible for management of the system and are responsible for system training, deployments, audits, etc.

Users: Authorized members who may utilize the LPR camera system/equipment. Authorized users are sworn personnel who have completed department system training.

Hit: Alert from LPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, a stolen vehicle, wanted person, missing/endangered person, criminal domestic violence investigation, or terrorist related activity.

Hot List: A list of license plates associated to vehicles of interest compiled of one or more databases including, but not limited to, NCIC, WACIC, local wanted subjects, AMBER and Silver alerts, etc. Vehicle of interest may include, but are not limited to, vehicle reported stolen, displaying stolen license plates, linked to missing/endangered/wanted persons, or flagged by law enforcement agencies due to association with criminal investigations or community safety concerns.

617.3 AUTHORIZED USE

In support of the mission of the department, law enforcement personnel, who are ACCESS certified, may use Flock Safety cameras for conducting criminal investigations or investigating community safety concerns. This includes, but not limited to:

- a. Locating missing children and elderly or others who are vulnerable/endangered, including those who are associated with AMBER, Silver, and Missing Indigenous Person Alerts.
- b. Locating vehicles reported stolen, wanted, or subject of a criminal investigation.
- c. Locating witnesses and victims of violent crimes.
- d. Purposes relating to training system users.
- e. Supporting local, state, federal, and tribal community safety departments in the identification of vehicles and/or persons associated with criminal investigations, including investigations of serial crimes.

617.4 RESTRICTED USE

All members of the department shall abide by the policies and procedures related to Flock Safety cameras. Members are prohibited from using the system in the following circumstances:

- a. For non work related purposes or otherwise outside legitimate law enforcement duties.
- b. To collect data that is in within public view and shall not be used for the sole purpose of monitoring individual or expressive activities protected by the First Amendment of the US Constitution.
- c. For the purpose of immigration enforcement.
- d. To investigate or issue infractions.
- e. Purposes other than legitimate law enforcement or community safety purposes.
- f. To target any person based on their actual or perceived age, color, creed, criminal history, disability, ethnic background, gender, gender expression or identity, lifestyle, marital status, national origin, partnership status, political affiliation or beliefs, pregnancy status, race, religion, sex, sexual orientation as defined by RCW 49.60.040, social or economic status, veteran status, and, to the extent permitted by law, alienage or citizenship status, or any other legally protected status.

- g. To knowingly share information with organizations actively assisting Immigrations and Customs Enforcement.
- h. Without a clearly articulated nexus to criminal activity associated with state law, the system shall not be used to specifically target or track the movement of vehicles traveling to or from healthcare facilities, including, but not limited to hospitals, clinics, mental health providers, or reproductive health care centers. This restriction applies irrespective of the vehicle origin, destination, or the medical services sought by the individuals.

617.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data associated with the system will be encrypted and stored using CJIS standards. The information will be safeguarded and protected by clear policies and procedures that dictate when and how the data can be used. The department will observe the following regarding access, use, and dissemination of stored data:

- a. All data shall be accessible only through a user's unique login and password. The system documents all information by name, date, time, and reason for access.
- b. All non-law enforcement requests for access to stored data shall be referred to the Public Records Officer and processed in accordance with applicable law. Any questions related to disclosure shall be referred to the City Attorney.
- c. System data may be released to other authorized and verified law enforcement officials and agencies when the information is intended for legitimate law enforcement purposes.
- d. System audits should be conducted on a periodic basis, but no less than once a year. A report will be forwarded to the Chief of Police, or designee.
- e. To the extent possible, vehicle and subject information will be verified through separate law enforcement information sources to confirm the information is accurate. To the extent possible, members must visually confirm the plate characters generated by the system correspond with the digital image of the license plate in question and query the plate through WACIC/NCIC to ensure the information is accurate.
- f. Members will enter the case number and reason associated with each search of the system. If there is no case number, members will clearly articulate the law enforcement or community safety purpose for the search.
- g. Misuse of the system may result in discipline, including and up to termination.

617.6 SYSTEM AUDITS

All access and use of the system is logged and stored according to the Washington State Law Enforcement Records Retention Schedule. It will be audited to ensure the system is being used per policy. Audit reports contain:

- a. Ten or more randomly selected inquiries.
- b. A case number or incident number associated with the investigation generating an inquiry.
- c. Date and time of access.
- d. The name of the agency employing the user.
- e. The name of the law enforcement user.
- f. The specific data accessed.

617.7 DATA COLLECTION AND RETENTION

All system data uploaded to the department digital evidence management server shall be stored according to Washington State Law Enforcement Records Retention Schedule. Data will only be shared as outlined in the policy or required by law or court order.

- a. Flock Safety stores data and ensures proper maintenance and security of the data. The data is purged after 30 days of storage, and is not recoverable. Data related to criminal investigations or community safety concerns located within the 30 day storage period can be uploaded by members to its digital evidence storage.
- b. Images that are considered evidence will be stored in accordance with department policies and procedures.