§8.4 FLOCK CAMERAS AND LPR POLICY

I. PURPOSE

The purpose of this policy is to provide guidance for the capture, storage, and use of digital dataobtained through the use of license plate reader (LPR/FLOCK) technology.

II. POLICY

It is the policy of the Hamtramck Police Department to utilize LPR/FLOCK technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

It is department policy that all installation and maintenance of LPR/FLOCK equipment, as well as LPR/FLOCK data retention and access, shall be managed as determined by the Chief of Police or designee. The Chief ofPolice will assign a supervisor to administer the day-to-day operation of the LPR/FLOCK equipment and data.

It is department policy to use LPR/FLOCK systems only for legitimate law enforcement and public safety purposes. The LPR/FLOCK administrator shall ensure that LPR/FLOCKs are not deployed or used to enforce the law inany discriminatory manner that is prohibited by the United States Constitution and laws, the State of Michigan Constitution and laws, or the Hamtramck City Charter and Code of Ordinances.

III. DEFINITIONS

Alert: A visual and/or auditory notice that is triggered when the LPR/FLOCK system receives a potential "hit"on a license plate.

Hit: Alert from the LPR/FLOCK 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 notlimited to, being related to a stolen car, wanted person, missing person, domestic violation protective order or terrorist-related activity.

Hot List: A list containing vehicles of interest with an articulable criminal nexus or valid public safetyconcern, including but not limited to, vehicles which are reported as stolen, display stolen license plates, vehicles linked to missing and/or wanted people, and vehicles flagged by law enforcement agencies.

License Plate Reader (LPR/FLOCK): A device that uses cameras and computer technology to compare digitalimages to database lists of known information of interest.

LPR/FLOCK Data: Data captured by the LPR/FLOCK cameras of an image (such as a license plate and description of vehicle on which it was displayed) within public view that was read by the device, including GPScoordinates and date and time information of the LPR/FLOCK system at the time of the LPR/FLOCK's read.

Vehicles of Interest: Including, but not limited to vehicles which are reported as stolen; display stolenlicense plates or tags; vehicles linked to missing and/or wanted persons and vehicles flagged by law enforcement agencies.

IV. PROCEDURES

A. General

1. Use of an LPR/FLOCK is restricted to the purposes outlined in policy and training.

    a. Information gathered or collected, and records retained by department LPR/FLOCK systemcameras will not be accessed or used for any purpose other than legitimate law enforcement or public safety purposes.

    b. Officers shall not use, or allow others to use, the equipment or database records forany unauthorized purpose.

2. The following uses of the LPR/FLOCK system are specifically prohibited:

a. Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, it is a violation of this policy to utilize the LPR/FLOCK to record license plates exceptthose of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).

b. Harassment or Intimidation: It is a violation of this policy to use the LPR/FLOCK system toharass and/or intimidate any individual or group.

c. Personal Use: It is a violation of this policy to use the LPR/FLOCK system or associated scanfiles or hot lists for any personal purpose.

B. Administration

1. All installation and maintenance of LPR/FLOCK equipment, as well as LPR/FLOCK data retention andaccess, shall be managed by the LPR/FLOCK administrator.

a. All LPR/FLOCK equipment shall be considered department owned property.

2. The Deputy Chief and Lieutenants are the designated LPR/FLOCK administrators, with administrative oversight for LPR/FLOCK system operations and is responsible for:

a. Establishing protocols for access, collection, storage, and retention of LPR/FLOCK data andassociated media files.

b. Establishing protocols to preserve and document LPR/FLOCK reads and "alerts" or "hits"that are acted on in the field or associated with investigations or prosecutions.

c. Establishing protocols for LPR/FLOCK system monitoring to ensure the security and integrityof data captured, stored, and/or retained by the

LPR/FLOCK system and compliance with applicable privacy laws.

d. Establishing the training requirements for officers to operate the LPR/FLOCK system,and coordinating with the Training Section as needed.

e. Maintaining records identifying approved LPR/FLOCK deployments and documenting their results, including appropriate documentation of significant incidents and arreststhat are related to LPR/FLOCK usage.

f. Analyzing crime patterns and demographic information when an LPR/FLOCK is moved orwhen additional LPR/FLOCKs are added to the department's LPR/FLOCK system.

g. Authorizing any requests for LPR/FLOCK systems use or data access in consultation with theChief and according to department policies and guidelines.

3. Officers will report any damage to department LPR/FLOCK equipment, via the chain of command,to the LPR/FLOCK administrator who will coordinate any necessary repairs.

4. The LPR/FLOCK administrator will ensure that designated, trained personnel check LPR/FLOCK equipmenton a regular basis to ensure functionality and camera alignment.

5. Repairs or modifications to LPR/FLOCK systems hardware or software shall only be made byauthorized sources or employees as determined by the LPR/FLOCK administrator.

C. License Plate Reader System Usage

1. LPR/FLOCK operation, all data and images gathered by the LPR/FLOCK, and access to LPR/FLOCK collected datashall be for the official use of this department.

2. Only properly trained employees are allowed access to the LPR/FLOCK system, to operate LPR/FLOCKequipment, to access LPR/FLOCK data, or to collect LPR/FLOCK information.

3. To ensure proper operation and facilitate oversight of the LPR/FLOCK system, all trained users are required to have individual credentials for access and use of

the LPR/FLOCK system and/or data, which hasthe ability to be fully audited.

4. Officers shall not use personal devices to take or upload images to the LPR/FLOCK system.

5.

D. Operations

1. LPR/FLOCK Alerts/Hits:

a. Desk supervisors and dispatchers will monitor the LPR/FLOCK system for alerts and dispatch officers as appropriate after confirming the validity of the hit and status of the vehicle. (NOTE: Flock only updates their system 4 times a day and verification is necessary to confirm the hit is still valid.)

b. If practicable, officers should confirm the license plate from the alert matches thelicense plate of the observed vehicle prior to initiating a stop.

c. Absent exigent circumstances, the officer shall verify the suspect and/or vehicle is still wanted if the alert was generated due to the inclusion of the suspect and/or vehicleon a state or national database.

d. The officer shall verify an LPR/FLOCK response through the appropriate database (LEIN) beforetaking enforcement action that is based solely on an LPR/FLOCK alert.

e. Because the LPR/FLOCK alert may relate to a vehicle and may not relate to the person operating the vehicle, officers are reminded that they need to have reasonable suspicionand/or probable cause to make a stop of any vehicle.

f. Any traffic stop resulting from an LPR/FLOCK alert will have "LPR/FLOCK alert" added to thecall's narrative.

2. Hot Lists

a. Designation of hot lists to be utilized by the LPR/FLOCK system shall

be made by the LPR/FLOCKadministrator or designee.

1. Specific hot lists shall be approved and entered by the LPR/FLOCK administrator (ordesignee) within the LPR/FLOCK system.

2. All plates, vehicles, and suspect information entered into the LPR/FLOCK system willalso contain the following information:

a. Entering user's name

b. Requesting officer's name

c. Related case number

d. Short synopsis describing the nature of the originating call

b. Internal requests to add information to the LPR/FLOCK system shall be done by using the chain of command through the administrators. The requests will be processed by the LPR/FLOCK administrator (or designee) and added to the system as appropriate.

c. Exigent requests and requests from outside law enforcement agencies will be sent tothe supervisor or one of the administrators. If the supervisor determines the request is for legitimatelaw enforcement purposes, they will notify the on-call detective for entry into the LPR/FLOCK system.

d. The LPR/FLOCK administrator (or designee) shall audit local hot list entries weekly, by requesting justification from the requesting officer, case detective, or supervisor to keep the entry on the hot list. If acceptable justification is not received within seven days ofthe request, the entry shall be removed.

3. Special Details

a. LPR/FLOCK use during nontraditional deployments (e.g., special operations or during acriminal investigation) must be approved by the administration.

E. LPR/FLOCK Data Detection Browsing Audits

1. Before an officer can access the LPR/FLOCK database to browse LPR/FLOCK detections, the inquiringofficer must document a reason for the inquiry within the LPR/FLOCK system.

2. It is the responsibility of the LPR/FLOCK administrator or the Chief's designee to ensure that an audit is conducted of LPR/FLOCK detection browsing inquiries at least once each quarter. Administration will audit a sampling of the LPR/FLOCK system utilization from the prior period to verify proper use inaccordance with the authorized uses.

3. The audit shall be documented in writing and forwarded to the Chief. The audit shall includeany data errors found so that such errors can be corrected. After review by the Chief, the audit and any associated documentation shall be filed and retained by the LPR/FLOCK administrator.

F. Data Collection and Retention

1. All data will be closely safeguarded and protected by both procedural and technologicalmeans.

2. The LPR/FLOCK vendor will store and ensure proper maintenance and security of data.

3. The department will retain LPR/FLOCK data for a maximum of 30 days.

a. If data has evidentiary value, it must be stored according to policy as soon aspracticable.

G. Releasing LPR/FLOCK Data

1. LPR/FLOCK data may be released to other authorized and verified law enforcement officials and agencies for authorized law enforcement purposes.

2. All non-law enforcement requests for access to stored LPR/FLOCK data shall be processed inaccordance with applicable law.