



Kern County Sheriff's Office
Policies and Procedures

TITLE: Flock Safety Automated License Plate Readers		NO: J-3810	
APPROVED: Donny Youngblood, Sheriff-Coroner			
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PURPOSE AND SCOPE

The policy shall establish procedures for the use and oversight of the Flock Safety Automated License Plate Reader (ALPR) also known as License Plate Recognition (LPR).

The Kern County Sheriff's Office has adopted this policy to ensure compliance with applicable laws protecting privacy, civil rights, and civil liberties. This policy outlines the use, analysis, retention, destruction, sharing and disclosure of protected information received and stored within and/or by the Kern County Sheriff's Office.

POLICY

The policy of the Kern County Sheriff's Office is to utilize Flock Automated License Plate Reader (ALPR) technology in the fulfillment of law enforcement efforts and public safety goals while recognizing the established privacy rights of the public. All data and images gathered by personnel of the Kern County Sheriff's Office utilizing Flock are for official use of this office. The data viewed and utilized may contain confidential information, therefore it is not open to public review. The utilization of Flock ALPR technology shall be restricted to legitimate law enforcement uses for the purpose of furthering legitimate law goals and enhancing public safety. These uses would include but not limited to providing information to deputies that will assist in ongoing criminal investigations, crime prevention, crime detection, the apprehension of wanted persons, ensuring the safety of vulnerable individuals through the recovery of missing and endangered persons, and improving the quality of life in the community through the identification and removal of stolen and/or unregistered motor vehicles. It may also be used to gather information related to active warrants, homeland security matters, electronic surveillance, suspect interdiction, and the recovery of stolen property. Utilization of this system will aid deputies in ensuring the safety of Kern County citizens.

Deputies will note the use of the Flock ALPR by checking "ALPR FLOCK YES" in the "Route to" box on the details tab in Mobile. This will allow our Crime Analysis Unit (CAU) to track and keep accurate statistics on the arrests made and the vehicles recovered as a result of the Flock ALPR camera system.

DEFINITIONS:

Flock Safety Administrator: Metropolitan Patrol Lieutenant or his/her designee.

Flock Safety User: Trained personnel assigned to patrol, investigations or administration may utilize the Flock system. **Automated License Plate Reader (ALPR):** Captures and stores digital images of license plates and uses character recognition to identify and store plate characters. A device that uses cameras and computer technology to compare digital images to lists of known information of interest.

Alerts/Hot List: A list of license plates associated with vehicle of interest. The cameras have an integration with the Federal Bureau of Investigation’s National Crime Information Center (NCIC), that is updated daily. NCIC is only accessible by Law Enforcement agencies.

Custom Hot Lists: A permission-based feature which allows users to create alerts for specific vehicles which may not otherwise alert through traditional hot list sources.

Suppressed Hit: Hits/alerts that are not relevant to your organization, or ones that have already been recovered but not yet cleared by the NCIC (or similar sources). Suppressing a hit will cause a plate to not send push notifications, SMS alerts or emails when it is read by a camera that would normally trigger a Hot List Alert.

Vehicle Description Alert: Vehicle Description Alerts use Flock’s vehicle fingerprint technology to send notifications when vehicles matching a specific set of filters pass a Flock camera. Vehicle description alerts are most used when a license plate is not known.

Search Tool: Allows users to filter hours of footage based on time, location and detailed vehicle criteria using patented Vehicle Fingerprint technology.

Look up tool: Flock’s Lookup Tool is a network of law enforcement agencies that have opted to allow their Flock Safety cameras to be used for searches that involve a specific license plate. An agency can contribute on a statewide level.

GENERAL USE:

Flock ALPR system equipment and/or the contractor of Flock ALPR system software shall only be deployed/accessed for official law enforcement purposes, including, but not limited to:

- (a) Locating stolen vehicles, carjacked vehicles, stolen license plates, wanted or missing persons, or vehicle on a Hot List. Flock may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using Flock ALPR.
- (b) Utilizing Flock cameras to identify vehicles arriving and fleeing homicides, shootings, and other major incidents. Partial license plates reported during major crimes should be entered into the Flock system to identify suspect vehicles.
- (c) Other uses as approved and documented by an appropriate supervisor of the Flock ALPR Administrator or his/her designee.

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All stops of motor vehicles must be constitutionally valid and otherwise comply with federal/state law and policies of the Kern County Sheriff's Office. To assist with implementation of these obligations and in furtherance of the purpose of the Flock ALPR system, the following requirements apply, and personnel shall undertake the following:

- (a) Verification of status on Alert/Hot List. A deputy must receive confirmation, from the Kern County Sheriff's Office Communications Dispatcher or other department computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).
- (b) Visual verification of license plate number. Deputies shall visually verify that the license plate on the vehicle of interest matches identically with the image of the license plate number capture (read) by the Flock, including both the alphanumeric characters of the license plate and the state of issue, before proceeding.
- (c) With regards to cases in which an alert may indicate a person or interest (such as a wanted person), deputies are reminded that in some cases, the driver or occupant of the vehicle may not be the person with whom the license plate is associated (since vehicle may be loaned, e.g.) Therefore, deputies must develop a reasonable belief that the operator or occupant is the person of interest included in an Alert/ Hot List prior to initiating the stop (e.g., by comparing the person's observed physical appearance with that of a physical description contained in the CA DMV database).

The Flock ALPR should be considered for use in connection with Serious Crimes/ Incidents, such as to conduct license plate canvasses in the immediate wake of any homicide, shooting, robbery, kidnapping, sexual assault, or Amber Alert and/or other major crime or incident. Registration plates or partial plates potentially associated with any such major crimes or incidents should be entered into the Flock ALPR system.

The creation and implementation of a Hot Plate with the Flock ALPR system shall be as follows:

- (a) Custom Hot List/Hot Plates added to the Flock ALPR system database, by Sheriff's Office personnel, will have an expiration date of no longer than 30 days- unless approved for a longer period by the Flock ALPR Administrator.
- (b) All Hot Lists/Hot Plates entered into the Flock ALPR system will contain the following information as a minimum:
 - 1. Entering Sheriff's Office personnel's name and contact telephone number.
 - 2. Related case number
 - 3. Short synopsis describing the nature of the originating call and any known hazards.

OPERATIONS:

Use of FLOCK ALPR is restricted to the purposes outlined below. Sheriff's Office personnel shall not use or allow others to use the equipment or database records for any unauthorized purpose (Civil Code 1798.90.51; Civil Code 179890.53).

Sheriff's Office personnel shall not access Department, State, or Federal data unless they:

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- (a) Are otherwise authorized to do so.
- (b) Have an official duty requiring the search of the involved database, and
- (c) Ensure that all personal identifying information remains protected in accordance with current legal requirements and the Sheriff's Office policy and procedures.

The following uses of the Flock ALPR system are specifically prohibited:

- (a) Using the Flock ALPR system or Hot Lists to harass and/or intimidate any individual or group.
- (b) Using the Flock ALPR system and Hot Lists solely because of a person's or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.
- (c) To use the Flock ALPR system for personal use or personal purposes.
- (d) Deputies are strongly discouraged from accessing/utilizing Flock ALPR on their personal cell phones and devices. If a personal cell phone or watch is utilized, deputies should be aware there is a reasonable likelihood their personal cell phone records could be made discoverable in court if their cell phones were using during their duties and there is any evidentiary material contained within. It is strongly advised that deputies utilizing the app on a cell phone only use their county issued devices.
- (e) Deputies who are off duty shall not monitor/utilize Flock safety from their devices. In the event a deputy receives a notification, they shall make the appropriate notifications to the Communication Center and not follow the vehicle. If the vehicle is entered in connection with an armed subject, homicide, or Amber Alert, etc., the deputy shall maintain a safe distance, obeying all rules of the road and coordinate with the on-duty supervisor to safely and effectively apprehend the vehicle/occupants. To use the Flock ALPR Hot Lists for the purpose or known effect of infringing upon First Amendment rights.
- (f) If practicable, personnel should verify a Flock ALPR response through (CLETS) before taking enforcement action that is based solely on a Flock alert.

Anyone who engages in an impermissible use of Flock equipment, related systems, and data therein may be subject to:

- (a) Criminal and Civil Liability, and/or
- (b) Disciplinary action up to termination.

ADMINISTRATION:

All installation and maintenance of Flock equipment, as well as data retention and access shall be managed by the Metropolitan Patrol Lieutenant or his/her designee. The Metropolitan Patrol Lieutenant will assign members to administer the day-to-day operation of Flock equipment and data.

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The Metropolitan Patrol Lieutenant will act as the Sheriff's Office's ALPR Administrator and shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code 1798.90.5 et seq. This includes, but not limited to (Civil Code 1798.90.51; Civil Code 1798.90.53):

- a) A description of the job title of personnel who are authorized to use or access the Flock ALPR system or to collect Flock ALPR information.
- b) Training requirements for authorized users.
- c) A description of how the Flock ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- d) Procedures for system operators to maintain records of access in compliance with Civil Code 1798.90.52.
- e) Ensure this policy and related procedures are conspicuously posted on the Sheriff's Office website.

The Flock ALPR Administrator or his/her designee shall conduct periodic audits of queries by personnel within Flock ALPR system software, updating access to the database to those only who show continued need for it.

- (a) The Flock ALPR monthly report will include, at a minimum, the number of total detections and hits generated from the Flock ALPR system equipment.
- (b) Coordinate with the training Lieutenant to ensure training for all personnel currently using the Flock ALPR system equipment and or software.
- (c) Personnel shall capture and/or access all Flock ALPR data only through a login/password protected system capable of documenting all access by name, date, and time (Civil code 1798.90.52), via the contractor's ALPR system software to its database contained within its hosted server(s).
- (d) Personnel may only access data stored in the hosted Flock ALPR server based upon a reasonable belief that the data may be related or useful as part of a specific official action or investigation. All Flock ALPR data will be considered confidential information to the extent permitted by law.
- (e) Security of any Hot List data will be the responsibility of the assigned personnel operating the Flock ALPR equipment or accessing the Flock ALPR data. Any Hot List data will be considered confidential information to the extent permitted by law.
- (f) Designated personnel trained in the use of Flock ALPR software shall have access to Flock ALPR data to conduct analysis of said data to comply with legitimate law enforcement requests.
- (g) Work with the Custodian of Records on the retention and destruction of any related Flock ALPR data.

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- (h) Any Flock ALPR data originating from the Kern County Sheriff’s Office Flock ALPR equipment systems which is identified as evidence in a criminal and/or civil action or is subject to a discovery request of other lawful action to produce records shall be downloaded from the server onto portable media (or if applicable, printed as a report) and booked into evidence.

RELEASING FLOCK ALPR DATA:

Flock ALPR data is prohibited from being shared with out-of-state agencies and federal agencies.

Flock ALPR data may be shared only with other California law enforcement agencies or California prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the Flock ALPR data that includes:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Detectives Section Commander or his/her authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for Flock ALPR data by non-law enforcement or non-prosecutorial agencies will be processed provided in the Records Maintenance and Release Policy (Civil Code 1798.90.55).

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