

Comments on Proposes ALPR Procedures (Quoted text is language from the proposal; numbered paragraphs are responses.)

427.3 ADMINISTRATION

“The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates.”

1. Flock is much more than a license plate reader. It is a powerful AI-driven system enabling real-time and retrospective identification of automobiles through both plate numbers and vehicle characteristics. It can also be used for analyses in support of investigations, crime trend analysis, and movements of potential criminal suspects.
2. The procedures need to recognize (a) the difference between alert-driven activities and retrospective investigations and (b) the differences between actions based solely on plate numbers (not “personal information” under VA law) and those which use of vehicle appearance, etc. (which may be covered under the Data Protection Act.)

“It [ALPR] may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction, and stolen property recovery. “

1. This is a very wide remit. The term “electronic surveillance” seems to open the system to use for almost any purpose. The language needs to be made more specific.
2. Some jurisdictions include AMBER and SILVER alerts by name. Some also identify the specific sources of external hot lists (NCIC, etc.) This raises the issue of how accurate we believe the Flock hot lists are, but I think this is a question that can only be answered by experience.
3. The circumstances under which the system would be used address active warrants should be clearly spelled out (under “Operations”?) One of the major fears in some parts of the community is that the system could be used to track folks suspected of trivial offenses and to collect fines.

427.4 OPERATIONS

“(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.”

1. Again, this is a very broad mandate. Also, while not being a lawyer, I believe probable cause or reasonable suspicion would be necessary if the officers were relying solely on vehicle characteristics. This section is, in fact, totally silent about how information related to vehicle characteristics may be used.
2. Under what circumstances will CPD officers (or supervisors) enter license plate numbers into Flock hot lists? Who will be responsible for making sure that the uploaded numbers are removed from the system when action is no longer needed? Who will be responsible for assuring that officers have access to the most updated Flock hot list?

3. Section (f) is not really detailed enough. There should be step-by-step procedures to be used to validate a Flock “alert”, confirm the identification of vehicles, and document the rationale for conducting the stop. Obviously, it would need to be flexible in cases when rapid action is necessary.
4. Finally, detailed procedures should be laid out by which CPD will provide Flock data to other law enforcement agencies.

427.5 DATA COLLECTION AND RETENTION

“All stored ALPR data should be retained in accordance with the established records retention schedule.”

1. I would clearly specify a 30-day maximum, with exceptions for ongoing investigations or other legitimate police activities.

427.6 ACCOUNTABILITY

“(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.”

1. Specify that all officers who will use the Flock system and have access to Flock data will be appropriately trained.
2. We need to differentiate: (a) alert-related access to data (for one vehicle, in the present) from (b) searches of the Flock database (possibly involving multiple or unknown vehicles over a longer period.) The latter should require clear justification and supervisory approval and be documented in the Audit Log (see below.)

“(c) ALPR system audits should be conducted on a regular basis.”

3. The frequency (every three months?) and approach to audits should be much more clearly specified.
4. Audit procedures need to be clearly specified. The best I’ve seen¹ specify detailed descriptions of data elements that should be entered into “Audit Logs” that can be easily checked to confirm that: only authorized personnel obtained access to ALPR information, whether and if any data was moved to other systems, which data was purged when, what actions were taken in response to ALPR information, and whether any Flock access violated applicable law or procedures. Montgomery County also recognizes that retrospective ALPR data use for crime trend analysis or other investigative purposes must be carefully justified and documented. I

¹<https://city.milwaukee.gov/ImageLibrary/Groups/mpdAuthors/SOP/735-AUTOMATEDLICENSEPLATEREADERS-ALPR1.pdf>,
https://www.montgomerycountymd.gov/pol/Resources/Files/PDF/Directives/400/FC%20424_Automatic%20License%20Plate%20Recognition%20System.pdf

think that the increasing power of “ALPR” systems to identify vehicles (“contextual images”) and store and search images requires some special recognition in the procedures.

5. This section should clearly specify who is responsible for conducting the audits (Professional Standards?) and who receives the audit reports (Chief, City Manager.) It goes without saying that anyone involved in the audit should be well-versed in system operations, procedures, and law; having an IT person would probably be a good idea. Adequate resources should be devoted to audits; the data will be voluminous.
6. Finally, a periodic (monthly?) anonymized summary of Flock alerts, actions taken, and outcomes should be provided to the public.