

<b>Council Meeting</b> April 11, 2024	<b>Prepared By</b> Sgt. Ekenberg and Det. Tim Spellacy
<b>Topic</b> ALPR Cameras	<b>Action Required</b> Consider a motion to move forward with Flock Safety ALPRs throughout the city

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**Summary**

In 2023 the council identified a goal to deploy automatic license plate readers (ALPR) for use by Police/Public Safety. The council reaffirmed the goal in 2024 while staff was conducting research into ALPR cameras.

Staff met with vendors, attended demonstrations, and met with neighboring agencies who currently use ALPR cameras. While researching vendors, staff reviewed features such as security of the information obtained by ALPR cameras, leasing versus buying ALPR cameras, IT related issues with set up and use of the cameras, and the remote nature of where some of the cameras would be located. Staff also learned that some vendors sell information acquired by ALPR cameras, which was not desirable.

Staff wanted the ability to extend the ALPR network by allowing HOA's or private businesses to deploy their own ALPR cameras with the option to integrate police department access.

Staff determined that leasing cameras would be the most beneficial as it would not require costly IT involvement and maintenance. Additionally, the vendor would be responsible for updating the hardware.

Based on the needs that were outlined, staff identified Flock Safety as the vendor that could best meet all of the concerns and requirements staff identified. The Flock program is being utilized by more than 32 agencies in Minnesota, including Medina, West Hennepin Public Safety, Orono and Rogers.

The key benefits of Flock Safety are that they charge an annual flat rate lease per fixed roadside camera of \$3,000.00 a camera, which is wireless, free of infrastructure setup, and has the option for solar or direct power. Flock also has portable ALPR cameras, at a cost of \$3,500.00 per year and are deployed by city staff for approximately one week between charges at locations that are determined to have increased criminal activity. Flock Safety utilizes Criminal Justice Information Services (CJIS) compliant cloud-based hosting, unlimited user licenses, ongoing software enhancements, camera setup, mounting, shipping, handling, and a cellular connection. The Flock lease program prevents the city from being burdened with maintaining costly equipment at the end of the agreement, which could require replacement. Flock Safety also does not sell any data collected by the cameras that would be installed in Corcoran.

Flock Safety reads license plates in real time and sends alerts directly to officers that are working. These alerts could be for stolen vehicles, registered owners with warrants, revoked driver's license status, attempt to locate, Amber alerts, silver alerts and more.

In looking at the community, we have identified 9 initial locations that would be ideal for alerting officers to potential issues entering the city. Staff has also identified additional camera locations where cameras could be useful.

The proposed initial locations are:

1. Co Rd 30 near Co Rd 101 – Westbound traffic
2. Co Rd 10 near Brockton – Westbound traffic
3. Co Rd 116 near Hackamore Rd – Northbound traffic
4. Co Rd 116 near Co Rd 117 - Southbound traffic
5. Co Rd 50 near Co Rd 19 - Eastbound traffic
6. Co Rd 30 near Co Rd 19 - Eastbound traffic
7. Co Rd 19 near St Hwy 55 - Northbound traffic
8. Co Rd 19 near Co Rd 117 – Southbound Traffic
9. Co Rd 10 near Co Rd 19 – Eastbound traffic

Additional camera locations to consider:

1. County Road 50 after split with Cr 10 - Westbound
2. Hackamore Rd near Cr 101 – Westbound traffic
3. Country Road 10 after split with Cr 50 – Westbound traffic
4. County Road 30 near Cr 116 - Southbound traffic
5. County Road 101 near north border - Southbound traffic

On 2/8/2024 staff presented information to council about Flock cameras and during that work session, council had additional questions and information that they wanted answered before making a decision. See attachment the attachments for the information gathered by staff and Flock Safety

### **Financial/Budget**

Each camera is \$3,000.00 a year with a set-up fee of \$650.00 per camera. The first two year's cost can be offset using the Public Safety money. Once the system is in place, neighborhoods, businesses, etc. can get cameras that are accessible to the officers at no charge to the city.

Portable Flock cameras would cost \$3,500.00 per camera with no additional set up fee.

### **Options:**

1. Direct staff on how many Flock Safety ALPR cameras to move forward with.
2. Provide staff with other direction.

## Automated License Plate Readers (ALPR)

### 427.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology (Minn. Stat. § 626.8472).

### 427.2 POLICY

The policy of the Corcoran Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

### 427.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Corcoran Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Director of Public Safety.

The Director of Public Safety will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

### 427.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

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- (e) No ALPR operator may access confidential department, state or federal data unless authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through the Minnesota Justice Information Services (MNJIS) and National Law Enforcement Telecommunications System (NLETS) databases before taking enforcement action that is based solely upon an ALPR alert.

### 427.4.1 RESTRICTIONS, NOTIFICATIONS AND AUDITS

The Corcoran Police Department will observe the following guidelines regarding ALPR use (Minn. Stat. § 13.824):

- (a) Data collected by an ALPR will be limited to:
  - 1. License plate numbers.
  - 2. Date, time and location of data captured.
  - 3. Pictures of license plates, vehicles and areas surrounding the vehicle captured.
- (b) ALPR data may only be matched with the Minnesota license plate data file, unless additional sources are needed for an active criminal investigation.
- (c) ALPRs shall not be used to monitor or track an individual unless done so under a search warrant or because of exigent circumstances.
- (d) The Bureau of Criminal Apprehension shall be notified within 10 days of any installation or use and of any fixed location of an ALPR.

### 427.5 DATA COLLECTION AND RETENTION

The Director of Public Safety is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

ALPR data received from another agency shall be maintained securely and released in the same manner as ALPR data collected by this department (Minn. Stat. § 13.824).

ALPR data not related to an active criminal investigation must be destroyed no later than 30 days from the date of collection with the following exceptions (Minn. Stat. § 13.824):

- (a) Exculpatory evidence - Data must be retained until a criminal matter is resolved if a written request is made from a person who is the subject of a criminal investigation asserting that ALPR data may be used as exculpatory evidence.
- (b) Address Confidentiality Program - Data related to a participant of the Address Confidentiality Program must be destroyed upon the written request of the participant. ALPR data already collected at the time of the request shall be destroyed and future related ALPR data must be destroyed at the time of collection. Destruction can be deferred if it relates to an active criminal investigation.

All other ALPR data should be retained in accordance with the established records retention schedule.

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#### 427.5.1 LOG OF USE

A public log of ALPR use will be maintained that includes (Minn. Stat. § 13.824):

- (a) Specific times of day that the ALPR collected data.
- (b) The aggregate number of vehicles or license plates on which data are collected for each period of active use and a list of all state and federal public databases with which the data were compared.
- (c) For each period of active use, the number of vehicles or license plates related to:
  - 1. A vehicle or license plate that has been stolen.
  - 2. A warrant for the arrest of the owner of the vehicle.
  - 3. An owner with a suspended or revoked driver's license or similar category.
  - 4. Active investigative data.
- (d) For an ALPR at a stationary or fixed location, the location at which the ALPR actively collected data and is installed and used.

A publicly accessible list of the current and previous locations, including dates at those locations, of any fixed ALPR or other surveillance devices with ALPR capability shall be maintained. The list may be kept from the public if the data is security information as provided in Minn. Stat. § 13.37, Subd. 2.

#### **427.6 ACCOUNTABILITY**

All saved data will be closely safeguarded and protected by both procedural and technological means. The Corcoran Police Department will observe the following safeguards regarding access to and use of stored data (Minn. Stat. § 13.824; Minn. Stat. § 13.05):

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (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.
- (c) Biennial audits and reports shall be completed pursuant to Minn. Stat. § 13.824, Subd. 6.
- (d) Breaches of personal data are addressed as set forth in the Protected Information Policy (Minn. Stat. § 13.055).
- (e) All queries and responses, and all actions, in which data are entered, updated, accessed, shared or disseminated, must be recorded in a data audit trail.

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- (f) Any member who violates Minn. Stat. § 13.09 through the unauthorized acquisition or use of ALPR data will face discipline and possible criminal prosecution (Minn. Stat. § 626.8472).

### **427.7 RELEASING ALPR DATA**

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures (Minn. Stat. § 13.824):

- (a) The agency makes a written request for the ALPR data that includes:
  - (a) The name of the agency.
  - (b) The name of the person requesting.
  - (c) The intended purpose of obtaining the information.
  - (d) A record of the factual basis for the access and any associated case number, complaint or incident that is the basis for the access.
  - (e) A statement that the request is authorized by the head of the requesting law enforcement agency or his/her designee.
- (b) The request is reviewed by the Director of Public Safety or the authorized designee and approved before the request is fulfilled.
  - 1. A release must be based on a reasonable suspicion that the data is pertinent to an active criminal investigation.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

### **427.8 MANUAL HOT LIST CONTENT AND USE**

The ALPR is capable of alerting to license plates entered by the law enforcement agency in the ALPR system and not listed in the Minnesota License Plate Data File. Entries into the ALPR system shall comply with the following procedures and Minn. Stat. 13.824:

- (a) A license plate number or partial license plate number shall only be entered in the Corcoran Police Department's Manual Hot List when there is a legitimate and specific law enforcement reason related to an active criminal investigation to identify or locate that particular vehicle or any person reasonably associated with that vehicle.
- (b) Manual Hot List entries may only be made or edited by an ALPR administrator or supervisor. Each entry will be made by a supervisor and verified to have correct information by another member of the department.
- (c) A Manual Hot List entry shall be removed as soon as practicable if there is no longer a justification for the entry.
- (d) If an officer receives an alert based on a Manual Hot List entry, they must follow 427.4 and confirm that current legal justification exists to take action on the alert.

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- (e) A Manual Hot List entry may not be used as a substitute for an entry into any other databases such as Minnesota or FBI Hot Files, Nation Crime Information Center (NCIC), or Keeping Our Police Safe (KOPS) files, if appropriate.

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