

ORDINANCE No. O-2023-08

AN ORDINANCE AMENDING THE WARD POLICE DEPARTMENT POLICIES AND PROCEDURES MANUAL, MARKED AS "EXHIBIT A"; AND FOR OTHER PURPOSES

WHEREAS ORDINANCE 2021-11 authorized the publication and use of the Ward Police Department Policies and Procedures Manual; and,

WHEREAS RESOLUTION 2022-32 authorized the Mayor and/or City Clerk to enter into an initial two (2)-year contract with Flock Security to provide and install four (4) license plate reader cameras for the city; and,

WHEREAS ARKANSAS STATE CODE ANNOTATED (A.C.A.) 12-12-1805 requires an entity using LRP camera to promulgate certain rules and policies concerning their use and protection of data.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WARD, ARKANSAS

SECTION 1: The Chief of Police is hereby authorized to amend the Ward Police Department Policies and Procedures Manual to include Attachment 1.

SECTION 2 – SEVERABILITY: If, for any reason, any portion or portions of this ordinance shall be held invalid, such invalidity shall in no way affect the remaining portions.

PASSED AND ADOPTED THIS 17 DAY OF April, 2023

YEAS: 6 NAYS: 0 ABSTAINS: 0

APPROVED:



Charles Gastineau, Mayor

ATTEST:



Krystal Rummel, City Clerk

APPROVED:



Charles Gastineau, Mayor

ATTEST:



Krystal Rummel, City Clerk

CITY SEAL

City of Ward Police Department

License Plate Reader(s)	Related Policies:
<p><i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i></p>	
Date Implemented:	Review Date:
Applicable Arkansas Statutes: 12-12-1801 thru 12-12-1808	

PURPOSE: The purpose of this policy is to provide employees of the Ward Police Department with guidelines for application and use of license plate readers (LPR), management of LPR data.

POLICY: It is the policy of the Ward Police Department to use license plate readers to enhance law enforcement's ability to detect violations of law, recover stolen property, locate missing persons, apprehend fugitives, assist in investigations, and other tasks accordance with procedures and guidelines set forth in this policy. Additionally, data captured from LPR's will be used properly as defined herein

DEFINITIONS:

Automated License Plate Reader (ALPR): A device that uses infrared and/or high-resolution digital cameras and other optical character recognition technology to scan the license plate of moving and/or stationary motor vehicles and compare the scanned information to one or more databases to identify license plates and subsequent vehicles or registered owners that may be associated with unlawful activity.

LPR SYSTEM: The LPR and all associated equipment and databases.

HOT LIST: Any database that contains lists of license plate numbers that are of interest to the police personnel, such as those associated with vehicles and/or license plates that have been stolen, wanted for specific crimes, or those that are associated with, or may assist with the identification of, suspects involved in criminal activity. This will also include data held by the National Crime Information Center (NCIC), Office of Motor Vehicles, the Arkansas Crime Information Center (ACIC) including without limitation the Arkansas Crime Information Center's Missing Persons Database, the National Crime Information Center, and the Federal Bureau of Investigating Kidnapping and Missing Persons database.

LPR DATA: Data obtained by an LPR from license plates that were read by the device,

including potential images of the plate, the vehicle on which it is displayed, the date and time, and information regarding the location of the LPR is installed and any other data captured by or derived from any automatic license plate reader system, and, which may be stored on the Department's computer system or maintained and stored in the LPR's secured data storage online.

HOT: LPR data read that matched to a license plate that has been previously uploaded on a Departmental "Hot List" or previously assigned in a category provided by the LPR data software and registered with the National Crime Information Center.

PROCEDURES:

- A.** Only authorized LPR systems owned, leased or provided by the Department will be used.
- B.** LPR users will be assigned by the Chief of Police or his/her designee.
- C.** LPR's will be used only by members who have been trained in the operation and use of the LPR system.
- D.** Data added to the Department **HOT LIST** will only be done by those assigned by the Chief of Police or his/her designee.
- E.** A LPR HOT LIST hit shall not be used as the sole reason for a traffic stop or enforcement contact. Contact with the vehicle and its occupants will only be made after the license plate in the hot list hit is physically located and confirmed by visual and ACIC/NCIC confirmation.

LPR OPERATION:

- A.** LPR's may be used during.
 - a.** Regular patrol duties,
 - b.** Special operations or details such as high crime area patrols,
 - c.** STEP activities,
 - d.** Directed patrols,
 - e.** Assisting in criminal investigations, and
 - f.** Other activities as approved by the Chief of Police, or his/her designee.
- B.** Upon receiving a "hit notification", the mobile LPR operator will visually verify the displayed information matches the subject license plate (i.e., correct letters, numbers, state of issue, and any other verifiable information.)
- C.** Upon verifying the alert is valid, the mobile LPR operator will take appropriate action based upon the type of "hit notification" in accordance with training, department policy, NCIC/ACIC Regulation and law.

- D. LPR data received from LPR servers will be accessed for criminal justice reasons only, by those users authorized by the Chief of Police, or his/her designee and who have been issued an individual username and password for access. A Ward Police Department case number or Criminal Investigations reason will be listed for each search of the LPR Data.
- E. Usernames and Passwords shall not be shared between users. Users accessing the LPR data must do so from their own username and password provided.

VI. LPR DATA:

- A. Any LPR data that involves a hot list hit and the hit is confirmed by locating the license plate that received the hit will be documented in a report or a CAD entry.
- B. Any investigation from a hot list hit, from which an enforcement action, an investigation, or a prosecution resulted, will be documented in a report, and added to any case file prepared for prosecution.
- C. Captured plate data that indicates evidence of an offense may be shared with other law enforcement agencies. Captured plate data may not be otherwise shared, sold, traded, or exchanged.
- D. Captured plate data shall not be preserved by the Ward Police Department for more than 150 days from date of capture. No later than 150 days from capture, the captured plate data will be deleted or otherwise destroyed as appropriate. The FLOCK LPR data will be deleted every 30 days on a rolling deletion time frame. Notwithstanding the 150-day limit, captured plate data may be retained longer as part of an ongoing investigation and shall be destroyed at the conclusion of either: an investigation that does not result in any criminal charges being filed; or any criminal action undertaken in the matter involving the captured plate data.
- E. The Ward Police Department shall update the captured plate data collected every 24 hours if updates are available.

VII. REPORTS

Ward Police Department command level commander or designee will compile statistical data every six (6) months into a report and the report presented to the Chief of Police. Each report shall be preserved for eighteen (18) months.

The report will be in such a format sufficient to allow the general public to review it upon request.

The report will include the following data:

1. The number of license plates scanned; and
2. The names of the lists against which the captured plate data were checked (ex. NCIC/ACIC);
3. The number of confirmed matches;
4. The number of matches upon further investigation that did not correlate to an alert;
5. The number of matches that resulted in arrest and prosecution.

PRIVACY

- A. Captured plate data or data obtained from the Office of Motor Vehicle may be disclosed only:
 1. To the person to whom the vehicle is registered; or
 2. After written consent of the person to whom the vehicle is registered; or
 3. If the disclosure is permitted under the Driver's Privacy Protection Act of 1994, 18 U.S.C. 2721 et seq., as it existed on January 1, 2013.
- B. Practice and usage data compiled and preserved for use in a trial, hearing, or other proceeding before an authoritative body of the state or political subdivision of the state pursuant to 12-12-1806 are a public record for purposes of the Arkansas Freedom of Information Act.
- C. Upon the presentation to an appropriate governmental entity of a valid, outstanding protection order protecting the driver of a vehicle jointly registered with or registered solely in the name of the individual against whom the order was issued, captured plate data shall not be disclosed except as the result of a match under A.C.A. 12-12-1803.