



SURVEILLANCE TECHNOLOGY WORKING GROUP

March 11, 2022

RECOMMENDATION FOR QUALIFIED APPROVAL

S.T. No. 22-002 “Flock Safety Automatic License Plate Reader Pilot”

Mayor Ben Walsh
City of Syracuse
City Hall Room 203
233 East Washington Street
Syracuse, New York 13202-1473

RE: *Surveillance Technology Working Group*
S.T. No. 22-002 “Flock Safety Automatic License Plate Reader Pilot”
Summary Report and Recommendation

Dear Mayor Walsh:

In accordance with Executive Order No. 2 issued on December 1, 2020, authorizing Surveillance Technology Working Group (“STWG”) to comprehensively evaluate surveillance technologies proposed for implementation by various City of Syracuse departments, and to seek out and consider related public input, STWG has completed its review of *S.T. No. 22-002 “Flock Safety Automatic License Plate Reader Pilot”* as proposed for implementation by the Syracuse Police Department (“SPD”) and hereby recommends **QUALIFIED APPROVAL** of *S.T. No. 22-002 “Flock Safety Automatic License Plate Reader Pilot”* for its proposed 90-day pilot based on the reasons and considerations as summarized within this Report and Recommendation:

S.T. NO. 22-002 “FLOCK SAFETY AUTOMATIC LICENSE PLATE READER PILOT” SUMMARY DESCRIPTION

Flock Safety’s Automatic License Plate Reader (“ALPR”) technology allows for automated detection of license plates and captures the date, time and location of every scan. SPD intends to use this data for official law enforcement purposes only, 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. However, in order to reap the benefits of this technology, policies, guidelines, training, accountability and audit mechanisms have to be created and adhered to, so they protect the civil rights and liberties of the citizens, primarily in light of under-regulation at the state level.



SURVEILLANCE TECHNOLOGY WORKING GROUP

STWG FINDINGS

SPD Deputy Chief Joseph Cecile submitted ALPR's proposed implementation on behalf of the department. Deputy Chief Cecile provided information on the device, its proposed uses, he shared location information, policies and guidelines, and success stories. The Deputy Chief also answered detailed questions from STWG members with respect to ALPR's capabilities, intended uses, data storage, privacy concerns, implementation, training, access, audits, and similarly related matters.

The STWG also conducted a review of available literature on the use of ALPR, including an in-depth white paper by Axon AI Ethics Board. Members of the group also researched existing policies across the country to govern the use of ALPRs.

Upon considering the information provided, STWG sought input from Syracuse residents and local stakeholders. This generated a great degree of interest, leading to 45 positive comments, 45 negative comments and six questions. The positive comments support this initiative, emphasizing the value of ALPR data in aiding the police in solving criminal activity, and thus making Syracuse a safer place to live for its residents. Of the notable concerns, the "negative" commentary raised issues such as privacy concerns and invasive nature of this technology, and significant risk of data abuse.

The STWG considered the public commentary in reaching its conclusion to recommend ALPR's approval for a 90-day pilot period. The group concluded that while the intended use of the technology is not to threaten privacy of citizens or use data beyond the scope of the proposed purpose, there are some legitimate concerns and risks, which should be alleviated by the implementation of sound policies, proper training, regular audits and transparency. The proposed ALPR Guidelines are summarized in the next section.

The STWG voted for recommendation of *S.T. No. 22-002* at its February 22, 2022 regularly scheduled meeting as follows:

| STWG Member | Vote In Favor | In Favor w/ Stipulations | Vote Against | Abstention | Absence |
|----------------------|---------------|--------------------------|--------------|------------|---------|
| Kelsey May | | | | X | |
| Sharon Owens | | X | | | |
| Martha Grabowski | | X | | | |
| Mark King | | X | | | |
| Ken Stewart | X | | | | |
| Chief Tim Gleeson | | X | | | |
| Johannes Himmelreich | | | | | X |
| Ocesa Keaton | | | | | X |
| Jennifer Trift | | X | | | |



SURVEILLANCE TECHNOLOGY WORKING GROUP

| | | | | | |
|---------------------|--|---|--|---|---|
| Daniel Schwarz | | | | X | |
| Mujtaba Tirmizey | | X | | | |
| Michelle Sczpanski | | | | X | |
| Jake Dishaw | | | | | X |
| John Kane | | X | | | |
| Brian Eisenberg | | | | | X |
| Nicolas Diaz | | X | | | |
| Jason Scharf | | X | | | |
| Chief Joseph Cecile | | X | | | |

STIPULATIONS AND/OR RECOMMENDATIONS FOR IMPLEMENTATION

To mitigate privacy concerns of the citizens and significant risk of data misuse, the STWG recommends taking the following measures:

- 1. Data Sharing:** Data collected by ALPR should be expressly classified as confidential and accessible only by law enforcement under clearly defined terms and only through individual requests. ALPR data should be considered For Official Use Only (FOUO). The requesting agency should make a written request for information, verifying that the request is being made for permissible law enforcement use only. Data should not be shared with the vendor and it must not be used to improve or contribute to the vendor's existing products or to the development of new products. Absent any court order or warrant, no data should be shared with ICE/DHS for immigration enforcement purposes.
- 2. Permissible Uses:** The SPD and other law enforcement agencies should only be allowed to request or use ALPR data for specific law enforcement purposes: 1) Attempting to identify vehicle owner(s) or occupant(s) when such individual(s): A) has committed a criminal offense or is under active investigation for allegedly committing a criminal offense, or B) is suspected missing, or a victim or witness to a crime under active investigation; 2) Attempting to locate a vehicle that is involved as part of a criminal investigation, identified by make, model or plate number. A potential violation of immigration laws or immigration status alone is not sufficient to warrant sharing/using this data.
- 3. Retention Period:** For routine data storage, there should be a set limit of time before the data is purged (after reviewing arguments and other policies members of the group proposed a default lengths of time ranging **between 7 and 30 days**). In the event of a felony where ALPR data would assist SPD in the investigation, they may make a Preservation Request to extend the data retention period of a specific geographic zone to a longer time period (members of the group recommended lengths ranging from **21 to 45 days**). An operator of ALPR system, upon the request of a governmental entity or a



SURVEILLANCE TECHNOLOGY WORKING GROUP

defendant in a criminal case, shall take all necessary steps to preserve ALPR data in their possession for 14 days pending the issuance of a court order. A requesting governmental entity or defendant in a criminal case must specify in a written sworn statement: the particular camera or cameras for which captured plate data must be preserved or the particular license plate for which captured plate data must be preserved; and the date(s) and/or timeframe for which captured plate data must be preserved. In the event where ALPR data has been brought into Court as evidence to assist in a Law Enforcement investigation, these guidelines allow for this data to be accessible for a longer period of time as is the procedure with other data captured by SPD.

4. **Addressing Accuracy Limitations of the Technology:** An evaluation of ALPR accuracy rates should be part of the training of all officers and officials who use and have access to the technology. SPD should establish proper training and clear procedures for addressing ALPR mismatch avoid unwarranted detainment. For example, plates should be confirmed visually before a stop if possible, and at minimum, they should be confirmed as soon as the officer exits the patrol vehicle.
5. **Reporting and Audits:** SPD will post its ALPR system use policy and privacy policy on its publicly available website. SPD will report at the end of the pilot period on its ALPR practices and usage to the Mayor's office and the STWG. The report will also be conspicuously posted on SPD's website and on the STWG website. The report shall include:
 - a. the number of license plates scanned;
 - b. the total number of incidents (DR #'s) investigated in which an LPR match was generated, total number of incidents (DR #s) investigated that did not generate a match, the number of confirmed matches, and the number of matches that upon further investigation did not correlate to an alert;
 - c. Of all incidents investigated that had related ALPR matches, related offenses that were verified subsequent to the match, broken out by offense type, subsequent arrests that occurred in relation to those offenses, broken out by arrest type, charges filed subsequent to related arrests;
 - d. the number of manually-entered license plate numbers, broken down by reason justifying the entry and corresponding DR#s, the number of confirmed matches, and the number of matches that upon further investigation did not correlate to an alert;
 - e. any changes to the ALPR system or to the use or privacy policy;
 - f. data on accuracy, including date and time, for each instance of a false match.



SURVEILLANCE TECHNOLOGY WORKING GROUP

DISSENTING OPINION

One member of the STWG, Ken Stewart, offered a dissenting opinion after voting in favor. His justification was that *'this was a demonstration and not a rollout of the service. After the trial period and if the objectives of the trial are met such that the agency decides to move forward we will have another opportunity to review and provide input based on what is learned from the trial. I would also expect that we will have lessons learned and better details from the trial that will help us in our decision making going forward when and if necessary.'*

SUPPORTING DOCUMENTATION

Affixed hereto is the public commentary feedback sought and received by STWG, as reviewed and considered in recommending *S.T. No. 22-002*. Also affixed are STWG's meeting slides containing relevant notes and discussion points relative to *S.T. No. 22-002*.

CONCLUSION

Based on the aforementioned considerations, STWG RECOMMENDS *S.T. No. 22-002 "Flock Safety Automatic License Plate Reader Pilot"* FOR **QUALIFIED APPROVAL** for its proposed 90-day pilot. This recommendation does not extend beyond the pilot period.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Nicolas Diaz", with a stylized flourish at the end.

Nicolas Diaz

Chair

Surveillance Technology Working Group