

GREENE COUNTY PROSECUTOR'S OFFICE

FLOCK USE POLICY

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 the FLOCK system . At this time the Greene County Prosecutor's Office utilizes both fixed and flex Flock Safety cameras.

DEFINITIONS

FLOCK system- Equipment that combines high-speed cameras with image-processing technology to identify vehicles by their license plates and or vehicle description through fixed cameras mounted on places like streetlights and highway overpasses or mobile cameras secured to vehicles. FLOCK can capture thousands of images per hour, which can then be stored in a database. Once the license plate is converted to machine readable text then it is coupled with information on the time, date, and GPS location of the vehicle.

Hit- Alert from the FLOCK system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order or terrorist-related activity.

Hot List- A list of plates associated with a criminal activity, public safety concern, or investigative interest pertaining to a pending criminal investigation, or any information that is entered manually by an approved operator.

POLICY

The policy of the Greene County Prosecutor's Office is to utilize FLOCK technology to capture and store digital license plate data and images to assist in solving criminal investigations while recognizing the established privacy rights of the public.

All data and images gathered by the FLOCK system are for the official use of this office.

Because such data may contain confidential information, it is not open to public review.

ADMINISTRATION

The FLOCK technology allows for the automated detection of license plates. It is used by the Greene County Prosecutor's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates, missing persons and other legitimate law enforcement purposes. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction, stolen property recovery, and other legitimate law enforcement purposes.

All installation and maintenance of FLOCK equipment, as well as FLOCK data retention and access, shall be managed by the Program Administrator designated by the Prosecuting Attorney.

FLOCK OPERATIONS

Use of FLOCK is restricted to the purposes outlined below. Office Investigators shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) FLOCK shall only be used for official law enforcement business.
- (b) FLOCK may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using the FLOCK system.
- (c) No member of this office shall operate FLOCK equipment or access FLOCK data without first completing department-approved training.
- (d) No FLOCK operator may access confidential office, State, or Federal data unless authorized to do so.
- (e) License plates and unique vehicle descriptions reported during major crimes should be entered into the FLOCK system to identify suspect vehicles.
- (f) Manual additions can be added to the Hot List by Greene County Prosecutor's Office approved operators. All manual entries remain active on the FLOCK system until it is deemed necessary to remove the entry or an expiration date is set.

Examples of manual entries of a license plate number are but are not limited to:

1. BOLO (Be On Look Out)
2. Stolen Vehicles or stolen registration plates
3. Missing Person(s)
4. Amber/Silver/Blue Alerts
5. Child Abduction
6. Wanted Person(s)
7. Sex Offenders
8. Terrorist Watch List
9. Investigative Purposes

(g) Once a Custom Hot List "hit" has been received and acted upon, the entry should be removed, or information updated immediately by the FLOCK operator to avoid repeated unnecessary stops and/or interactions.

(h) The Program Administrator will conduct periodic audits of Hotlists created by Investigators and purge or update lists as necessary.

AUTHORIZED USERS

Access to the FLOCK system and associated database(s) will be granted by the Program Administrator. Access is limited to sworn law enforcement officers of the Greene County Prosecutor's Office. Access may also be granted to any vendors who provide maintenance and service for the FLOCK system at the discernment of the Prosecutor. To ensure proper operation and facilitate oversight of the FLOCK system, all users will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be fully audited.

FIELD OPERATIONS

During field operations, FLOCK "hits" are indicated by a visual and/or audible alarm. A FLOCK "hit" shall not be used as a reason to make contact until all provisions contained in this section have been met. Contact with the vehicle and its occupants shall only be made after "hit" is confirmed.

The following steps are recommended:

- (a) The Investigator receiving the notification will first visually verify the Hot List entry matches the digital image displayed by the FLOCK system. If for any reason they do not match, the "hit" will be rejected. If they do match, the "hit" will be accepted and the Investigator will verify the hit through an appropriate law enforcement database.
- (b) Prior to taking any law enforcement action, the Investigator must receive confirmation from the National Crime Information Center (NCIC), Mobile Data Terminal (MDT), or Central Dispatch, verifying the license plate is still stolen, wanted, and/or of interest before proceeding with any actions. A visual audible alarm (hit), shall not be the sole basis for any law enforcement actions.
- (c) Once verification has been satisfied, the Investigator may then attempt to make contact with the vehicle and its occupants. These contacts are to be treated as an unknown to high-risk contact, depending on the circumstances, and appropriate backup shall be utilized when deemed necessary.

DATA COLLECTION AND RETENTION

All data is stored and encrypted by Flock Safety for 30 days. Thereafter, FLOCK data is purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances, the applicable data should be downloaded and stored as evidence by the Investigator.

As a Customer and Law Enforcement Agency partner of Flock Safety, Investigators of the Greene County Prosecutor's Office have complete access to the data and are the gatekeepers for who views it. Flock does not use the data gathered by Greene County Prosecutor's Office license plate readers for any purpose.

Data entries are logged in an event Log and an outcomes Log within the insight portal on the navigation bar. The Program Administrator can access a report of all inputs into the system by Greene County Prosecutor's Office users (custom hotlist entries, BOLO's, etc) as well as access a search audit log.

ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Greene County Prosecutor's Office will observe the following safeguards regarding access to and use of stored data:

- (a) All FLOCK data downloaded by an Investigator and in storage shall be accessible only through a login/password-protected system.
- (b) Investigators approved to access FLOCK data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relates to a specific criminal investigation or office-related civil or administrative action.
- (c) The Program Administrator will conduct bi-annual audits of the FLOCK system. These audits will be conducted based off a random sampling of Investigator queries. The audits will be documented and stored in the Greene County Prosecutor's Office.

RELEASING FLOCK DATA

The FLOCK 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:

1. Lead Information from FLOCK:

(a) In some circumstances, it may be necessary to provide immediate "Lead Information" to an agency upon request. The requesting agency shall provide reason/type of investigation and a case number at the time of the request and this information will be entered into the FLOCK system during the request;

2. Formal Information Request including Documentation from FLOCK:

(a) The agency makes a written request for the FLOCK 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 Prosecutor or the Prosecutor's designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

TRAINING

Prior to accessing any portion of the FLOCK system all employees authorized to access the FLOCK system and database(s) shall receive training and instructions on proper use of the database and authorized use of the system, along with a copy of this policy.