

ORDINANCE NO. ____

AN ORDINANCE IN AMENDMENT TO
THE ORDINANCES OF THE TOWN OF BRISTOL

IT IS HEREBY ORDAINED by the Town Council of Bristol, Rhode Island, that Chapter 21, Police, Article I, In General, is hereby amended to add section 21-11 to read as follows:

* * *

Sec. 21-11. – Regulations governing the use of Automated License Plate Reader (ALPR) technology (Flock cameras).

(a) Purpose.

The purpose of this section is to regulate the access to and use of Automated License Plate Reader (ALPR) technology by the Bristol Police Department in a manner that enhances public safety while protecting individual privacy, civil rights, and civil liberties. This section is intended to ~~ensure consistency with~~ supplement Rhode Island State Police policy, applicable memoranda of understanding, and Bristol Police Department General Orders governing ALPR use, while preserving Town Council oversight and control.

(b) Definitions.

For the purposes of this section, the following terms shall have the meanings indicated:

1. **Automated License Plate Reader (ALPR)** – An electronic system, including the Flock camera system, capable of capturing images of license plates or vehicles in public view and converting such images into electronically readable data for legitimate law enforcement or public safety purposes. ALPR does not include devices used solely for toll collection, traffic signal enforcement, speed enforcement, or traffic flow analysis.
2. **ALPR Data** – Any data generated or obtained through the operation of an ALPR system, including, but not limited to, automobile characteristics, GPS coordinates, date, and time, detections, images, metadata, hot list alerts, audit logs, and search records.
- ~~2-3.~~ **“Federal immigration authority”** means any officer, employee, or person otherwise paid by or acting as an agent of United States Immigration and Customs Enforcement or United States Customs and Border Protection or any division or designee thereof, or any other officer, employee, or otherwise paid by or acting as an agent of the United States Department of Homeland Security or United States Department of State who is charged with immigration enforcement.
4. **Flock Camera System** – The ALPR system provided by Flock Safety, Inc., whether owned and managed by the Rhode Island State Police and made available to the Town of Bristol pursuant to a memorandum of understanding, or directly owned by the Town of Bristol.

~~3. “Government entity” shall mean a department or agency of the Town of Bristol or an individual acting for or on behalf of the Town or a department or agency thereof.~~

~~4. **Valid Law Enforcement Purpose**— A purpose consistent with the lawful duties of a law enforcement agency, including criminal investigations; locating stolen vehicles, missing persons, or wanted individuals; protection of critical infrastructure; or other public safety functions, while respecting constitutional rights.~~

~~5.~~

(c) Rhode Island State Police ownership and system control.

~~1. The Rhode Island State Police are authorized to install and use one (1) ALPR camera in the Town of Bristol.~~

~~2. All The Flock ALPR cameras and all ALPR data collected through such cameras are owned by and remain the property of the Rhode Island State Police.~~

~~3. Access to the Flock Camera System by the Bristol Police Department is granted solely at the discretion of the Rhode Island State Police and may be revoked at any time, with or without cause.~~

~~4. The Rhode Island State Police retain the right to audit all access logs, user activity, and data usage associated with Bristol Police Department access to the Flock Camera System.~~

~~3.~~

(d) Town of Bristol ownership and system control.

~~1. If the Bristol Police Department or other Town government entity seeks to obtain municipal-owned ALPRs, they shall obtain Town Council approval following an advertised public hearing of the council prior to engaging in any of the following acts:~~

~~a. Seeking funds for ALPRs, including, but not limited to, applying for a grant or soliciting or accepting state or federal funds or in-kind or other donations;~~

~~b. Acquiring or borrowing ALPRs, whether or not that acquisition is made through the exchange of monies or other consideration; or~~

~~c. Entering into an agreement with any other person or entity to acquire, share, or otherwise use automated license plate readers or data therefrom.~~

~~2. All restrictions contained in this ordinance shall apply to any town-owned ALPR camera.~~

(e) Authorized use.

1. ~~ALPR technology may be accessed or used by the Bristol Police Department solely for valid official law enforcement purposes and public safety purposes, as approved by the Chief of Police and consistent with:~~
 - ~~a. This section;~~
 - ~~b. Rhode Island State Police ALPR policy;~~
 - ~~c. Any applicable memorandum of understanding; and~~
 - ~~d. Bristol Police Department General Orders and shall be used only to scan, detect, and identify license plate numbers for the purpose of identifying:~~
 - ~~a. Stolen vehicles;~~
 - ~~b. Vehicles associated with wanted, missing, or endangered persons;~~
 - ~~c. Vehicles that register as a match within the National Crime Information Center; and~~
 - ~~d. Vehicles associated with a suspect in an ongoing, active investigation of a violent felony or domestic violence offense.~~
2. ALPR technology shall not be used for traffic violations, civil infractions, parking enforcement, or administrative purposes unrelated to ~~public safety~~ the stated authorized uses.
3. Every ALPR search or detection browsing inquiry shall be documented with an associated Bristol Police Department case number or incident number and ~~or~~ a documented, and specific reason for the inquiry. “Investigation” or other nonspecific terms is insufficient.
4. ~~ALPR technology shall initially be limited to the installation of one Flock Camera System; provided that~~ The number of Flock Camera Systems installed may be increased only with an authorizing resolution ordinance change from the Town Council.
5. ~~Each~~ The ALPR camera installed within the Town of Bristol shall include clearly visible language, placed in reasonable proximity to the camera, stating: Automated License Plate Reader Camera Operated by Rhode Island State Police. Data Use Governed by Town Ordinance.

~~4.—~~

(f) Prohibited uses.

ALPR technology shall not be used:

1. In conjunction with facial recognition, biometric identification, or similar surveillance technologies;
2. To intentionally identify or record the occupants of motor vehicles, pedestrians, or passersby;

3. To capture or record audio;
4. For harassment, intimidation, or personal use;
5. Based solely on a person's race, color, religion, gender, gender identity, sexual orientation, ethnicity, nationality, political affiliation, age, disability, or any other classification protected by law;
6. In a manner that infringes upon rights protected by the First Amendment;
7. For the purpose of enforcing federal civil immigration law or determining an individual's immigration status; ~~or~~

8. For the purpose of identifying, tracking, or determining an individual's reproductive or gender-affirming healthcare status or decisions; or

~~§-9.~~ Without proper authorization and documentation required by this section and departmental policy.

(gf) Access and credentials.

1. Access to the Flock Camera System shall be limited to the Chief of Police and such designee(s) as authorized by the Rhode Island State Police.
2. User credentials shall not be shared and shall be subject to audit and revocation.
3. Department members shall not permit unauthorized persons to access ALPR equipment or data.

(hg) Data retention and security.

1. ALPR data, including but not limited to screenshots, printouts, and exports, shall be retained for no longer than ~~thirty-two~~ thirty-two (302) days, unless the data has become or is reasonably anticipated by the Chief of Police to become evidence in a criminal investigation or prosecution, or pursuant to a valid, court issued, probable cause warrant.
2. All retained data, including but not limited to screenshots, printouts, and exports shall be stored and protected in accordance with Rhode Island State Police policy, the Rhode Island Secretary of State Records Retention Schedule, and applicable law.
3. The Bristol Police Department shall employ reasonable administrative, technical, and physical safeguards to protect ALPR data but not limited to from unauthorized access or disclosure.

Commented [AL1]: Add something here about MFA and only allowing the system to be used on BPD property.

(ih) Data sharing restrictions.

1. ALPR data generated from the Town of Bristol ALPR camera, absent a judicial probable cause warrant, shall not be sold, shared, disseminated, forwarded, or otherwise disclosed, whether directly or indirectly, to any third party, including:

a. Municipal, state, or federal agencies that have not entered into a substantially similar memorandum of understanding with the ~~Town of Bristol and the~~ Rhode Island State Police;

b. ~~Municipal, state, or federal agencies that have not agreed, through a formal written agreement with the Town of Bristol, to the Sections E through J of this Act;~~

c. U.S. Immigration and Customs Enforcement, ~~U.S. Customs and Border Protection,~~ or any agency or component seeking data ~~to enforce, comply, or assist with for civil~~ federal immigration enforcement;

~~d. Any agency, task force, or jurisdiction that employs, deputizes, or authorizes personnel pursuant to 287(g) of the Immigration and Nationality Act, or any substantially similar program, regardless of the stated purpose of the request;~~

~~e. Any entity seeking ALPR data for the purpose or known effect of infringing upon First Amendment rights;~~

~~f. Any entity seeking ALPR data for the purpose of identifying, tracking, or determining an individual's reproductive or gender-affirming healthcare status or decisions; or~~

~~g. Private organizations, entities, or individuals.~~

2. Any unauthorized disclosure or misuse of ALPR data shall result in immediate revocation of access privileges and may subject the individual to administrative discipline, civil liability, and/or criminal prosecution.

3. Nothing in this Act shall be construed to limit or prohibit any state or local agency officer from:

a. Sending to, or receiving from, federal immigration authorities the citizenship or immigration status of a person, or maintaining such information, or exchanging the citizenship or immigration status of an individual with any other federal, state, or local government agency, to the extent required by 8 U.S.C. 1373; or

2. Complying with any other Rhode Island or federal law.

b.

(j) Audits and oversight.

1. Use of the ALPR system by the Bristol Police Department shall be subject to audits conducted by the Rhode Island State Police and/or the Rhode Island Department of Public Safety.
2. The Chief of Police or designee shall ensure full cooperation with any audit and shall maintain documentation of audit results and corrective actions, if any.

3. The Bristol Police Department shall conduct quarterly internal audits of no fewer than twenty (20) percent of manual searches. The Chief of Police shall provide the Town Council with quarterly written summaries confirming that required audits were conducted and certifying compliance, along with any aggregated, nonidentifying information as permitted.

~~3.4.~~ Any Town government entity that uses an automatic license plate reader system pursuant to this Act, must update those systems from the database enumerated in Sec. D(1)(c) in real time, at the beginning of each shift, or whenever such updates are available.

(k) Policy compliance and non-alteration.

1. The Bristol Police Department shall maintain a General Order governing ALPR ~~use consistent in accordance~~ with this section. ~~-, Rhode Island State Police policy, and applicable memoranda of understanding. Final execution of a memorandum of understanding and all related policies shall be subject to review and written certification by the Town Solicitor confirming compliance with applicable state law and policy requirements.~~
2. None of the procedures, limitations, safeguards, or prohibitions set forth in this section may be altered, waived, expanded, or reduced by departmental policy, administrative action, memorandum, or agreement.
3. Any modification to the requirements of this section shall require adoption of an ordinance amendment approved by the Town Council.

(l) Sunset, review, and Council opt-out.

1. ~~This section Participation in the Rhode Island State Police program~~ shall sunset and be of no further force or effect eighteen (18) months after the date of passage, unless expressly extended or reenacted by ordinance adopted by the Town Council.
2. Within ~~one-six (6+) year months~~ of the effective date of ~~this section camera operation~~, the Town Council shall conduct a public review of the Bristol Police Department's ~~and Rhode Island State Police's~~ use of ALPR technology to determine whether ~~such use participation in the state program~~ should continue.
3. ALPR technology shall not be used ~~by the Bristol Police Department~~ beyond ~~eighteen twelve (48/12)~~ months from the date of ~~camera passage operation~~ without the Town Council's explicit approval by ordinance.
4. The Town Council may, at any time ~~and or~~ for any reason, opt the Town of Bristol out of participation in the use of Flock ALPR technology by resolution or ordinance, and such opt-out shall require immediate cessation of use, ~~and dismantling of the camera.-~~
5. Data generated by ALPR technology within the Town of Bristol shall contribute to the Rhode Island State Police ALPR program only under the following met conditions: a) the Rhode Island State Police shall conduct quarterly audits of no fewer than twenty percent (20%) of all manual ALPR searches; and b) The Rhode Island State Police shall not enter

into, maintain, or enforce any memorandum of understanding or data-sharing agreement with any agency, task force, or jurisdiction that employs, deputizes, or authorizes personnel pursuant to Section 287(g) of the Immigration and Nationality Act, or any substantially similar program, regardless of the stated purpose of the request.

6. Participation in the Rhode Island State Police Flock ALPR network shall automatically terminate upon any amendment, revision, modification, reinterpretation, suspension, or replacement of Rhode Island General Order 80 – G, in whole or in part, regardless of characterization, unless such change is affirmatively approved by the Town Council following public notice and opportunity for comment.

7. Participation in the Rhode Island State Police Flock ALPR network shall automatically terminate upon any amendment, modification, update, expansion, or replacement of the Flock Safety, Inc. platform, software, hardware, analytics, data retention practices, access controls, sharing capabilities, or terms of service, including any change implemented through software updates, feature rollouts, licensing changes, or backend configurations, unless such change is affirmatively approved by the Town Council following public notice and opportunity for comment. Routine security patches, vulnerability remediation, bug fixes, and maintenance updates that do not materially alter system functionality, expand analytic capabilities, change data retention periods, modify access controls, or increase data sharing permissions may be implemented without prior Town Council approval.

8. If information provided to the Town Council indicates that there is a pattern or practice of violations of this act, the Town Council shall move to automatically terminate participation in the Rhode Island State Police program.

(m) Use for Evidence.

1. No ALPR data and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before the municipal court, if the collection or disclosure of that information was or would be in violation of this Act, unless such evidence is exculpatory.

(n) Public Log of Use.

1. A law enforcement agency that installs or uses any automated license plate reader shall maintain a public log of its use, to be updated on an ongoing monthly basis, containing, but not limited to, the following information:

a. The aggregate number of vehicles on which data is collected for each month of use and a list of all state and federal databases with which the data were compared, unless the existence of the database itself is not public;

b. The specific reason why the databases were searched. “Investigation” or other nonspecific terms are insufficient.

c. For each month of use, a breakdown of the number of vehicles, in which the collected data identified a stolen vehicle or license plate, a warrant for the arrest of the owner or operator of the

vehicle, or any other basis for pursuing the owner or operator of a motor vehicle based on an identification generated in accordance with the permitted uses. Each monthly breakdown must include the outcome of each of the situations resulting in this data collection:

d. The census tract in which any stationary or fixed location automated license plate reader that is actively collecting data is installed and used;

e. A summary of complaints or concerns that were received during each month of active use about the ALPR; and

f. Any instances of erroneous identification by the ALPR.

2. The law enforcement agency shall maintain a public list of current and previous census tracts in which an automated license plate reader is or has been located, including the dates it was or is utilized at those locations.

3. The public log shall not include specific license plate numbers.

~~4.~~

(o) Enforcement and penalties.

1. Any person who violates this section shall be subject to a civil penalty of ~~not more than~~ five hundred dollars (\$500.00) and up to two thousand five hundred dollars (\$2,500) in restitution, per violation, in addition to any other remedies available under law.
2. Each unauthorized access, search, disclosure, or use of ALPR data shall constitute a separate violation.
3. The penalties set forth herein shall be in addition to, and not in lieu of, any administrative discipline, civil liability, or criminal prosecution authorized by law.

~~3.~~

(p) Severability.

If any provision of this section is held invalid or unenforceable, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

* * *

This ordinance shall take effect upon passage.

Commented [AL2]: Include resident rights section that allows them the right to know whether their data has been searched, requirement that a process be made to allow residents to file a complaint, and a specific time period requiring a response.

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