

Migl, Hayden

From: Migl, Hayden
Sent: Thursday, June 12, 2025 5:59 PM
To: Migl, Hayden
Cc: CMO - Executive Team; Standridge, Stan; Winkenwerder, Brandon; Klett, Bob
Subject: Memo Regarding SMPD Actions Concerning License Plate Readers (LPRs)
Attachments: Memo Regarding SMPD Actions Concerning License Plate Readers (LPRs) - June 12, 2025.docx; 5.4 Automated License Plate Readers_Tracked Changes_June 2025.docx

Hello Mayor and Council,

In response to community and Council feedback, the San Marcos Police Department is implementing a series of policy and operational changes to strengthen privacy protections related to automated license plate reader (ALPR) technology. Additional details about the steps taken are included in the attached memo prepared by Police Chief Standridge and sent through City Manager Reyes and Assistant City Manager Anderson. A tracked changes version of the LPR policy reflecting these changes is also attached.

We have prepared a press release that will be sent tomorrow to inform the public of these changes. The ALPR webpage (www.sanmarcostx.gov/ALPR) has been updated, and we will post to social and point people to the website for more information.

A request was also made prior to the June 3 Council meeting for all searches conducted by outside agencies since Flock cameras were installed. Staff is compiling this information for on-site review by City Council members, and we anticipate it being ready by next Tuesday. We are scheduling a time at 3:00 PM on Tuesday, June 17 in the City Hall Conference Room when this information will be available for review. Please reach out to me if this date and time does not work for you, and we can look at setting up a separate time.

Thank you,
Hayden



Hayden Migl

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San Marcos Police Department
Stan Standridge | Chief of Police

Bob Klett
Assistant Chief | Administration

Brandon Winkenwerder
Assistant Chief | Operations

To: The Honorable Mayor and City Council
From: Stan Standridge, Police Chief
Through: Stephanie Reyes, City Manager
Lonzo Anderson, Assistant City Manager
Date: June 12, 2025
Subject: San Marcos Police Actions Concerning License Plate Readers (LPRs)

Following the City Council meeting on June 3, 2025, the Police Department has worked diligently to address privacy concerns related to license plate reader cameras procured through Flock, Inc. This memorandum documents the actions taken in response to those concerns. This information will also be shared with our community through the Communications Department.

- I. Effective June 9, 2025, the Police Department **ceased automatic sharing of license plate reader (LPR) data** with other law enforcement agencies to include disabling the “*Make this Network Discoverable*” icon, as well as “*Automatically Accept Requests to Share My Networks with LE Agencies*.”
- a. The Department will now share data only upon both:
 - i. Request
 - ii. Confirmation of a specific criminal investigation or prosecution
 - b. The Department will require each agency complete an “*ALPR Sharing and Preservation Request Form*.”
 - i. This form will require a signed Non-Disclosure Agreement prior to the fulfillment of any request.,
 - c. Requests will be accepted for:
 - i. Class B state offenses and above
 - ii. Missing or endangered persons
 - iii. Stolen vehicles
 - iv. Hate crimes
 - v. Sex crimes
 - vi. Be on the Lookout (BOLO) reports such as Amber and Silver Alerts

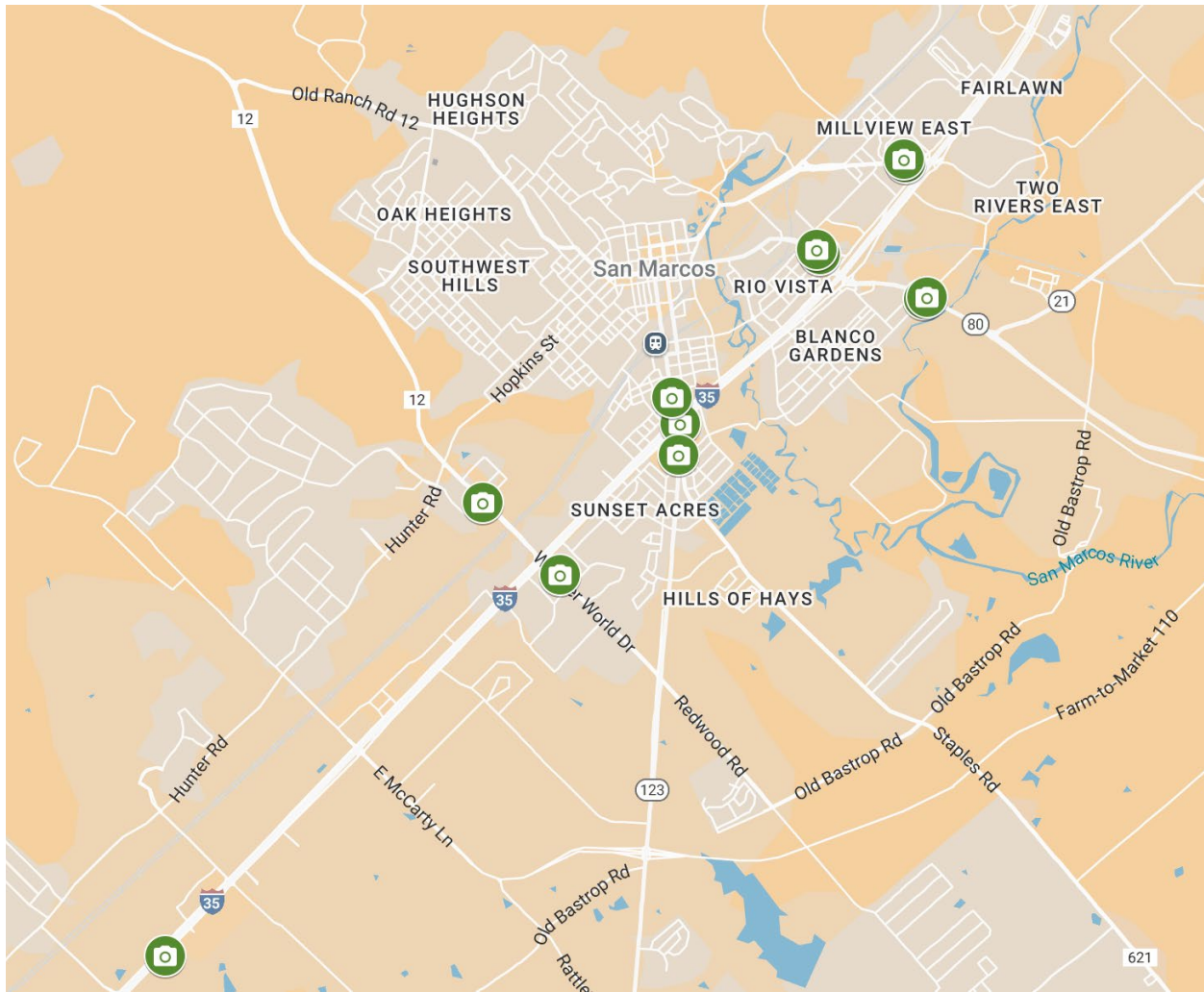
- II. The Police Department has **deactivated** and is seeking the permanent removal of five **(5) installed Flock cameras**¹, retaining only the original fourteen (14) cameras that were obtained in 2022:
- a. After removal, the Department will:
 - i. Work with the Council and the San Marcos community to confirm the placement of the remaining 14 cameras are along routes into and out of the City.
 - ii. Create and post a map depicting the camera locations on the City and Department's webpages (see *Appendix A* for a photo of this map).
- III. **Audits of LPR data** were not mandated in the April 2022 policy but were added in the **March 2025** revisions proposed by staff.
- a. The current policy requires an audit be done *annually*.
 - b. Turning off automatic sharing access with other law enforcement agencies allows the Police Department to audit *its own* employees to ensure all inquiries are:
 - i. In furtherance of an ongoing investigation, including both:
 - 1. A "Reason" for inquiry
 - 2. A "Case Number"
 - c. Both blocks will be mandatory fill-ins by mid-July when the software is updated; however, staff will ensure both fields are entered for each inquiry from the date of this memorandum.
 - i. Due to the number of monthly inquiries made by SMPD personnel, the Department will randomize audit controls. This will be done by:
 - 1. Selecting thirty (30) random inquiries per month
 - 2. Proactively auditing selected inquiries to ensure:
 - a. lawful usage of the system per policy
 - b. Proper inclusion of the inquiry "Reason" and "Case number"
- IV. The Police Department will work with City Legal and Flock to **stop collection of our aggregated data**.
- a. The Department will seek a contract amendment wherein Flock will agree to not collect any aggregated data:
 - i. *"Unless requested by agency, flock shall not keep or maintain Agency Aggregated Data."*



Building and maintaining public trust is fundamental to our mission. As we leverage Flock LPR technology to enhance community safety, we will ensure that clear expectations and usage protocols for Flock LPR data are regularly communicated and understood throughout the department, reinforcing our commitment to privacy and responsible data stewardship.

Thank you.

¹ The five (5) deactivated cameras were part of the nineteen (19) cameras funded through the Motor Vehicle Crime Prevention Authority (MVCPA) grant in 2024 grant cycle

Appendix A: Photo of Remaining Flock Cameras in San Marcos



	SAN MARCOS POLICE DEPARTMENT	
	Policy 5.4 Automated License Plate Readers	
	Effective Date: June 24, 2022 Revised Date: March 28, 2025 <u>June 12, 2025</u>	Replaces:
	Approved:  <div style="text-align: right;">_____ Chief of Police</div>	
	Reference: TBP 7.36	

I. POLICY

The San Marcos Police Department has been authorized by the San Marcos City Council to utilize Automated License Plate Readers (ALPR) to assist in providing safety to the residents of San Marcos, Texas, ~~and surrounding communities.~~ This policy establishes the use of ALPR technology as authorized and directed by state and federal laws.

II. PURPOSE

The primary purpose of the San Marcos Police Department ALPR system is to provide a tool for departmental personnel for legitimate law enforcement purposes. This tool assists in the investigations of vehicles and/or persons traveling through the jurisdiction of the San Marcos Police Department in a vehicle that has license plates that have been entered either into the National Crime Index Computer (NCIC) or on the SMPD ALPR Hotlist. The ALPR system can also be utilized by departmental personnel to assist in the development of leads that can eventually identify suspects who have committed crimes within the city and surrounding communities.

III. DEFINITIONS

- A. Automated License Plate Reader (ALPR). A device that uses cameras and computer technology to compare digital images to lists of known information of interest.
- B. ALPR Operator. Department members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the Department.
- C. ALPR Administrator. The Chief of Police or their designee serves as the ALPR Administrator for the Department.
- D. Hotlist. A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to NCIC, TCIC, local BOLOs, information entered by the Texas Law Enforcement Telecommunication System (TLETS), etc.
- E. Outside Agency. An outside agency is a law enforcement agency that requests data sharing with the Police Department through a memorandum of understanding an ALPR Sharing and Preservation Request Form. Only law enforcement agencies are eligible to enter into an MOU make a request for data sharing via the form and only on a per incident basis, and after signing a Non-Disclosure Agreement.
- F. Vehicles of Interest. Including, but not limited to vehicles which are reported as stolen; display stolen license plates or tags; vehicles linked to missing and/or wanted persons and vehicles flagged by SMPD or other law enforcement agencies.

- G. Detection. Data obtained by an ALPR of an image (such as a license plate) within public view that was read by the device, including potential images (such as the plate and description of vehicle on which it was displayed), and information regarding the location of the ALPR system at the time of the ALPR's read.
- H. Hit. Alert from the ALPR 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, violent crime or terrorist-related activity.

IV. PROCEDURES

This document establishes procedures for the lawful and proper use of ALPR technology and provides for the best use of ALPR technology while at the same time protecting the rights of residents and motorists traveling on public roadways while in the City of San Marcos Area of Jurisdiction.

A. General

1. The ALPR Program will be managed by the Chief of Police or his designee to ensure that the equipment is being effectively utilized and maintained. The Chief of Police or his designees will be responsible for determining the locations for the placement of ALPR system equipment. Locations will be determined based on maximum captures of license plates at points of ingress and egress into the city, natural choke points where vehicle traffic must pass before entering sections of the city and/or locations based on criminal activity. Locations will be solely determined by investigative needs and not target any person based on their actual or perceived race, color, religion, creed, sex, gender, gender identity, sexual orientation, age, national origin, ethnicity, disability, veteran status, marital status, partnership status, economic status, pregnancy status, political affiliation or beliefs, and, to the extent permitted by law, alienage or citizenship status. (TBP 7.36d)
2. Login/Log-Out Procedure. To ensure proper operation and facilitate oversight of the ALPR 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. (TBP 7.36e)
3. Only NCIC/TCIC authorized users approved by the Operations Assistant Chief of Police may use the ALPR system. (TBP 7.36a)
4. Prior to being granted use, all users will receive initial training, followed by biennial training on the ALPR system. (TBP 7.36b)
5. All users of the SMPD ALPR system will be mandated to enter a reason for the query, primarily an incident/case number, in the reason field as part of conducting a query. Queries for auditing purposes will be excluded from the requirement to provide a case number. All outside agencies requesting permission to access the SMPD ALPR system will be required to affirm the same mandate for each individual query via the ALPR Sharing and Preservation Request Form and a Non-Disclosure Agreement queries.
6. Audits will be conducted ~~at least annually~~ monthly to ensure compliance with these requirements. The ALPR system administrator or their designee will be responsible for the audit and retention of audit records.
7. ALPR data shall not be distributed, sold or transferred to any non-law enforcement entity.

B. Communications

The telecommunications section of the SMPD will have access to monitor the ALPR system. All hits received will trigger an alert in the Communications dispatch center. Upon receiving an alert, on-

duty dispatch personnel will immediately verify the captured plate (photo) with the wanted/suspect plate number displayed as the wanted plate from either NCIC, TCIC or the SMPD Hotlist. Upon visual verification of the plate/tag the dispatcher will manually verify the wanted plate with NCIC to determine if it is still outstanding as wanted.

1. Stolen License Plates. On all stolen license plate hits, dispatch personnel will check the stolen plate through NCIC. If the stolen plate is linked to a vehicle with the same make, model and color of the vehicle that the stolen plate is currently being displayed on, the dispatched units shall be immediately advised of that fact. Officers should be advised that the plate may be the secondary license plate and not stolen.
2. Hotlist Alerts may include specific instructions to field personnel. Those instructions will also be relayed to on-duty personnel at the time of dispatch. i.e. "stop only with probable cause and identify occupants".
3. SMPD Communications personnel shall be responsible for notification of the NCIC/TCIC information submitting jurisdiction of the recovery of wanted stolen vehicles and the status of any arrests. Notification shall be as per NCIC/TCIC protocols.

C. Sworn Officers/Detectives

Upon being notified of an ALPR notification, on duty personnel will respond to the area of the capture and look for the suspect vehicle. If the vehicle is located, proper traffic stop procedures shall be followed based upon the type of hit, officer observations and other factors present. The first officer identifying the wanted vehicle should wait for appropriate back-up before initiating a traffic stop or engaging the vehicle. Felony stops, if conducted, will be properly documented. All traffic stops, felony stops, pursuits, etc. will follow SMPD Policy Guidelines.

1. ALPRs shall only be used for official law enforcement business.
2. ALPRs may be used in conjunction with any patrol operation or criminal investigation; reasonable suspicion or probable cause is required for any criminal investigation before using an ALPR.
3. Partial license plates and unique vehicle descriptions reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
4. Detectives may be requested to assist on any felony arrests as needed.
5. When officers utilize ALPR data to assist in identification of a suspect or vehicle linked to criminal activity, the ALPR data shall be downloaded from the system and attached to the investigation as evidence.

V. ALPR DATA

The SMPD ALPR system database and capture information are to be used for official law enforcement purposes only, such as when the data relates to a specific criminal investigation or missing person. Personnel shall only access the database for investigative/audit purposes only and treat all data as confidential.

- A. Personnel will not enter any license plates into the SMPD "Hotlist" unless the vehicle is currently wanted/suspected in criminal activity. All hotlist vehicles shall include a case/computer-aided dispatch (CAD) number and reason for the vehicle being in the system. All hotlist vehicles shall have an expiration date.
- B. ALPR capture data shall be purged 30 days after the date of the read unless it is evidence.

- C. When personnel become aware of invalid data being contained within the state NCIC/TCIC database, SMPD personnel shall notify the contributing agency and document who was notified by name and title on the CAD report.
- D. ~~SMPD does not allow automatic sharing with any law enforcement agency.~~ SMPD shall individually evaluate any request from another law enforcement agency using the ALPR Sharing and Preservation Request Form ~~enter into memoranda of understanding with other law enforcement agencies~~ to share law enforcement data stipulating they ~~will provide~~have provided a case number and reason for query. Requests will be accepted for:
1. Class B state offenses and above
 2. Missing or endangered persons
 3. Stolen vehicles
 4. Hate crimes
 5. Sex crimes
 - 1-6. Be on the Lookout (BOLO) reports such as Amber and Silver Alerts.
- E. SMPD will work with FLOCK to create a transparency portal for community members seeking more information related to: what is detected; what is not detected; acceptable use policy; prohibited uses; access policy; what is a hotlist; data retention in days; policies; number of owned cameras; vehicles detected in the last 30 days; hotlist hits in the last 30 days; and the number of searches in the last 30 days.
- ~~D.F.~~ Unless requested by the agency, Flock shall not keep or maintain Agency Aggregated Data.

VI. PERMITTED/IMPERMISSIBLE USES

- A. The ALPR system, and all data collected, is the property of the San Marcos Police Department. Department personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this Policy. (TBP 7.36a, c). All departmental personnel shall be aware that Texas statute Penal Code 39.06 (Offenses Against Public Administration) establishes a criminal offense for misuse of information for which a public servant has access by virtue of the person's office or employment, and that has not been made public, and uses said information to obtain a benefit or with intent to harm or defraud another.
- B. The following uses of the ALPR system are specifically prohibited:
1. Invasion of Privacy. Except when done pursuant to a court order such as a search warrant, it is a violation of this Policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).
 2. Harassment or Intimidation. It is a violation of this Policy and State law to use the ALPR system to harass and/or intimidate any individual or group.
 3. Use Based on a Protected Characteristic. It is a violation of this policy and State law to use the ALPR system or associated scan files or hotlists solely based on a person's or group's race, gender, religion, political affiliation, nationality, economic status, ethnicity, sexual orientation, disability, or any other classification protected by law.

4. Personal Use. It is a violation of this Policy to use the ALPR system or associated scan files or hotlists for any personal purpose.
 5. First Amendment Rights. It is a violation of this policy to use the ALPR system or associated scan files or hotlists for the purpose or known effect of infringing upon First Amendment rights.
- C. Any individual who engages in an impermissible use of the ALPR system (as defined in Section IV (A)) or associated scan files or hotlists may be subject to:
1. Criminal prosecution,
 2. Civil liability, and/or
 3. Discipline, up to and including termination.

VII. PRIVATELY OWNED/FUNDED ALPR SYSTEMS

- A. The SMPD recognizes that residents and/or commercial businesses may want to purchase privately owned ALPR systems and provide access to SMPD. All private system access must be approved by the Chief of Police. All data received by the SMPD shall be subject to all provisions of this policy. The SMPD shall not be responsible for any costs associated with a privately funded ALPR system.
- B. Privately owned ALPR systems must meet all local government right of way ordinances, rules and regulations.
- C. SMPD may receive hotlist alerts from privately owned ALPR or video cameras; however, SMPD will not actively monitor any privately-owned ALPR.