



Police Commissioner's Special Order

Number: SO 25-16

Date: 4/1/25

Post/Mention: Indefinite

SUBJECT: AUTOMATED LICENSE PLATE READER SYSTEM – FLOCK SYSTEM TRIAL PROGRAM

Section 1. Purpose

The purpose of this Special Order is to establish a policy and procedure to ensure the proper use of an Automated License Plate Reader (“ALPR”) system by employees of the Boston Police Department during the short-term (approximately 90-day) trial of the Flock Safety ALPR System (“Flock System”), beginning on April 1, 2025.

For use of the Department-owned and operated ALPR cameras, the policy and procedures specified in SO 16-03 remain in effect.

Section 2. Policy

Section 2.1. Law Enforcement Purpose

The Flock System shall be restricted to legitimate law enforcement uses for the purpose of furthering legitimate law enforcement goals and enhancing public safety. Such uses and goals include, but are not limited to, providing information to officers that will assist in on-going criminal investigations, crime prevention, crime detection, the apprehension of wanted persons, ensuring the safety of vulnerable individuals through the recovery of missing and endangered persons, and improving the quality of life in our community through the identification and removal of stolen motor vehicles.

Section 2.2. Legal Considerations

In addition to the procedural safeguards outlined by this policy, use of the Flock System should be conducted in the least intrusive manner as necessary and appropriate for the particular circumstances. Detectives should consider consulting with a prosecutor regarding the potential need for legal process prior to accessing extensive or widespread ALPR data in active criminal investigations that do not involve exigent circumstances. *See Commonwealth v. McCarthy*, 484 Mass. 493 (2020).

All use of the Flock System and data must comply with legal standards, privacy regulations, and the Department’s policies to protect individuals' rights while facilitating public safety and law enforcement objectives.

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Section 2.3. Additional Considerations

The Flock System does not utilize any facial recognition technology.

During the trial, the Department will not provide direct access to any data captured by cameras implemented for the Department's trial program with any other individual or group, including, but not limited to, law enforcement in any jurisdiction outside of the Boston Police Department. Likewise, the Department will not have direct access to any data captured by cameras outside of those implemented for the Department's trial program.

Section 3. Definitions

Alert: Notification made via the Flock System, email, or SMS text message when a license plate on a Hot List is detected by an ALPR camera.

Automated License Plate Reader (ALPR): A device that uses cameras and computer technology to compare digital images to lists of known information of interest.

Authorized User: Department employees trained in the use of the Flock System who may utilize the Flock System during the trial.

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.

Exigent Circumstances: Emergency situations involving imminent and immediate threat to the safety, health, and well-being of an individual or the public based on specific, reasonable intelligence. Such emergency situations shall include, but are not limited to, terrorist threats, Amber Alerts, Silver Alerts, kidnappings, missing persons, and felons traveling to or from a crime scene.

Flock System: The ALPR cameras and all associated equipment and databases and the web-based platform used to access the data collected by the ALPR cameras.

Hit: A match between a license plate observed by an ALPR camera and a record maintained on a Hot List.

Hot List: A list of license plates associated with vehicles of interest compiled from one or more databases including National Crime Information Center (NCIC), National Center for Missing and Exploited Children (NCMEC), and the Boston Police Department.

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Section 4. Management of the ALPR System

The Deputy Superintendent of the Bureau of Intelligence and Analysis (BIA) and the Deputy Superintendent of the Bureau of Administration and Technology (BAT), Technology Services Division, will appoint administrators to liaise with Flock Safety for the trial period.

The administrators or designated representative(s) will ensure access to the Flock System and that results tracking is conducted according to the guidelines outlined in this Special Order. Additionally, the administrators or their designee(s) will have access to all system functionalities to audit user activity as needed throughout the trial period.

Section 5. ALPR Operations

Section 5.1. Searches

All Authorized Users may conduct searches within the Flock System.

Searches of the Flock System shall observe the following guidelines:

- All searches must include a specific “Reason” for the search;
- All searches must include a Case Number or other identifying information regarding an ongoing criminal investigation, unless a search is conducted in exigent circumstances; and
- Search parameters should be reasonable and consistent with the geographic and temporal needs of the incident or investigation.

Department personnel who are not Authorized Users may request a search of the Flock System by submitting a request to BRIC@pd.boston.gov.

Search requests shall include, at a minimum:

- Case Number;
- Type of investigation and a specific “Reason” for the search;
- Plate number(s) and/or vehicle description;
- Requested search time period; and
- Requested search area.

Requests may be denied if the request is deemed overly intrusive or otherwise inconsistent with federal or state laws, City of Boston ordinances (including, but not limited to the Boston Trust Act), Boston Police Department Rules or Procedures, or best practices.

In exigent circumstances, Authorized Users may run a search for a non-Authorized User following the above search guidelines. The non-Authorized User shall document the nature of the exigency and the search requested.

Requests from non-Department personnel will be handled in accordance with Section 11, below.

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Section 5.2. Hot Lists

Section 5.2.1. Hot Lists Sources

Sources for the Hot Lists include:

1. NCIC;
2. NCMEC; and
3. Department-generated Hot Lists with manual entries of license plates.

Section 5.2.2. Manual Plate Entry

Manual entries of a license plate onto the Department Hot Lists may include vehicles associated with:

- AMBER or Silver Alerts;
- Missing child, missing person, or kidnapping broadcasts or bulletins;
- Incapacitated or endangered persons;
- Be-On-Look-Out (BOLO) broadcasts or other public safety alerts;
- Investigation of terrorist or criminal offenses; or
- Wanted persons, arrest warrants, or search warrants.

Manual entries onto a Hot List shall be:

- Entered with the vehicle description, if available;
- Entered with a case number or reference;
- Updated or removed when information changes, is no longer current, or is no longer necessary or reasonable;
- Given special attention to rental and short-term use vehicles;
- Given special attention to incidents that may be quickly resolved;
- Reviewed within fourteen (14) days of entry and provided an automatic expiration date for removal from the Hot List of no longer than thirty (30) days; and
- Approved by a Supervisor, except in exigent circumstances.

All requests for entry of license plate numbers to the Department Hot Lists may be submitted to BRIC@pd.boston.gov by any sworn officer, with approval of their Supervisor.

Requests shall include, at a minimum:

- The case number;
- The vehicle description;
- The reason for the request;
- How long the vehicle should remain on the Hot List;
- Who should receive an Alert of a hit;
- Any specific instructions or information regarding action to take upon an Alert; and
- The Supervisor who approved the request, and including that Supervisor on the request submission.

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Requests may be denied if the request is deemed overly intrusive or otherwise inconsistent with federal or state laws, City of Boston ordinances (including, but not limited to the Boston Trust Act), Boston Police Department Rules or Procedures, or best practices.

In exigent circumstances, specifically designated Authorized Users with the rank of Sergeant or above may add a license plate to the Hot List with approval of a Detective Commander, with the administrators or designated representative to review such addition as soon as possible.

Section 5.2.3. Manual Plate Removal

The Detective who submitted the request for inclusion on the Hot List will be responsible to notify the BRIC at BRIC@pd.boston.gov to ensure that the license plate is updated or promptly removed from the Hot List when the information changes, is no longer current, or is no longer necessary or reasonable. BIA Personnel will be responsible for making the technical change to the Hot Lists.

Administrators or designated representative(s) shall review the Department Hot Lists at least every fourteen (14) days to confirm that the license plates should remain on the list.

Section 5.3. Alerts / Notification of Hits

An Alert for a hit of a license plate on the Hot Lists will be provided by the Flock System and may be received via notification within the System, email or SMS text message.

Alerts regarding vehicles on the Department Hot List may be further limited to only designated individuals as specified when the vehicle is requested to be placed on the Department Hot List.

Section 6. Authorized Use of the Flock System

Only Authorized Users may access the Flock System and data. Access to the Flock System is restricted to those with an approved login and password. Login and password information shall not be shared. The administrators or their designated representative(s) will grant all permissions.

Section 6.1. Permitted Uses

Authorized Department employees may only access the Flock System and / or use, release or disseminate ALPR data for legitimate law enforcement purposes.

As set forth above, in addition to the procedural safeguards outlined by this policy, use of the Flock System should be conducted in the least intrusive manner as necessary and appropriate for the particular circumstances. Detectives should consider consulting with a prosecutor regarding the potential need for legal process prior to accessing extensive or widespread ALPR data in active criminal investigations that do not involve exigent circumstances. *See Commonwealth v. McCarthy*, 484 Mass. 493 (2020).

Section 6.2. Prohibited Uses

The following non-exhaustive list of uses of the Flock System are specifically prohibited:

1. Invasion of Privacy. Except when done pursuant to a court order, it is a violation of this Special Order 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 business establishment).
2. Harassment / Intimidation. It is a violation of this Special Order to use the Flock System, associated data or Hot List to harass and/or intimidate any individual or group.
3. Use Based on a Protected Characteristic. It is a violation of this Special Order to use the Flock System, associated data or Hot List solely because of a person's race, gender, ethnicity, sexual orientation, disability or other classification protected by law.
4. Personal Use. It is a violation of this Special Order to use the Flock System, associated data or Hot List for any personal purpose.
5. First Amendment Rights. It is a violation of this Special Order to use the Flock System, associated data or Hot List for the purpose of infringing upon any individual's or group's First Amendment rights.

Section 6.3. Disciplinary Action for Prohibited Use

Any employee who engages in an impermissible use of the Flock System, associated data or Hot List may be subject to disciplinary action up to and including termination.

Section 7. Police Action as a Result of ALPR Alert

All stops of motor vehicles must be constitutionally valid and otherwise comply with all applicable laws and the Department's Rules and Procedures.

An Alert alone shall not be a basis for police action other than following the vehicle; however an officer may stop a vehicle where they have an independent reason for doing so, such as an unrelated traffic violation.

With regard to cases in which an Alert may indicate a person of interest, such as a wanted person, officers are reminded that in some cases, the driver or occupant of the vehicle may not be the person with whom the license plate is associated. Therefore, officers must develop a reasonable belief that the operator or occupant is the person of interest prior to initiating a stop.

Nothing in this Special Order shall restrict or prohibit an officer from taking appropriate police action based on facts or reasons obtained independently from the Flock System.

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Section 8. Retention

Detections within the Flock System will be retained for a period of thirty (30) days. The Flock System automatically and permanently deletes detections after thirty (30) days.

Data required for investigatory purposes, evidentiary purposes, by court order, or by law must be downloaded from the Flock System within 30 days and then will be retained by the Department in accordance with the corresponding retention schedule or Department Rules and Procedures.

Section 9. Successful Outcomes

When an Authorized User has a successful law enforcement outcome from the use of the Flock System, they must document the successful outcome.

A successful law enforcement outcome result is the effective identification, verification, or resolution of a law enforcement issue facilitated by the data captured through ALPR technology, including:

1. *Identification*: The ALPR system successfully captures and matches a license plate number or motor vehicle characteristic(s) to a database of interest, such as stolen vehicles, wanted suspects, or vehicles associated with criminal activity.
2. *Verification*: The match is cross-referenced and confirmed with additional databases, such as vehicle registration, warrants, or other law enforcement records, to ensure its accuracy and relevance.
3. *Actionable Resolution*: The identified vehicle or individual is linked to a criminal investigation, an outstanding legal issue, or an exigent law enforcement need (e.g., warrants, Amber/Silver Alerts, or involvement in a crime). This leads to appropriate law enforcement action, such as initiating a traffic stop, arrest, or further investigation.

A successful outcome ultimately enhances public safety, resolves criminal cases or legal issues and strengthens law enforcement efforts while maintaining transparency, accountability and respect for legal standards.

Section 10. Audit of Use of the Flock System

For the trial period, the administrators and designated representative(s) will be responsible for conducting, reviewing and retaining audits of the Flock System usage. Audits shall be completed on a periodic basis and shall determine the Department's adherence to this Special Order and the procedures it establishes, as well as the maintenance and completeness of records contemplated by this Special Order.

At the completion of the trial period, a full report on the outcome shall be forwarded to the Police Commissioner.

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Section 11. External Requests for ALPR Data

The Flock System, associated data, and Hot Lists will be considered confidential information to the extent permitted by law.

Section 11.1. Mutual Aid Requests

Other law enforcement agencies may submit requests for searches of BPD data within the Flock System to BRIC@pd.boston.gov.

Search requests shall include, at a minimum:

- Case Number;
- Type of investigation and a specified “Reason” for the search;
- Plate number(s) and/or vehicle description;
- Requested search time period; and
- Requested search area.

Requests for entry of plate numbers to the Department Hot Lists may be submitted to BRIC@pd.boston.gov. Requests shall include, at a minimum:

- The case number;
- The vehicle description;
- The reason for the request;
- How long the vehicle should remain on the Hot List; and
- Who should receive notification of a Hit.

Requests may be denied if the request is deemed overly intrusive or otherwise inconsistent with federal or state laws, City of Boston ordinances (including, but not limited to the Boston Trust Act), Boston Police Department Rules or Procedures, or best practices.

Section 11.2. Court Orders / Requests from Prosecutors / Subpoenas

All ALPR data requests submitted in connection with court orders shall be handled by the investigator assigned to the case and processed by the Bureau of Administration and Technology, Video Evidence Unit. Such requests shall also be coordinated with the Office of the Legal Advisor for handling.

Section 11.3 Requests from Media

All ALPR records requests for ALPR data from the media shall be forwarded to the Office of Media Relations.

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Section 11.4. Other Public Records Requests

All non-media public records requests for ALPR data shall be forwarded to the Office of the Legal Advisor.

Michael A. Cox
Police Commissioner