

MOTION REGARDING AXON CONTRACT AND PUBLIC SAFETY TECHNOLOGY

Motion

I move to approve the Axon contract, subject to the following conditions and safeguards governing the City's use of surveillance and public-safety technology:

1. Flock Cameras: The City shall not purchase, install, or deploy Flock cameras, or participate in a Flock camera network, under this contract without separate authorization by the Board of Commissioners.

2. License Plate Reader Data - Access and Sharing: Any license plate reader technology operated by the Covington Police Department shall be used solely for legitimate law-enforcement and public-safety purposes. Access to such data shall be strictly limited to authorized Covington Police Department personnel.

Covington-generated license plate reader data shall not be routinely or broadly shared, disseminated, or made accessible to outside law-enforcement agencies, third parties, regional or national databases, or any general shared surveillance network.

Such data may be disclosed outside the Covington Police Department only when required by law, pursuant to a valid court order or other lawful legal process, in connection with a documented and legitimate law-enforcement investigation or emergency, or by order of the Board of Commissioners.

3. License Plate Reader Searches and Data Retention: License plate reader data that is not associated with an active investigation, criminal case, warrant, stolen vehicle, missing or endangered person, or other documented law-enforcement purpose shall be automatically deleted after 90 days.

Historical license plate reader data may be searched only with the approval of the Chief of Police or the Chief's designee. Searches of historical license plate reader data without prior approval of the Chief of Police or his/her designee shall be permitted in special situations where time is of the essence or where other exigent circumstances are present. Each approval or special use shall be documented, and a report shall be generated identifying the date of the search, the person requesting or making the search, the approving authority, and the legitimate law-enforcement or public-safety reason for conducting the search.

Data associated with a documented investigation, criminal proceeding, warrant, missing-person investigation, or other legitimate law-enforcement purpose may be retained beyond 90 days as permitted or required by law.

4. Drone Deployment: The Covington Police Department shall establish and maintain a written general order governing the deployment and operation of any unmanned aircraft system, or drone, acquired or operated by the Department.

A police drone shall not be used for routine, random, or indiscriminate surveillance of residents, neighborhoods, lawful gatherings, or private property.

For purposes of this policy, an active criminal incident means an ongoing or immediately developing event involving conduct constituting a felony offense in which law-enforcement officers possess facts and circumstances sufficient to establish probable cause that the offense has occurred, is occurring, or is imminent or where the use of the drone can reasonably assist officers in protecting life, locating or apprehending a suspect, assessing an immediate threat, securing an active scene, or safely resolving the incident.

A drone may also be deployed to locate or assist in locating a missing, endangered, vulnerable, or lost person, including a missing child; for disaster response, fire, rescue, or other emergency operations where there is a threat to life or public safety; and for legitimate City economic-development purposes, including

site inspection, mapping, planning, documentation, or promotional purposes, provided that such use is not conducted for law-enforcement surveillance or criminal investigative purposes.

5. Drone Deployment Reporting: Each deployment of a City or Police Department drone shall be documented. Within five (5) days of each deployment, a written report shall identify the date and time of that deployment, general location, purpose and legal or policy justification for deployment, approving authority, duration of the deployment, and whether photographs, video, or other data were collected. A report documenting each deployment shall be provided to the City Manager every thirty (30) days.

6. Prohibited Drone Surveillance: Nothing in this authorization shall permit the use of a drone for generalized surveillance, monitoring individuals without a legitimate authorized purpose, or observing constitutionally protected activities solely because individuals are exercising their lawful rights.

7. Drone Data Retention: Video, photographs, recordings, or other data collected through drone deployment shall be deleted within 90 days unless the information has evidentiary value or is connected to an ongoing, documented law-enforcement investigation, criminal proceeding, public-safety matter, legal requirement, or other authorized City purpose requiring continued retention, or when such data is being used by the City for economic development purposes.

Any data retained beyond 90 days shall have a documented basis for continued retention.

8. Policy, Accountability, and Six-Month Reporting: The Police Department shall maintain written policies addressing authorized use, supervisory approval, access, searches, data retention, data sharing, security, auditing, and accountability for license plate reader and drone technology consistent with applicable law and the conditions established by this motion.

The Police Department shall provide the Board of Commissioners and City Manager with a report every six months regarding the use of these technologies. The report shall include, at a minimum, the number of license plate reader data searches conducted, the general purposes for those searches, the number of drone deployments, the general purposes for those deployments, and information regarding data retained beyond the standard retention periods.

The report shall not disclose confidential investigative information or personally identifiable information prohibited from public disclosure.

9. Chief of Police - Public Safety Exception: Notwithstanding any other provision of this policy, the Chief of Police, and only the Chief of Police, may authorize a temporary exception to the restrictions contained herein when, in the Chief's professional judgment, extraordinary circumstances exist and the exception is reasonably necessary to protect life, prevent serious bodily injury, address a significant threat to public safety, or respond to an urgent and legitimate law-enforcement need.

The Chief shall have discretion to determine when such circumstances exist and what actions are reasonably necessary to address them, consistent with applicable federal and state law.

Any exception authorized under this provision shall be documented in writing by the Chief, including the circumstances necessitating the exception, the action authorized, and the public-safety justification. The Chief shall provide the City Manager with a report of the exception as soon as reasonably practicable following the incident.

Nothing in this provision authorizes an exception to any requirement imposed by federal or state law, the United States Constitution, or the Kentucky Constitution.

Intent: The intent of this motion is to provide the Covington Police Department with appropriate technology necessary to protect the public and effectively perform its duties while establishing clear safeguards governing privacy, surveillance, access, data sharing, retention, transparency, and accountability.