

City of Mill Valley

Flock Safety ALPR and Camera Use

Council Information and Public FAQ



Executive Summary

The Mill Valley Police Department (MVPD) recognizes that the use of Automatic License Plate Reader (ALPR) technology, particularly systems provided by Flock Safety, has generated public discussion and concern nationwide. We take these concerns seriously and believe transparency is essential. The City of Mill Valley utilizes limited Flock Safety technology, specifically six Falcon Automatic License Plate Reader (ALPR) cameras and two Condor PTZ (pan-tilt-zoom) live video cameras, to support public safety operations. Recent national reporting and public discourse regarding automated surveillance, data sharing, and alleged misuse of Flock systems in other jurisdictions have prompted questions from our community.

This document is intended to provide City Council and the public with a clear, on-the-record explanation of the configuration, governance, auditing, and use restrictions of Flock Safety technology in the City of Mill Valley; to distinguish its deployment from controversial uses in other jurisdictions; and to identify the safeguards in place to ensure compliance with California law, City policy, and community expectations concerning privacy and civil liberties.

Overview of Mill Valley's Flock Safety Deployment

The City of Mill Valley currently utilizes Flock Safety technology consisting of six Falcon Automatic License Plate Reader cameras and two Condor PTZ (pan-tilt-zoom) live video cameras operating under a twenty-four-month subscription model approved by City Council in February of 2025. The technology is deployed in public rights of way and is used solely as a law enforcement investigative and situational awareness tool to better assist in emergency preparedness. It is important to note that the tools are not intended, nor are they used for, generalized or continuous monitoring of individuals.

Purpose and Benefits of the Technology

Flock Safety technology supports public safety operations by assisting the Mill Valley Police Department in recovering stolen vehicles, identifying suspect vehicles associated with criminal activity, locating missing or at-risk persons, and confirming or eliminating investigative leads using time-stamped and location-based data. The system reduces

manual workload and allows officers to focus on community engagement, proactive policing, and emergency response.

In addition, the visible presence of ALPR technology serves as a deterrent to criminal activity. When individuals engaged in criminal behavior are aware that vehicle movements may be documented, the likelihood of repeat offenses and organized criminal activity in residential and business areas is reduced. Every jurisdiction along the Highway 101 corridor in Marin County utilizes Flock Safety technology. Prior to the City Council's authorization, Mill Valley represented the only public safety gap in Marin County. Mill Valley now employs this technology as a preventative tool while maintaining a strong commitment to privacy, oversight, and legal safeguards.

Public Concerns and National Criticism of Flock Safety

Public concerns raised nationally regarding automated surveillance technology include potential misuse of ALPR and video data, voluntary data sharing with federal agencies, insufficient oversight, and participation in nationwide data-sharing networks without adequate safeguards. These concerns have informed Mill Valley's contractual requirements, system configuration, and oversight practices.

How Mill Valley's Use Differs from Other Jurisdictions

Issues reported in other jurisdictions generally resulted from local agency decisions to enable broader data-sharing features or to provide access inconsistent with state or local law. In other states, access by federal agencies often occurred because local agencies voluntarily enabled nationwide data-sharing features or directly provided access to federal entities. In those cases, data sharing was the result of discretionary local decisions, not unilateral actions by the vendor. In contrast, Mill Valley's contract establishes clear legal boundaries, requires compliance with California law, and incorporates oversight mechanisms designed to prevent unauthorized access. In addition, Mill Valley has adopted a restrictive policy and procedure-focused approach grounded in California law, local policy, and active oversight. The Mill Valley Police Department conducts ongoing reviews and audits of ALPR data use to confirm that no federal or out-of-state entities have unintended or improper access to ALPR data.

Contractual and Legal Safeguards

The City's agreement with Flock Safety and the Mill Valley Police Department ALPR Policy requires strict compliance with California law, including the California Values Act and the Trust Act codified at Government Code sections 7284 through 7284.12, as well as California Civil Code section 1798.90.5 et seq. governing the use of automated license plate recognition systems.

The City's agreement with Flock Safety includes legally binding protections. Flock Safety is prohibited from sharing City data with federal agencies or non-California law enforcement agencies absent a valid court order or subpoena. All use of ALPR data must comply with the Trust Act and California sanctuary laws, which prohibit the use of local resources to assist federal immigration enforcement except as expressly authorized by law. Comprehensive audit logging, along with a valid search request, is required for all access, searches, and activity within the system. Data retention limits are enforced through system configuration. It is important to note that the City of Mill Valley retains ownership and complete control of all data.

Data Retention Policies

Consistent with the Mill Valley Police Department ALPR Policy and California Civil Code section 1798.90.5, data retention periods are narrowly defined and enforced through system configuration and audit controls.

Falcon ALPR Data

ALPR data is retained for a period of thirty (30) days. Retention parameters are enforced through the Flock system configuration, and data is automatically deleted upon expiration of the retention period unless it has been preserved pursuant to policy or as evidence related to an active criminal investigation. Retention periods are enforced at the system level.

Condor PTZ Video Data

Condor PTZ live video and recorded footage are retained for three (3) days. Live video does not create a permanent record beyond the three-day retention period unless it has been preserved pursuant to policy or as evidence related to an active criminal investigation. Retention periods are enforced at the system level.

Access Controls and Authorized Users

Who May Access the System

Only authorized Mill Valley Police Department personnel with assigned roles may access Flock Systems. Access is granted based on job function and operational need, and only after department-approved training has been completed. Personal or non-investigative use is strictly prohibited.

Condor PTZ Operation

Only supervisors and administrators within the Mill Valley Police Department are authorized to operate Condor PTZ camera controls. Access to PTZ cameras is not enabled for any individual or agency outside the Mill Valley Police Department. All PTZ movements,

live views, and recordings are logged by the system. Logs are subject to supervisory review and audit.

Training

Authorized users receive training on lawful use, privacy protections, California legal restrictions, and department policy. Training emphasizes prohibitions on immigration enforcement use, personal queries, and sharing of information with other agencies.

Auditing, Oversight, and Accountability

Every search and access event is logged with user identification and time stamps. Searches must be tied to a legitimate investigation and documented with a case or reference number and the reason for the search. Supervisory audits are conducted to identify improper or unauthorized use. Misuse would be treated similarly to the misuse of other criminal justice databases (e.g., CLETS or DMV).

Misuse of ALPR access to assist federal immigration enforcement, which is prohibited under state law, is equivalent to unauthorized access of other criminal justice databases and may result in disciplinary action, up to and including termination.

Preventing Misuse and Ensuring Lawful Use

Mill Valley has implemented specific safeguards to prevent misuse and ensure lawful use:

- Mandatory training on lawful ALPR use and California legal restrictions
- Regular audits of ALPR searches to ensure compliance
- System-level restrictions that block immigration enforcement–related searches in California
- Requirements that all searches be tied to a legitimate investigation and documented with an associated case or reference number
- Prohibitions on personal or non-investigative use of ALPR data, consistent with standards applied to CLETS access

Additionally, Mill Valley has developed a Memorandum of Understanding (MOU) governing data sharing with other California law enforcement agencies. Under this framework:

- Any agency seeking access to Mill Valley’s ALPR data must first sign the MOU
- The MOU requires full compliance with California law, including the Trust Act
- The City reserves the right to restrict or revoke access for noncompliance
- To date, only six agencies have signed and returned the MOU.

Data Sharing and Interagency Access

In accordance with the Trust Act and the Mill Valley Police Department ALPR Policy, the Department enforces strict limitations on data sharing. The Police Department does not share Flock Safety data with federal agencies, including immigration enforcement authorities, nor with out-of-state agencies. All interstate, statewide, and nationwide lookup features are disabled.

Data sharing is limited to a small number of California law enforcement agencies. Each agency must execute a City approved Memorandum of Understanding affirming compliance with Government Code sections 7284 through 7284.12 and California Civil Code section 1798.90.5 et seq. The City reserves the right to suspend or terminate access if compliance is not maintained.

Use of Analytics, Facial Recognition, and AI

Mill Valley does not use Flock data with facial recognition technology. Condor video and Falcon ALPR data are not used with biometric identification systems. The City does not employ behavioral analytics or predictive profiling tools using this data.

System Security and Data Integrity

There have been no known data breaches involving Mill Valley's Flock systems. The City monitors vendor security practices and reviews reported issues in other jurisdictions. System access is protected by authentication controls and role-based permissions. In compliance with the City of Mill Valley's Information Technology Policies, multi-factor authentication is enabled within the Flock system to further protect data captured by the Mill Valley system while simultaneously improving network security.

Transparency and Public Accountability

The City of Mill Valley continues to review its ALPR and surveillance policies to ensure compliance with state and local law, alignment with community values, and transparency in the use of technology. These reviews include confirmation of data retention settings, access controls, audit practices, and interagency sharing limitations. The police chief will report on the use of Flock Safety and ALPR data at the quarterly police governance meetings.

Conclusion

The City of Mill Valley recognizes the sensitivity of surveillance technology and the importance of public trust. The use of Flock Safety systems is intentionally narrow, legally constrained, and subject to ongoing oversight. When used within these clearly defined legal and ethical boundaries, ALPR technology is a valuable tool that enhances public safety while respecting the rights and values of our community. The City remains committed to transparency, lawful use, and continuous evaluation of whether this technology and vendor remain appropriate for the community.

Frequently Asked Questions (FAQ)

Q: Does Mill Valley share Flock data with ICE or other federal agencies?

A: No. Consistent with the California Values Act and the Trust Act, the City of Mill Valley does not share Flock data with federal agencies, including immigration enforcement authorities, except as required by a valid court order or subpoena.

Q: How many subpoenas or court orders have been issued for Mill Valley's ALPR data since its inception?

A: None

Q: Can out of state or federal agencies access Mill Valley ALPR data?

A: No. Access to Mill Valley ALPR data is limited to authorized Mill Valley Police Department personnel and a small number of California law enforcement agencies that have executed a City approved Memorandum of Understanding.

Q: How long is ALPR and live video data retained?

A: ALPR data is retained for thirty days. Condor PTZ live video data is retained for three days. Data is automatically deleted at the expiration of the applicable retention period in accordance with City policy and California Civil Code section 1798.90.5.

Q: Who may operate PTZ cameras?

A: Only trained supervisors and administrators within the Mill Valley Police Department are authorized to operate PTZ cameras. PTZ access is not enabled for any individual or agency outside the Mill Valley Police Department.

Q: Does Mill Valley opt into Flock's Nationwide or Statewide Lookup tools?

A: No. The Mill Valley Police Department has opted out of both the Nationwide and Statewide lookup tools. This configuration ensures compliance with California law and ensures that data captured by the Mill Valley Police Department system is accessed and used only by agencies that have agreed to and signed the Mill Valley Police Department Memorandum of Understanding.

Q: Is facial recognition or biometric identification used with Flock systems?

A: No. The Mill Valley Police Department does not use facial recognition technology, biometric identification, biometric surveillance, behavioral analytics, or predictive profiling

tools in connection with Flock systems. Nor any other technology capable of identifying or analyzing personal human characteristics in connection with its Flock Safety camera system. Flock Safety Automated License Plate Reader (ALPR) cameras are limited to capturing images of vehicles and vehicle license plates and do not include facial recognition functionality. The system cannot be used to identify, analyze, or search for individuals based on race, ethnicity, gender, or other biometric identifiers, as defined under California law.

Although the live-feed traffic evacuation cameras include zoom capabilities that could incidentally capture images of individuals, the Mill Valley Police Department has not integrated any third-party software or analytic tools that would enable facial recognition or biometric identification within the Flock Safety system, and expressly prohibits the integration of such tools without the expressed permission of the Chief of Police or authorized designee prior to its implementation and use. Any use of ALPR technology by the Mill Valley Police Department is governed by an approved Surveillance Use Policy and is subject to the safeguards, limitations, oversight, and reporting requirements outlined in California Penal Code §1798.90.51 et seq. (SB 34).

Q: Has Mill Valley experienced a data breach involving Flock systems?

A: No data breaches involving the City of Mill Valley Flock systems have been identified to date.

Q: What are examples of documented concerns around Flock's ALPR network and the potential for misuse of driver-location data?

A: • In Colorado, more than 1,400 searches of Flock data were reportedly conducted on behalf of ICE since June 2024.

- In Washington State, several agencies allowed direct or indirect access by the U.S. Border Patrol.
- In Illinois, one agency shared ALPR data for an abortion-related investigation, violating state law.
- In California, at least 1.6 million out-of-state searches occurred, including queries flagged as ICE-related.
- Critics highlight that Flock's nationwide network can enable cross-agency data sharing that may expose data to unintended parties.

To reiterate, the Mill Valley Police Department does not participate in, nor share data through, the Nationwide or Statewide lookup tools.

Q: Was there a public hearing prior to the purchase and installation of the Flock cameras?

A: Yes. The Mill Valley Police Department presented the proposed purchase and installation of the Flock Safety camera system to the Mill Valley City Council at a publicly noticed meeting on February 24, 2025. Public comment was an option in accordance with City Council procedures.

Q: Do the Flock cameras used by the Mill Valley Police Department record audio?

A: No, neither the Falcon ALPR cameras nor the Condor PTZ cameras used by the Mill Valley Police Department record audio.