ORDINANCE NO. 22,865

AN ORDINANCE TO ENACT THE LITTLE ROCK POLICE SURVEILLANCE TECHNOLOGY REPORTING ORDINANCE; TO ESTABLISH TRANSPARENCY AND REPORTING REQUIREMENTS FOR POLICE SURVEILLANCE TECHNOLOGY; TO ENHANCE PUBLIC PARTICIPATION IN SURVEILLANCE TECHNOLOGY DECISIONS; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Directors of the City of Little Rock, as the governing body of a city of the first class, is authorized by law, including but not limited to Ark. Code Ann. § 14-52-101, to prescribe the duties, define the powers, and promulgate the policies necessary to govern the Little Rock Police Department ("LRPD"); and,

WHEREAS, LRPD maintains accreditation through the Commission on Accreditation for Law Enforcement Agencies ("CALEA") and associated professional standards for surveillance technology use; and,

WHEREAS, surveillance technologies have proven effective in solving crimes both locally and in high-profile cases across the nation, including identifying suspects in violent crimes, locating missing persons, and providing crucial evidence in criminal prosecutions;

WHEREAS, the Arkansas General Assembly enacted the Automatic License Plate Reader System Act, codified at Ark. Code Ann. § 12-12-1801 et seq. ("the Act"), which sets comprehensive restrictions on the use, retention, sharing, and disclosure of data generated by automatic license plate reader systems, and the Board intends that LRPD's use of such systems comply fully with the Act; and,

WHEREAS, the Board supports transparency in government operations and informed public participation in municipal decision-making; and,

WHEREAS, the Board finds that public trust in law enforcement is enhanced through transparency about technology capabilities and safeguards, through enforceable limits on the collection, retention, and sharing of data about residents, and through meaningful oversight, while recognizing the legitimate law enforcement benefits of these tools; and,

WHEREAS, existing LRPD policies and procedures provide foundational protection that can be enhanced through the substantive safeguards, structured reporting, community engagement, and oversight established by this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY

OF LITTLE ROCK, ARKANSAS:

Section 1. This ordinance shall be known as the Little Rock Police Surveillance Technology Reporting Ordinance.

Section 2. Definitions.

For the purposes of this ordinance:

(a) Captured Plate Data. "Captured plate data" has the meaning given in Ark. Code Ann. § 12-12-1802.

(b) Surveillance Technology. "Surveillance technology" means any electronic device, system, or software used to collect, retain, process, or analyze data about individuals or their movements for law enforcement purposes, whether or not designed primarily for that purpose, including automatic license plate reader systems, acoustic gunshot detection systems, facial recognition systems, unmanned aerial systems (drones), cell-site simulators, social media monitoring tools, and camera systems incorporating automated analytic capabilities. "Surveillance technology" does not include: (1) Standard patrol vehicle equipment; (2) Officer body-worn cameras and dashboard cameras; (3) Routine communication systems; (4) Facility security cameras that do not incorporate automated analytic capabilities such as license plate or facial recognition; (5) Standard office and administrative technology; or (6) Electronic devices in active use for undercover investigations or court-ordered surveillance.

Section 3. Public Discussion Requirements for Surveillance Technology.

(a) Items Requiring Individual Board Consideration. LRPD shall continue to follow City of Little Rock procurement policies, and the City Manager shall ensure that the following surveillance technology matters are placed on the Board's agenda as separate items allowing for public discussion, which shall not be included on the consent agenda: (1) Any acquisition of surveillance technology that requires Board approval under the City's procurement procedures established by ordinance pursuant to Ark. Code Ann. §§ 14-47-120 and 14-47-138, or that has a total cost of fifty thousand dollars ($50,000) or more, whichever threshold is lower; (2) Any multi-year surveillance technology service contract with a total value meeting the threshold in subdivision (a)(1); (3) Any new or materially amended agreement to share surveillance data with an external agency or a third party; and (4) Any grant application for a surveillance technology program.

(b) City Manager Authority Preserved. An acquisition of surveillance technology that falls below the threshold in subdivision (a)(1) remains within the City Manager's procurement authority and is not subject to the individual Board-consideration requirement of this Section. Such an acquisition remains subject to all other requirements of this ordinance, including the data retention, use, sharing, reporting, and oversight provisions of Sections 5 through 10.

(c) Emergency Procurement. An emergency acquisition may proceed under existing procurement policies, provided that LRPD notifies the Board promptly and places the matter on the agenda for public discussion at the next regularly scheduled Board meeting occurring in no event more than thirty (30) days after the acquisition. An emergency acquisition remains subject to all data, reporting, and oversight requirements of this ordinance.

(d) Relationship to Procurement Law. This Section supplements, and shall not be construed to conflict with, the competitive-bidding and procurement requirements of Ark. Code Ann. §§ 14-47-120 and 14-47-138 and the City's procurement ordinances. This Section does not itself alter any spending threshold or emergency power established by those authorities.

(e) No-Cost, Beta, Trial, and Pilot Adoptions. The adoption or use of surveillance technology is subject to this Section regardless of its acquisition cost, including where the technology is offered at no cost or on a beta, trial, demonstration, or pilot basis. The fact that a surveillance technology is offered at low or no cost shall not, by itself, exempt it from Board consideration under subsection (a) where its deployment, data practices, or long-term commitment would otherwise warrant review, and the documentation required by Section 4 shall disclose any resulting long-term commitment, vendor lock-in, or interoperability limitation.

(f) New Technology Request Review. Before LRPD acquires any surveillance technology after the effective date of this ordinance, regardless of cost and including any adoption described in subsection (e), the proposed acquisition shall be reviewed by the City's New Technology Request Review Committee, or by any successor technology review body or function designated by the City Manager. The reviewing body may seek the comments of any other City committee or advisor the City Manager designates, including proposals that incorporate artificial intelligence or automated analytic capabilities. For a matter subject to subsection (a), the review shall be completed before the matter is placed on the Board's agenda, and any written comments shall be included with the documentation provided to the Board under Section 4. An emergency acquisition under subsection (c) shall be submitted for review no later than thirty (30) days after the acquisition.

Section 4. Technology Assessment Documentation. For any matter subject to Section 3(a), LRPD shall provide the Board with the following documentation in advance of Board consideration:

(a) Technology Overview: (1) System capabilities and intended law enforcement applications; (2) Integration with existing LRPD systems; (3) Vendor information and contract terms, including any vendor data-retention, data-ownership, or data-access terms; (4) Total cost, including acquisition, implementation, and annual operating expenses; and (5) Whether the technology is offered at no cost or on a beta, trial, demonstration, or pilot basis, and any resulting long-term

commitment, vendor lock-in, or interoperability limitation, including whether adoption would commit the City to a particular vendor or platform going forward.

(b) **Operational Framework:** (1) Alignment with existing LRPD policies and procedures; (2) Personnel training and authorization requirements; (3) Verification of compliance with constitutional and statutory requirements and applicable professional standards; and (4) Data security, retention, and destruction protocols consistent with Sections 5 and 6.

(c) **Community Impact Consideration:** (1) Public safety benefits and expected outcomes; (2) Deployment protocols, including the anticipated scope, locations, and duration of deployment and whether the technology will be networked with, or its data aggregated with, other surveillance technology; and (3) Oversight and audit procedures applicable to the technology under Section 9.

Section 5. Automatic License Plate Reader Systems; Compliance with State Law.

(a) **Mandatory Compliance.** All acquisition, use, retention, sharing, and disclosure of automatic license plate reader systems and captured plate data by LRPD shall comply fully with the Act, as amended. To the extent any provision of this ordinance conflicts with the Act, the Act controls; nothing in this ordinance authorizes any use, retention, or disclosure that the Act prohibits.

(b) **Permitted Uses.** LRPD shall use automatic license plate reader systems only for the purposes permitted by Ark. Code Ann. § 12-12-1803, including the comparison of captured plate data against databases maintained by the Office of Motor Vehicle, the Arkansas Crime Information Center, the National Crime Information Center, a law enforcement database created for an ongoing investigation, and the Federal Bureau of Investigation for a lawful purpose.

(c) **Retention and Destruction.** Captured plate data shall not be preserved for more than one hundred fifty (150) days, except that data retained as part of an ongoing investigation under Ark. Code Ann. § 12-12-1804(b) shall be destroyed at the conclusion of an investigation that does not result in charges or at the conclusion of any criminal action involving the data, whichever is later. The Board may, by resolution, establish a retention period shorter than one hundred fifty (150) days.

(d) **Prohibition on Sale and Sharing.** LRPD shall not sell, trade, or exchange captured plate data for any purpose. Captured plate data that indicates evidence of an offense may be shared with other law enforcement agencies as permitted by Ark. Code Ann. § 12-12-1804(d). LRPD shall compel the release of captured plate data from another user only through a valid subpoena and shall disclose captured plate data only as permitted by Ark. Code Ann. § 12-12-1808.

(e) **State-Mandated Public Reporting.** LRPD shall compile and preserve the statistical data required by Ark. Code Ann. § 12-12-1805, shall adopt and make publicly available the retention

and destruction policies required by that section, and shall incorporate that statistical data into the annual report required by Section 7.

Section 6. Data Retention, Use, and Sharing for Surveillance Technology.

(a) General Retention Limit. Data collected by surveillance technology shall be retained only as long as necessary to serve the law enforcement purpose for which it was collected, and in no event longer than one hundred eighty (180) days, unless the data is (1) subject to a specific retention period established by law, including Section 5 for captured plate data; (2) relevant to an ongoing investigation or criminal action; (3) subject to a litigation hold or a lawful preservation request; or (4) part of a Permanent Case File as defined in subsection (d). Data no longer subject to an exception under this subsection shall be destroyed.

(b) Limits on Aggregation and Networked Deployment. LRPD shall not combine, cross-reference, or aggregate data from multiple surveillance technologies, or network a surveillance technology with systems operated by other agencies or third parties in a manner that enables persistent or retrospective tracking of the movements of identified individuals, except pursuant to a court order or a specific ongoing investigation.

(c) Use Restriction. Surveillance technology and the data it generates shall be used only for legitimate law enforcement purposes and shall not be used to monitor, target, or retaliate against any person on the basis of that person's exercise of rights protected by the First Amendment to the United States Constitution or by Article 2 of the Arkansas Constitution.

(d) Permanent Case Files. The general retention limit in subsection (a) does not apply to a "Permanent Case File," which means a homicide file, an officer-involved-shooting file, or any other record that LRPD is required or authorized to retain permanently under applicable law or sound records-management practice. A Permanent Case File, including any surveillance technology data within it, shall be retained for as long as required and indefinitely where appropriate, notwithstanding any other retention period in this ordinance. This subsection does not extend the retention period for captured plate data beyond what the Act permits, except to the extent the Act itself allows retention in connection with an investigation or criminal action.

(e) Vendor Notice or Certificate of Destruction. Where surveillance technology data is stored, hosted, or processed by a vendor or other third-party provider, each contract for that surveillance technology entered into, renewed, or amended after the effective date of this ordinance shall require the provider to furnish LRPD with a written notice or certificate of destruction whenever the provider destroys data under this ordinance, applicable law, or the contract. The notice or certificate shall identify the category and date range of the data destroyed and the date and method of destruction. LRPD shall retain each notice or certificate as a compliance record and shall make

it available for the audits required by Section 9.

Section 7. Enhanced Transparency Reporting.

(a) Annual Technology Report. By April 1 of each year, LRPD shall provide the Board with a report covering the preceding calendar year that includes: (1) An inventory of surveillance technologies in active use; (2) A summary of technology effectiveness in meeting public safety goals, specifically including the number of arrests made with the assistance of surveillance technology; (3) An overview of data management, retention, and destruction practices, including confirmation of compliance with Sections 5 and 6; (4) Total annual technology costs and funding sources; (5) A summary of any significant policy updates or procedural changes since the previous annual technology report; (6) A summary of the quarterly public information sessions required by Section 8(a) and of other outreach activities; (7) A summary of the surveillance technology use protocols that inform LRPD's audits of surveillance technology; (8) The results of the monthly audits required by Section 9(a), including the number and nature of violations found and the disciplinary action taken as a result of those violations; and (9) For automatic license plate reader systems, the statistical data required by Ark. Code Ann. § 12-12-1805, reported by the fields specified in that statute.

(b) Arrest Data. For purposes of subdivision (a)(2): (1) an arrest is made "with the assistance of surveillance technology" when information generated by a surveillance technology materially contributed to identifying, locating, or apprehending the person arrested, or was used as evidence supporting the arrest, as documented in LRPD case records; and (2) arrest data shall be reported by type of surveillance technology where practicable.

(c) Audit and Discipline Information. Information reported under subdivision (a)(8) shall be reported in aggregate form and shall not identify individual employees. Nothing in this ordinance shall be construed to expand or limit public access to records under the Arkansas Freedom of Information Act of 1967, Ark. Code Ann. § 25-19-101 et seq.

(d) Public Availability. Each annual report shall be made available on the City website. LRPD may redact from the posted report only information that is independently exempt from disclosure under the Arkansas Freedom of Information Act of 1967 or other applicable law, including information pertaining to an open and ongoing law enforcement investigation. Any reasonably segregable non-exempt portion shall be released, and the posted report shall indicate the extent of any redaction, consistent with Ark. Code Ann. § 25-19-105(f).

(e) Form and Substance of the Report. The annual report shall follow a standard form, prepared in consultation with the City Manager, to be adopted by the Board.

Section 8. Community Engagement.

(a) Public Information Sessions. LRPD shall conduct at least quarterly public information sessions to: (1) Explain the general capabilities of surveillance technologies in use; (2) Address community questions about privacy protections; (3) Discuss public safety outcomes and effectiveness; and (4) Explain applicable oversight and audit procedures.

(b) Board Presentations. Upon Board request, LRPD shall present information about specific surveillance technologies or programs during regular Board meetings.

Section 9. Internal Oversight and Audits.

(a) Monthly Audits. LRPD shall conduct monthly audits of its use of surveillance technology to verify compliance with this ordinance, with applicable law, and with LRPD policy, and shall document the results of each audit, including any violation found and any disciplinary action taken.

(b) Documentation Standards. LRPD shall maintain documentation demonstrating: (1) Compliance with constitutional and statutory requirements, including the Act where applicable; (2) Adherence to applicable professional law enforcement standards; (3) Proper training and authorization for technology use; and (4) Regular review and updating of relevant policies.

(c) Audit Trail. Technology use shall be subject to LRPD audit and review procedures, with enhanced documentation for high-cost or high-impact systems.

Section 10. Data Management and Security.

(a) Governing Standards. Data collection, retention, and sharing shall conform to: (1) Constitutional requirements and applicable law, including Sections 5 and 6 of this ordinance; (2) The Arkansas Rules of Criminal Procedure; and (3) The Federal Bureau of Investigation Criminal Justice Information Services standards where applicable. Adherence to CALEA accreditation standards shall serve as supporting evidence of sound practice but shall not substitute for compliance with the requirements of this ordinance or applicable law.

(b) Security Requirements. Surveillance data shall be protected through: (1) Access controls limiting data to authorized personnel; (2) Regular security audits and system updates; (3) Compliance with applicable state and federal cybersecurity standards; and (4) Appropriate classification and handling protocols.

(c) Information Technology Review. Before each annual report is published under Section 7(d), the City's Chief Information Officer, or the Chief Information Officer's designee, shall review the report to ensure that the public-facing disclosures do not reveal information that could be used to compromise the security of City systems or surveillance technology. Any such information shall be withheld or redacted to the extent it is independently exempt from disclosure under applicable law, consistent with Section 7(d).

(d) City Backup Systems. The Board acknowledges that the City's Information Technology Department maintains backup copies of all City systems for disaster recovery and continuity of operations. Notwithstanding the destruction requirements of Section 6(a), surveillance technology data contained in those backup copies shall not be destroyed except in accordance with the City's records-retention and backup schedules, and shall not be accessed, restored, or released except (1) to restore City systems following a loss of data, (2) pursuant to a court order, or (3) as otherwise required by law. This subsection does not authorize the preservation of captured plate data beyond the period permitted by the Act, and nothing in this subsection limits public access to records under the Arkansas Freedom of Information Act of 1967, Ark. Code Ann. § 25-19-101 et seq.

Section 11. Operational Protections.

(a) Investigation Independence. This ordinance shall not: (1) Impede an active criminal investigation; (2) Restrict court-authorized surveillance activities; (3) Limit officer safety equipment, including body-worn cameras; or (4) Interfere with mutual aid or emergency response operations.

(b) Reporting Duties Preserved. The protections in subsection (a) limit operational interference only. They shall not be construed to relieve LRPD of the data, retention, reporting, documentation, audit, or public-availability duties established by this ordinance, except that LRPD may withhold or redact specific records that are independently exempt from disclosure under applicable law.

(c) Legal Compliance. All LRPD surveillance activities remain subject to applicable constitutional, statutory, and regulatory requirements.

(d) Professional Discretion. The LRPD Chief of Police retains authority over tactical and operational decisions within applicable legal frameworks and the requirements of this ordinance.

Section 12. Enforcement and Compliance.

(a) Certification. The City Manager, or the City Manager's designee, shall certify to the Board the timely submission and completeness of each annual report required by Section 7.

(b) Noncompliance. If an annual report is not submitted when due or is incomplete, or if a monthly audit discloses a material violation of this ordinance, the City Manager shall place the matter on the agenda of the next regularly scheduled Board meeting and shall report the corrective action taken or proposed.

(c) Board Authority. Nothing in this Section limits the Board's authority to direct corrective action, to condition or withhold future surveillance technology acquisitions, or to take any other action within its authority to secure compliance with this ordinance.

(d) Technical and Intentional Violations. The audit and compliance process shall distinguish technical or inadvertent violations of this ordinance from intentional violations. An intentional violation shall be treated as the most serious category and shall be referred to the appropriate disciplinary process under the municipal civil service laws and, where a separation from employment results, reported to the Arkansas Commission on Law Enforcement Standards and Training as required by Ark. Code Ann. § 12-9-601 et seq. Nothing in this ordinance makes any disciplinary sanction automatic or self-executing, displaces the authority of the municipal civil service commission, or limits the due-process rights of any officer or employee.

Section 13. Implementation and Review.

(a) First Annual Report. The first annual report required by Section 7 shall be due on the first April 1 occurring at least one hundred eighty (180) days after the effective date of this ordinance and shall cover the period from the effective date through the preceding December 31. Nothing in this subsection precludes the reporting and presentations required under Sections 8(b) and 9(a) before the first annual report is due.

(b) Policy Integration. This ordinance shall be referenced within LRPD policies that address the use of surveillance technology.

(c) Three-Year Review. The Board shall review this ordinance no later than three (3) years after the effective date to assess its effectiveness and to make any appropriate adjustments.

Section 14. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the ordinance, which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the ordinance.

Section 15. Repealer. All laws, ordinances, resolutions, or parts of the same that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 16. Effective Date. This ordinance will be in full force and effect from and after January 1, 2027, provided that between the date of passage and the effective date, the Little Rock Police Department is directed to take all reasonable steps to comply with the specific provisions of this ordinance.

PASSED: November 17, 2026

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ATTEST: **APPROVED:**

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Allison Segars, City Clerk **Frank Scott, Jr., Mayor**

APPROVED AS TO LEGAL FORM:

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Thomas M. Carpenter, City Attorney

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