

ORDINANCE

AN EMERGENCY ORDINANCE OF THE COMMISSION OF KNOX COUNTY, TENNESSEE, AMENDING THE KNOX COUNTY CODE, CHAPTER 42, “LAW ENFORCEMENT,” TO ADD A NEW ARTICLE III FOR THE PURPOSE OF ESTABLISHING LIMITATIONS ON THE DEPLOYMENT OF SURVEILLANCE TECHNOLOGY WITHIN KNOX COUNTY WHILE PRESERVING LEGITIMATE LAW ENFORCEMENT AND EMERGENCY RESPONSE CAPABILITIES. (Knox County Code, Chapter 42, establishing Article III, previously reserved.)

ORDINANCE: O-26-8-102

**REQUESTED BY: COMMISSIONERS
THOMPSON AND JAY**

**PREPARED BY: COMMISSIONER
 THOMPSON**

**APPROVED AS TO FORM
AND CORRECTNESS:** _____
DIRECTOR OF LAW

APPROVED 1ST READING: _____
DATE

APPROVED 2ND READING: _____
DATE

APPROVED EMERGENCY: _____
(YES) (NO)

VETOED: _____
DATE

**VETO
OVERRIDE:** _____
DATE _____

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WHEREAS, the Fourth Amendment to the Constitution of the United States and Article I, Sections 7 and 8 of the Constitution of Tennessee recognize and protect the

people’s right to be secure in their persons, houses, papers, possessions, and effects against unreasonable searches and seizures; and

WHEREAS, the Knox County Commission recognizes that public safety and the preservation of individual liberty are complementary responsibilities of government, and that both must be protected through careful public policy; and

WHEREAS, advances in surveillance technology provide law enforcement with valuable investigative tools while also creating the potential for broad collection, storage, and analysis of information concerning individuals who are not suspected of criminal activity; and

WHEREAS, the Knox County Commission finds that permanent or fixed Automated License Plate Reader (“ALPR”) systems create a countywide surveillance infrastructure capable of continuously collecting information from passing vehicles regardless of whether criminal activity is suspected; and

WHEREAS, the Commission further finds that vehicle-mounted ALPR systems operated by sworn deputies while physically present provide an effective investigative tool while limiting the scope of information collection; and

WHEREAS, the Commission further finds that unmanned aircraft systems (“UAS”) provide significant public safety benefits when used in a limited capacity for emergency response, search and rescue, disaster response, hazardous incidents, crime scene documentation, and lawful criminal investigations; and

WHEREAS, it is the intent of this Ordinance to preserve effective law enforcement tools while establishing reasonable limitations upon surveillance technologies in a manner that protects both public safety and the constitutional liberties of the people of Knox County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF KNOX COUNTY, TENNESSEE, AS FOLLOWS:

The Code of Knox County, Tennessee, Chapter 42, “Law Enforcement,” is hereby amended to add a new Article III entitled “Surveillance Technology Limitations” to read as follows:

SECTION 1. PURPOSE

The purpose of this Ordinance is to establish clear limitations governing the acquisition and deployment of certain surveillance technologies by Knox County government while preserving law enforcement tools necessary to protect public safety and respond to emergencies.

SECTION 2. DEFINITIONS

For purposes of this Ordinance:

A. *Automated License Plate Reader (ALPR)* means any camera or imaging system capable of automatically capturing, photographing, scanning, reading, converting, or analyzing license plate information.

B. *Fixed ALPR* means an ALPR permanently or semi-permanently installed upon a pole, building, bridge, traffic signal, utility structure, roadway, or any other stationary location.

C. *Mobile ALPR* means an ALPR installed upon or within a law enforcement vehicle and operated only while a sworn deputy is physically present in or immediately operating that vehicle.

D. *Unmanned Aircraft System (UAS)* means an aircraft operated without a human occupant aboard together with all associated communications, cameras, sensors, software, and supporting equipment.

SECTION 3. PROHIBITION OF FIXED ALPR SYSTEMS

No department, office, agency, board, commission, employee, or instrumentality of Knox County government shall:

**Purchase;
Lease;
Acquire;
Install;
Operate;
Maintain; or
Renew any contract or agreement**

for any Fixed Automated License Plate Reader system.

No county-owned property, rights-of-way, buildings, bridges, traffic infrastructure, utility poles, or other county facilities shall be used for the installation or operation of a Fixed ALPR system.

Any existing agreement authorizing the operation of a Fixed ALPR system shall expire according to its existing terms and shall not be renewed or extended.

SECTION 4. AUTHORIZED MOBILE ALPR SYSTEMS

Nothing in this Ordinance shall prohibit the Knox County Sheriff's Office from utilizing Mobile ALPR systems, provided that:

- A. The system is installed only upon a Sheriff's Office vehicle.**
- B. A sworn deputy is physically present in or immediately operating the vehicle whenever the ALPR system is collecting information.**
- C. The system shall not collect or record license plate information while the vehicle is unattended.**
- D. Mobile ALPR equipment shall not be deployed or utilized as a stationary or unattended surveillance device.**

SECTION 5. AUTHORIZED UNMANNED AIRCRAFT SYSTEMS

The Knox County Sheriff's Office may own, lease, or operate no more than ten (10) Unmanned Aircraft Systems.

These systems may be utilized solely for:

**Search and rescue operations;
Emergency response;
Natural disasters;
Hazardous material incidents;
Fire investigations;
Tactical incidents involving an imminent threat to life;
Documentation of crime scenes;
Missing or endangered persons;
Lawful criminal investigations conducted in accordance with applicable law; and
Other legitimate public safety missions authorized by federal and state law.**

SECTION 6. PROHIBITED USES OF UNMANNED AIRCRAFT SYSTEMS

County-owned or county-operated Unmanned Aircraft Systems shall not be used for:

- A. Generalized or suspicionless surveillance of the public;**
- B. Continuous monitoring of individuals or private property absent lawful authority;**
- C. Monitoring lawful political activity, religious activity, peaceful public assemblies, or other constitutionally protected activities absent individualized legal justification;**
- D. Persistent aerial surveillance conducted for intelligence gathering unrelated to a lawful criminal investigation or emergency response;**

E. Automated facial recognition, biometric identification, or similar technologies unless expressly authorized by state or federal law.

SECTION 7. NO CIRCUMVENTION

No Knox County department or employee shall knowingly circumvent the provisions of this Ordinance by requesting or obtaining information collected by another governmental entity or private vendor through means that Knox County would be prohibited from employing directly under this Ordinance, except where such information is lawfully obtained as part of a specific criminal investigation, judicial proceeding, or otherwise authorized by law.

SECTION 8. CONSTRUCTION

Nothing contained herein shall prohibit:

A. Traditional law enforcement observation.

B. Dashboard cameras.

C. Body-worn cameras.

D. Execution of search warrants or court orders.

E. Temporary emergency actions authorized by state or federal law.

F. The lawful receipt of evidence obtained by another governmental agency during a criminal investigation.

SECTION 9. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect.

SECTION 10. EMERGENCY ORDINANCE.

In the event this Emergency Ordinance receives a majority vote but fails to receive a 2/3 vote of the Commission, the vote shall be considered the first reading of an Ordinance subject to §2.09.B. of the Knox County Charter and will be considered for second reading at the next regularly scheduled meeting of the Commission.

SECTION 11. EFFECTIVE DATE

This Ordinance shall take effect upon passage, as provided by the Charter of Knox County, Tennessee, the public welfare requiring it.

Presiding Officer of the Commission

Date

County Clerk **Date**

Approved: _____
County Mayor **Date**

Vetoed: _____
County Mayor **Date**