

A New Braunfels ordinance for targeted alerts

Council briefing | Discussion draft | Requested action: sponsor a public legal and technical review of the attached ordinance.

Texas Privacy Coalition is organizing DeFlock NBTX to place enforceable limits on City surveillance. We ask Council to consider a rule that keeps prospective alerts for specifically eligible vehicles and ends storage and later searching of non-hit vehicle observations.

The distinction

Hit-only ALPR: read a plate, compare it locally to an eligible hotlist, keep only narrowly authorized candidate alerts and verified hits, and immediately discard nonmatches. These readers may operate at approved New Braunfels boundary crossings and on moving police vehicles during ordinary patrol.

Historical ALPR: retain observations of vehicles that did not trigger an eligible alert so their earlier locations can be searched later. The draft prohibits City acquisition, use, access and indirect procurement of that capability on every platform.

Why change the current policy

NBPD describes both timely alerts and historical investigative uses, including finding stolen vehicles and locating missing people. Its published policy retains general reads for 30 days and permits internal corridor locations. The proposal would replace those choices with a narrower collection rule. Existing safeguards and investigative benefits deserve to be evaluated openly. [NBPD program explanation](#); [NBPD Policy 3.06 dated June 4 2026](#).

Five practical commitments

- 1. Location:** fixed readers only at adopted City boundary crossings; no county-line, interstate-ramp or parked-patrol loophole.
- 2. Hotlists:** qualifying entries set prospectively; bounded verification and case-based retention.
- 3. Sharing:** eligible Texas state and local agencies only for voluntary interagency disclosure, with actual recipients and sharing reported publicly.
- 4. Personal data:** prohibit generalized tracking, profiling and dossiers. Permit only specified, court-authorized facial recognition of existing evidence, plus privacy redaction.
- 5. Accountability:** independent technical verification, recurring audits, enforceable vendor duties and suspension of prohibited functions.

The tradeoff

Historical non-hit searches would end. We do not claim that every current investigative capability would remain or that existing Flock equipment can comply. The City would need demonstrably compliant technology to continue permitted hit-only use.

A concrete request for Council

Discuss the draft publicly, identify a Council sponsor, and direct a documented review before a final adoption or petition text is selected.

Questions the review should answer

Legal: assess initiative eligibility, Texas AI preemption, public-records and retention duties, compelled disclosure, contracts, and the appropriate adoption route. Section 552.003 must be addressed directly; a City procurement framing is not a proven exemption. [Texas Business and Commerce Code Chapter 552](#).

Technical: can any proposed system compare locally, discard nonmatches within the draft limit, avoid persistent copies and telemetry, disable historical network access, and prove those facts independently? If not, the relevant system must stop operating under the proposed rule.

Geographic: identify exact New Braunfels incorporated-boundary crossings, jurisdiction, permissions, camera capture areas and device limits for Exhibit A. No site is approved by this briefing.

Operational: identify implementation costs, verified-hit handling, audit capacity, changes to grants and contracts, and safeguards for already-held evidence.

The facial-recognition exception is deliberately narrow

A valid, particularized warrant or court order under independent law must identify the criminal investigation, existing images, bounded reference collection, purpose and time limit. Legal and supervisory review, human verification and independent corroboration are required. Live crowd scanning, generalized tracking, commercial scraped galleries and historical ALPR searches remain outside the exception.

What we can say today

This is a community proposal, not current law or an approved ballot measure. NBPd says its ALPR program does not use facial recognition; the facial provisions are prospective safeguards. Formal petition circulation has not opened. Online participation is campaign interest, not a vote or an official signature.

A constructive invitation

We welcome specific alternatives that meet the same enforceable limits. A longer or shorter retention policy for non-hit histories does not meet the proposal. A vendor promise without verifiable technical controls does not resolve it.

Contacts and working documents

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[Read the ordinance](#) | [Read the primary sources](#) | [Understand the petition process](#)

Additional record: [Council staff record dated September 30 2026](#). The downloadable ordinance controls the proposed text; this briefing summarizes policy and does not certify legal sufficiency.