



City of

Lakewood

City of Lakewood Public Record Requests

Request #25-483

Closed

As of August 5, 2025, 3:56pm

Request Visibility: Published

Details

I would like to request all of the images and data logs created by all of the Flock Safety cameras installed in the city and stored of Flock's servers between the times of 5:00 PM and 5:15 PM on 5/13/2025, please.

Thank you,

Jose

Received

June 5, 2025 via web

Due

June 13, 2025

Departments

None Assigned

Additional Information

No additional information available

Requester

Jose Rodriguez

junior338886@gmail.com

Requester email status list

Request opened

- **Sent** June 5, 2025, 7:15pm
- **Delivered** June 5, 2025, 7:16pm
- **Opened** June 5, 2025, 7:17pm

Request closed

- **Sent** June 13, 2025, 11:24am
- **Delivered** June 13, 2025, 11:24am
- **Opened** June 13, 2025, 11:52am

External message added



City of

Lakewood

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- **Sent** June 16, 2025, 7:59am
- **Delivered** June 16, 2025, 8:00am
- **Opened** June 16, 2025, 9:47am

Expiration

June 13, 2027

Tags

Closed - NR or ONF, Individual, Preservation Hold

Invoices

Documents

Public

(none)

Requester

(none)

Staff Only

(none)

Staff

Point of Contact

jatkins@cityoflakewood.us

Support

mpennington@cityoflakewood.us

Hours

0 hours 10 minutes

Tasks



City of

Lakewood

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Timeline

Tags Added

Preservation Hold

June 23, 2025, 1:50pm by Melanie Pennington

Staff Only

Message to requester

Requester + Staff

Good morning and thank you for contacting City of Lakewood. Please see below, in response to your follow-up message:

The City of Lakewood has not denied your request. The City searched and found that the City did not retrieve or retain data from Flock cameras for the date and time requested and therefore, the City has no responsive records to provide to you.

RCW 42.56.520(4) requires the City to establish "mechanisms for the most prompt possible review of decisions denying inspection" and the City has done so in LMC 1.24.090 E ("A decision by the City Clerk denying inspection shall be reviewed by the City Attorney.") However, because the City did not deny this Request, the above-provided review is not triggered or necessary. At the same time, the City Attorney has been informed that you believe the City has denied this request.

Thank you!

June 16, 2025, 7:59am by Josie Atkins, Public Records & Legal Specialist (Staff)

Message from requester

Requester + Staff

I respectfully ask that the denial be reviewed in accordance with RCW 42.56.520(4) and my request be reopened and responsive records be provided in a reasonable time frame, please. The Master Service Agreement Flock Safety Inc. requires all agencies and other customers that use it's services and hardware to sign a contract that describes all the definitions and terms of Flock and the customer must follow, and also describes who owns and has any rights to related to any of Flock Safety's hardware, software, and services, titled "Master Services Agreement" ("MSA") In this MSA, it defines the following under the section titled "Definitions": "Customer Data" means the data, media, and content provided by Customer through the Services. For the avoidance of doubt, the Customer Data will include the Footage. Further down under definitions it defines: "Footage" means still images, video, audio, and other data captured by the Flock Hardware or Customer Hardware in the course of and provided via the Flock Services. Then described under the section titled "Data Use and Licensing" it states: Customer Data. As between Flock and Customer, all right, title and interest in the Customer Data, belong to and are retained solely by Customer. Customer hereby grants to Flock a limited, non-exclusive, royalty-free, irrevocable, worldwide license to use the Customer Data and perform all acts as may be necessary for Flock to provide the Flock Services to Customer. Flock does not own and shall not sell Customer Data. PUBLIC RECORDS ACT RCW 42.56 Under RCW 42.56.010(3), the PRA defines: "Public record includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." Also defined within the PRA, more specifically under RCW 42.56.010(4), the following: "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated. Further explanation Flock safety stores the "footage" as defined in the MSA, for a specified retention period (normally 30 days unless specified in the agreement) for the customer (in this case City of Lakewood) but the City CAN download the footage from the Flock servers to their own digital storage to keep indefinitely if they choose to. The MSA between Flock Safety and the City of Lakewood states that Customer's Data, which includes the "footage" (defined as still images, video, audio, and other data captured by the Flock Hardware) created by the Flock Safety hardware are owned and retained by the customer (in this case, the City of Lakewood), and all right, title and interest in the Customer Data, belong to and are retained solely by Customer. So, in accordance with the requirements of the Public Records Act and definition's of both the PRA and the MSA, that makes all the still images and data captured by the the Flock Safety camera's and stored on Flock Safety's servers —regardless if they had been accessed or downloaded by the



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City or not— public records, and should of been provided to me in response to my records request, but were not. By not doing so, the City of Lakewood is in clear violation of the public records act for denying me access to inspect or copy the records and failed to conduct a reasonable and adequate search for the records as you just informed me their was no search conducted where the records would likely be located (the Flock Safety searchable database stored on Flock's servers for the City of Lakewood and accessible to the City through the police department) for all of the images and data logs of all the vehicles captured by the Flock cameras within the time period and date I specified in my public records request. If the records are still denied in response to my records request after the City conducts the denial review, I will seek judicial review of the denial by commencing litigation in the Pierce County Superior Court prior to the 1 year statute of limitations expires. If the City failed to preserve the records in order to prevent their deletion by Flock's automatic purge retention schedule while my Public Records Request was still open and pending, The City would also be in violation of RCW 42.56.100 as I requested the records of May 13, 2025 on June 5, 2025, the records existed at the time of my request and the City still had 5 business days or more to provide a prompt response to my request as required under RCW 42.56.520(1) and just as much time to make sure the records were preserved until my records request was resolved. Since I did not receive a prompt response at all within the 5 business days that is required under the PRA, I am assuming that the City also May of failed to preserve the records within that time period also and allowed the records responsive to my request to be purged. If that is the situation and if the City would like to discuss a resolution to avoid the cost and resources of litigation along with the costs of my reasonable attorney fees and potential penalty of \$100 per day, per record that the records are withheld (which if the records were allowed to be purged then the City has no way to a stop the daily penalty from accruing throughout litigation by providing me the records), please have the City's Legal Counsel contact me by E-mail to discuss a possible pre-litigation release and settlement. If the records were by chance preserved pending the outcome of my request if I appealed and the denial was reversed then please provide me with the records if the decision is to reverse the denial and none of the negotiating of a settlement or litigation will be necessary. Thanks, Jose

June 13, 2025, 12:40pm by the requester via email

Tags Added

Staff Only

Individual, Closed - NR or ONF

June 13, 2025, 11:24am by Josie Atkins

Staff Time Added

Staff Only

Josie Atkins: 0 hours 10 minutes

June 13, 2025, 11:24am by Josie Atkins

Request Closed

Public

Thank you for your public records request. After a diligent search we did not locate any responsive records and, as such, are closing this request without providing any responsive records. Please be advised that the City of Lakewood does not retain any data from the Flock cameras unless it is related to an investigation. The City of Lakewood has confirmed with our police department that was no data saved from Flock cameras from the date range provided, therefore there is no responsive records to provide.

This request is now considered closed.

The PRA's one-year statute of limitations to seek judicial review has started to run because the agency does not intend to further address the request. While we consider this request to be concluded, the requester may ask follow-up questions within a reasonable time frame by contacting us via email at PRR@cityoflakewood.us or by phone at 253-983-7801 during business hours, Monday through Friday from 8:30 A.M. to 5:00 P.M.

June 13, 2025, 11:24am by Josie Atkins

Message from requester

Requester + Staff

Good morning,

I just wanted to check the status of my records request, as it has been more than 5 business days now since my request was received and I was notified that I would receive a response within 5 business days from then?

Thank You,



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Jose

June 13, 2025, 11:19am by the requester

Support Staff Removed

Staff Only

Jeff Alwine

June 13, 2025, 10:39am by Jeff Alwine

Note

Staff Only

I can confirm there are no Flock images in Axon Evidence for the timeframe requested, meaning no one at LPD transferred any data from Flock into Axon on 5/13/25 between 5:00-5:15 PM.

June 13, 2025, 10:39am by Jeff Alwine, Captain (Staff)

Internal Message

Staff Only

Good morning: Please confirm there was no data downloaded by the PD to our Axon servers between the times of 5:00 PM and 5:15 PM on 5/13/2025. Thank you!

June 13, 2025, 10:30am by Josie Atkins, Public Records & Legal Specialist (Staff)

Support Staff Added

Staff Only

Jeff Alwine

June 13, 2025, 10:30am by Josie Atkins

Support Staff Removed

Staff Only

Jeff Alwine

June 6, 2025, 11:17am by Jeff Alwine

Note

Staff Only

The police department has no responsive records.

June 6, 2025, 11:16am by Jeff Alwine, Captain (Staff)

Support Staff Added

Staff Only

Melanie Pennington

June 6, 2025, 7:54am by Josie Atkins

Support Staff Removed

Staff Only

Josie Atkins

June 6, 2025, 7:54am by Josie Atkins

New Point of Contact

Staff Only

Josie Atkins

June 6, 2025, 7:54am by Josie Atkins

Support Staff Added

Staff Only

Jeff Alwine

June 6, 2025, 7:54am by Josie Atkins

Requester + Staff

Thank you for your interest in public records from the City of Lakewood. Your request has been received and is being processed.



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The City of Lakewood will be in contact within **5 business days** to update you on the status of your request. If you have any questions, please contact us at 253-983-7801. Again, thank you for using the City of Lakewood's Public Records Portal. We appreciate your consideration and patience while we work to locate records for your request.

June 5, 2025, 7:15pm

Support Staff Added

Staff Only

Josie Atkins

June 5, 2025, 7:15pm (auto-assigned)

Request Visibility

Staff Only

Published

June 5, 2025, 7:15pm (auto-assigned)

Request Opened

Public

Request received via web

June 5, 2025, 7:15pm by Jose Rodriguez

New Point of Contact

Staff Only

Melanie Pennington

June 5, 2025, 7:15pm by Jose Rodriguez on behalf of Melanie Pennington