

Automated License Plate Readers (ALPRs)

424.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

424.1.1 DEFINITIONS

Automated License Plate Reader (ALPR) - A device that uses cameras and computer technology to compare digital images to lists of known license plates for investigative purposes.

ALPR Operator - Trained department members who may utilize ALPR system/ equipment. ALPR operators may be assigned to any position within the Department.

ALPR Administrator - The Support Services Division Commander or the Chief's designee serves as the ALPR Administrator for the Department.

Detection- Data obtained by an ALPR of a license plate in public view, including images of the vehicle.

Hit - An alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) System or other law enforcement database for a specific reason, e.g., being related to a stolen car, wanted person, missing person, domestic violence protective order violation, terrorist-related activity, etc.

Hot list - A list of license plates associated with vehicles of interest compiled from one or more databases, e.g., NCIC, CA DMV, local 'Be on the Lookout' (BOLO) bulletins, etc.

Vehicles of interest - Wanted vehicles such as stolen vehicles, vehicles displaying stolen license plates, vehicles linked to missing and/or wanted persons, and vehicles flagged by the Department of Motor Vehicles and other law enforcement agencies.

424.2 POLICY

The policy of the Albany Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

The Albany Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, pursuant to the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq). These federal immigration agencies include Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP).

424.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Albany Police Department to convert data associated

Albany Police Department

Albany PD Policy Manual

Automated License Plate Readers (ALPRs)

with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, electronic surveillance, suspect interdiction and stolen property recovery.

All maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Support Services Division Commander. The Support Services Division Commander will assign members under their command to administer the day-to-day operation of the ALPR equipment and data.

424.3.1 ALPR ADMINISTRATOR

The Support Services Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

424.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- (a) An ALPR shall only be used for official law enforcement business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

Albany Police Department

Albany PD Policy Manual

Automated License Plate Readers (ALPRs)

- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (f) Hot plates should only be entered into ALPR systems to assist with the investigation of Albany Police Department cases only. The following personnel have the authority to enter hot plates into ALPR systems:
 - 1. Lieutenants
 - 2. Sergeants
 - 3. Detectives
 - 4. Acting Supervisors
 - 5. Dispatchers with approval of the above personnel
- (g) Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (h) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) via the Communications Center, before taking enforcement action that is based solely on an ALPR alert unless exigent circumstances exist.
 - 1. Once an alert is received, the operator should confirm that the observed license plate from the ALPR system matches the license plate of the observed vehicle.
 - 2. Members will not take any action that restricts the freedom of any individual based solely on an ALPR alert unless it has been confirmed and validated unless exigent circumstances exist.
- (i) Department members taking enforcement action based on an ALPR hot list alert shall notify the Communications Center on the disposition of the stop. The officer shall also notify the on-duty supervisor and determine whether the vehicle license plate should remain on the hot list. If it is determined the vehicle should be removed, the officer will ensure the removal from the hot list is completed in a timely manner and the ALPR administrator will be notified in writing of the removal.
- (j) Hot lists generated from NCIC and CLETS will be uploaded into the ALPR system on a daily basis with the most current data overwriting the old data.
- (k) ALPR alerts should be considered informational and are meant to bring the officer's attention to specific vehicles that may be associated with criminal activity or a missing/at-risk person.
- (l) All hot plates and suspect information entered into the ALPR system will contain the entering officer's name, related case number, and a synopsis of the event related to the license plate.
- (m) To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the system.
- (n) The ALPR system and data collected is the property of the Albany Police Department, therefore, Department members may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with departmental policy.

Albany Police Department

Albany PD Policy Manual

Automated License Plate Readers (ALPRs)

- (o) Except when pursuant to a court order, the ALPR system may only record license plates that are exposed to public view (e.g., vehicles on a public road or vehicles on private property that are visible from a public road).

424.5 PROHIBITED USES OF ALPR SYSTEM AND DATA

The ALPR system and all data collected are the property of the Albany Police Department. Department personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this policy. The following uses of the ALPR system are expressly prohibited:

- (a) **Invasion of Privacy** - Except when done pursuant to a court order such as a search warrant, it is a violation of this policy to utilize the ALPR to record license plates not exposed to public view.
- (b) **Harassment or Intimidation** - It is a violation of this policy to use the ALPR system to harass, monitor, and/or intimidate any individual or group.
- (c) **Use Based on a Protected Class/Characteristics** - It is a violation of this policy to use the ALPR system solely based on a person's or group's perceived race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.
- (d) **Immigration Enforcement/Investigations** - It is a violation of this policy to use the ALPR system for immigration enforcement and/or investigations.
- (e) **Personal Use** - It is a violation of this policy to use the ALPR system for any personal purpose.
- (f) **First Amendment Rights** - It is a violation of this policy to use the ALPR system for the purpose or known effect of infringing upon First Amendment rights and/or any Constitutional rights.

Members who engage in impermissible uses of the ALPR system or associated data may be subject to criminal prosecution, civil liability, and administrative action.

424.6 DATA COLLECTION AND RETENTION

The Support Services Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

ALPR data stored or retained by the Albany Police Department or any vendor may be retained up to 30 days. Thereafter, ALPR data shall be purged unless it has become, or is reasonable to believe will become evidence in a criminal, civil, and/or administrative action or is subject to a discovery request or other lawful action to produce records. In those circumstances, the applicable data shall be downloaded from the server into evidence.com. Additionally, no ALPR data will be warehoused or co-mingled with any private company data. Information gathered or collected will not be shared, sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes, and only in compliance with this policy or in response to a lawful action to produce the data.

Albany Police Department

Albany PD Policy Manual

Automated License Plate Readers (ALPRs)

424.7 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Albany Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted by the Support Services Division Commander at the beginning of each shift rotation. User audits will include:
 - 1. Verifying the user's login credentials
 - 2. Confirming the user's training is current
 - 3. Confirming the case or incident number used in the data search relates to a case investigation or incident
 - 4. Confirming the user had both a need to know and a right to know the information requested

The audit shall be documented in a memorandum and a copy forwarded to the Chief of Police.

For security or data breaches, see the Records Release and Maintenance Policy.

424.8 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Support Services Division Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

Albany Police Department

Albany PD Policy Manual

Automated License Plate Readers (ALPRs)

424.9 TRAINING

The Training Sergeant should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Training shall be updated as technological, legal, and other changes that affect the use of the ALPR system occur. In no case shall a person utilize the ALPR system if they have not completed training in more than a year.