

Automated License Plate Readers (ALPRs)

426.1 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.

426.2 POLICY

The policy of the San Rafael 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.

426.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the San Rafael Police Department to convert data associated 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, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Operations Bureau Commander. The Operations Bureau Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

426.3.1 ALPR ADMINISTRATOR

The Operations Bureau Commander shall be responsible for compliance with 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) Only properly trained members are allowed to access the ALPR system or to collect ALPR information.
- (b) Ensuring that training requirements are completed for authorized users.
- (c) ALPR system monitoring to ensure the security of the information and compliance with applicable privacy laws.
- (d) Ensuring that procedures are followed for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) Designating 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.

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426.4 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 vehicles 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.
- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.

426.5 PROCEDURE

When an alert is received by a mobile or fixed post ALPR, dispatchers or officers will need to compare the detection (photo of vehicle and license plate) to the character recognition for accuracy. Misreads are possible and will occur. In addition, officers and dispatchers should compare the state of the hot list source to the state of the scanned license plate. Officers or dispatchers should verify the ALPR alert response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

Upon confirmation that the ALPR alert is a match to a 'hot plate' in CLETS, dispatch should enter the details of the alert into the Computer Aided Dispatch (CAD) system. All verified 'hot list' ALPR alerts should be entered as a Priority 2 with the call type as "ALPR." The CAD entry should include the following information:

- Location of the alert, to include direction of travel if known
- The reason for the ALPR alert (ex. Stolen Vehicle, Lost/Stolen Plate, etc.)
- License plate number and state
- Vehicle description as displayed in the photo
- Vehicle registration information and details pertaining to the alert

Dispatchers should consider air broadcasting details of the ALPR alert over the radio, so officers can have greater situational awareness, and be on the lookout for the vehicle.

There is no need to air broadcast or make a CAD entry if the ALPR alert is NOT an exact match. All notifications may be deleted in TAS after either entry into CAD or confirmation of no match.

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426.6 DATA COLLECTION AND RETENTION

The Administrative Services Bureau 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 vendors store the data and ensure proper maintenance and data security. All ALPR data downloaded to the server from vehicle-mounted cameras will be stored for two years and in accordance with the established records retention schedule. ALPR data collected from stationary cameras will be stored for 30 days. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence or uploaded to an approved electronic evidence storage service.

426.7 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The San Rafael 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 every three months (four times per year).

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

426.8 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 Operations Bureau Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

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- (d) The Chief of Police or the authorized designee will consider the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq), before approving the release of ALPR data.
 - 1. The San Rafael Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CPB).
- (e) 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).
- (f) It is the policy of the San Rafael Police Department not to share ALPR data with any out-of state agencies.

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).

426.9 TRAINING

The Operations Bureau Commander 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).