

Automated License Plate Readers (ALPRs)

427.1 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.

427.2 POLICY

The policy of the Sand City 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.

427.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Sand City 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 Administration Commander. The Administration Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

427.3.1 ALPR ADMINISTRATOR

The Administration 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 and independent contractors 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.

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- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

427.4 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.
- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

427.5 DATA COLLECTION AND RETENTION

The Administration Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data.

- (a) All non-evidentiary ALPR data and license plate information records, not associated with any case report, investigation, complaint or citation, shall be downloaded to the server or cloud and stored for a maximum of 30 days. Thereafter, it shall be entirely purged from all active and backup systems.
- (b) Evidentiary ALPR data shall be tagged with a case report or citation number and be retained for the same length of time as other evidence relevant to the case in accordance with the Records Retention Schedule. This includes evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records.
- (c) The ALPR data will be purged at the end of the 30 days of storage. However, this will not preclude the SCPD from maintaining any relevant vehicle data obtained from the system after that period pursuant to the retention period set forth for evidentiary purposes.

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- (d) Information gathered or collected, and records retained by SCPD ALPR system will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes.
- (e) The Administration Commander 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 SCPD 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).
 - 2. The SCPD will not share ALPR information with out-of-state or federal agencies, including out-of-state and federal law enforcement agencies.
 - 3. Nor will ALPR data be shared with any law enforcement agency for the purposes of enforcing prohibitions on reproductive or gender-affirming care.

427.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Sand City 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 on a regular basis. System utilization will be reviewed on a monthly basis to verify proper usage. Any violations, potential violations, or anomalies will be reported immediately through the chain of command to the Chief of Police. An annual report will be completed by the ALPR Administrator and forwarded to the Chief of Police.

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

427.7 RELEASING ALPR DATA

The ALPR data may be shared only with public agencies and only as otherwise permitted by law (Civil Code § 1798.90.55).

For purposes of this section, a public agency is limited to California state or local agencies, including law enforcement agencies, and does not include out-of-state or federal law enforcement agencies (Civil Code § 1798.90.5).

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The requesting agency must complete and sign the SCPD ALPR Data Sharing Agreement which includes the following requirements:

- (a) The name, address, and contact number of the agency.
- (b) The name and title of their ALPR Administrator.
- (c) Statement of official law enforcement purpose.
- (d) Record of related law enforcement reason, case, incident, or call for service number.
- (e) Compliance with California Civil Code §1798.90.51 and §1798.90.53.
- (f) Statement of an audit process, access restrictions, and safeguards for the protection of data.
- (g) Signature of their ALPR Administrator.

The request is reviewed by the Administration Commander or the authorized designee and approved before the request is fulfilled and the request is retained on file

427.8 TRAINING

The Training Sergeant will 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).