

Automated License Plate Readers (ALPRs)

429.1 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.

429.2 DEFINITIONS

Automated License Plate Reader/Recognition (ALPR): A device that uses cameras and computer technology to compare digital images to lists of known information of interest.

ALPR Operator: Trained Department members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the Department, and the ALPR Administrator may order the deployment of the ALPR systems for use in various efforts.

ALPR Administrator: A Police Commander designated by the Assistant Chief serves as the ALPR Administrator for the Department.

Hot List: A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, NCIC, CA DMV, Local BOLO's, etc.

Vehicles of Interest: Including, but not limited to vehicles which are reported as stolen; display stolen license plates or tags; vehicles linked to missing and/or wanted persons and vehicles flagged by the Department of Motor Vehicle or law enforcement agencies.

Detection: Data obtained by an ALPR of an image (such as a license plate) within public view that was read by the device, including potential images (such as the plate and description of vehicle on which it was displayed), and information regarding the location of the ALPR system at the time of the ALPR's read.

Hit: Alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order or terrorist-related activity.

429.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates along with the vehicle make, model, color and unique identifiers. It is used by the Salinas 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, plot movement of wanted suspects, 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 ALPR Administrator, who shall be assigned this role by the Assistant

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Chief. The ALPR Administrator will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data

429.3.1 ALPR ADMINISTRATOR

The Administration Commander Division Chief 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) Only properly trained and specifically authorized Department members (sworn officers, crime analysts, investigative specialists and community service officers) with an operational need to utilize the system are authorized to use or access the ALPR system or to collect ALPR information..
- (b) Ensuring that specific training requirements are established and that authorized users complete such training.
- (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 is conspicuously posted on the department's website.

429.4 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 purposes (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.
- (c) Every ALPR detection browsing inquiry shall be documented with the associated Salinas Police Department case number or CAD number.
- (d) No entry of "Hot Lists" or other data may be entered into the ALPR database without supervisor approval.
- (e) 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.
- (f) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

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

429.5 DATA COLLECTION AND RETENTION

The Administration Division Chief 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 and fixed locations to the designated storage in accordance with department procedures.

All ALPR data should be stored for a maximum of 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 stored and booked into evidence. Evidentiary ALPR data shall be tagged with a case number 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.

429.6 ACCOUNTABILITY AND SAFEGUARDS

All data will be closely safeguarded and protected by both procedural and technological means. The Salinas 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) All access to ALPR will be maintained in an audit trail, including the date and time the information was accessed, the license plate number or other data used to query the system, the username of the person who accessed the information and the purpose for accessing the information.
- (c) 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.
- (d) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Coordinator and processed in accordance with applicable law.

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

429.7 POLICY

The policy of the Salinas 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.

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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 Salinas 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 Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CPB).

429.8 ALPR DATA DETECTION BROWSING AUDITS

It is the responsibility of the Chief of Police or designee to ensure that an audit is conducted of ALPR detection browsing inquiries at least once each quarter (3 month period) of the calendar year. The Department should audit a sampling of the ALPR system utilization from the prior months period to verify proper use in accordance with the above- authorized uses. The audit shall randomly select at least 10 detection browsing inquiries conducted by department employees during the preceding period and determine if each inquiry meets the requirements established in this policy.

The audit shall be documented in the form of an internal department memorandum to the Chief of Police. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Chief of Police, the memorandum and any associated documentation shall be filed and retained by the Professional Standards Sergeant.

429.9 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).

The Administrative Division Commander or 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. The Salinas Police Department does not permit the sharing of ALPR data gathered by the City or it's contractors/subcontractors for purposes of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Protection (CBP). The Salinas Police Department will not share ALPR information with out-of-state or federal law enforcement agencies, nor will ALPR data be shared with any law enforcement agency for the purposes of enforcing prohibitions on reproductive or gender affirming care.

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

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429.10 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). The training shall encompass, at a minimum:

- (a) proper operation and use of the ALPR system
- (b) restrictions of use
- (c) alert protocols
- (d) authorized data collection and retention
- (e) accountability
- (f) a review of the aspects contained in this ALPR policy
- (g) any other aspects as determined by the ALPR coordinator