

Automated License Plate Readers (ALPRs)

428.1 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.

428.2 ADMINISTRATION

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

428.2.1 ALPR ADMINISTRATOR

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

428.3 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.

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- (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) No member of this department shall access ALPR data without first completing department-approved training.
- (d) Members shall only use their assigned account to access the ALPR system.
- (e) Members shall enter a valid case number/incident number and/or valid justification for search when conducting a query.
- (f) Members not providing an acceptable entry of the REASON for their ALPR query will result in a suspension of their access to the database and will be documented in a record of discussion and the possibility of progressive discipline. **Remedial training is required for re-instated access.** This is the single most important entry when querying the ALPR database because California Civil Code 1798.90.52 states you shall provide your justification for your query.
- (g) When the ALPR is used as part of an investigation, the member shall document the details in the narrative portion of the report AND select the "ALPR" option in the Special Circumstances dropdown menu.
- (h) The following use of the ALPR system are specifically prohibited: harassment, intimidation, personal use, or immigration enforcement.
- (i) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (j) 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.
- (k) Violations of this policy may result in disciplinary action in accordance with East Palo Alto Police Department policy 319.

428.4 DATA COLLECTION AND RETENTION

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

All ALPR data downloaded to the server will be stored for a maximum of 30 days. Thereafter, ALPR data will 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.

All data and images gathered by an ALPR are for the official use of the East Palo Alto Police Department and because such data contains confidential information, it is not open to public review.

The Police Chief (or designee) will present a summary of East Palo Alto Police use of the ALPR technology on a quarterly basis.

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428.5 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The East Palo Alto 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 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) Violations of this policy may result in disciplinary action in accordance with East Palo Alto Police Department policy 319.
- (d) ALPR system audits will be conducted on a monthly basis.

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

428.6 TRAINING

The Training Officer shall 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).

428.7 POLICY

The policy of the East Palo Alto 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.

428.8 RELEASING ALPR DATA

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).