

## Automated License Plate Readers (ALPRs)

### 418.1 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. [The San Leandro Police Department utilizes two ALPR systems, one that is mounted on vehicles and another system, FLOCK, that is mounted in fixed locations throughout the City of San Leandro.](#)

### 418.2 POLICY

The policy of the San Leandro Police Department is to utilize ALPR technology to capture and store digital license plate data and [vehicle](#) 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 [that is captured using the vehicle mounted systems.](#)

In accordance with a Memorandum of Understanding (MOU) between the San Leandro Police Department and the Northern California Regional Intelligence Center (NCRIC), the Department shall work in cooperation and coordination with NCRIC in providing a standardized approach and method of collecting and sharing ALPR systems' data.

[Data captured through the Flock system will only be shared with agencies that are granted access to the San Leandro Police Department's Flock System for law enforcement purposes in accordance with state law.](#)

[Violations of this policy shall result in disciplinary action and may subject those involved to criminal and/or civil liability under applicable state and federal law.](#)

### 418.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates [and vehicles](#). It is used by the San Leandro 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 Bureau of Services Captain, or his/her designee. The Bureau of Services Captain, or his/her designee, will assign members [under their command](#) to administer the day-to-day operation of the ALPR equipment and data.

#### 418.3.1 ALPR ADMINISTRATOR

The Bureau of Services Captain, or his/her designee, 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.

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- (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.

### 418.4 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 mobile ALPR may be used to canvass license plates around any crime scene within a reasonable radius that minimizes intrusion on privacy, 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~~ shall verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.
- ~~(f)~~(g) Members shall document list a case number associated with the case in the "search" field of the 3<sup>rd</sup> party system.

#### 418.4.1 AUTHORIZED PURPOSES, COLLECTION, AND USE OF ALPR DATA

Sworn peace officers with a need and right to know may utilize ALPR technology for the following reasons, but are not limited to:

- (a) Locate stolen, wanted, and subject of investigation vehicles.
- (b) Locate and apprehend individuals subject to arrest warrants or otherwise lawfully sought by law enforcement.
- (c) Locate witnesses and victims of violent crime.
- (d) Locate missing children and elderly individuals, including responding to Amber, Blue

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and Silver Alerts.

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- (e) Support local, state, federal and tribal public safety departments in the identification of vehicles associated with targets of criminal investigations, including investigations of serial crimes.
- (f) Protect participants at local events.
- (g) Protect critical infrastructure sites.

### 418.4.2 Prohibited Uses

The ALPR system and all data collected are the property of the San Leandro 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.

### **418.5 ALPR DATA COLLECTION AND RETENTION**

The City of San Leandro Information Technology division is responsible for ensuring the collection of ALPR data ~~is— collected from ALPR equipped vehicles is~~ transferred ~~from department vehicles~~ to the Northern California Regional Intelligence Center (NCRIC) server on an automatic basis, transferring immediately upon utilization of the system.

All data and images gathered by an ALPR are for the official use only, and because such data may contain confidential CLETS information, it is not open to public review. ALPR information gathered and retained by this NCRIC may be used and shared with prosecutors or others only as permitted by law.

All ALPR data downloaded to any 3<sup>rd</sup> party server such as the NCRIC, Flock or Axon ~~the NCRIC server~~ shall be stored for 30 days one year (Government Code § 34090.6) and thereafter will be purged on the 31<sup>st</sup> 66<sup>th</sup> day 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 lawful action to produce records. In those

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circumstances the applicable data should be downloaded from the ~~NCRIC~~ server onto portable media and booked into evidence.

### **418.6 ACCOUNTABILITY**

All data will be closely safeguarded and protected by both procedural and technological means by NCRIC. The San Leandro 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 ALPR Administrator on a quarterly basis.~~
- ~~(d)~~(c) The ALPR Administrator shall report any errors to NCRIC for correction.

#### 418.6.1 AUDITS

The Department will conduct a quarterly audit of the FLOCK system to ensure it is being used as intended. The audit shall include a random review of at least 5 downloaded videos/images by department employees during the preceding quarter to ensure the review agrees with policy. The audit will include an analysis and documentation of any community safety issues that were effectively addressed and/or any significant prosecutions that resulted from the use of cameras.

The Department will also coordinate with the Independent Police Auditor to conduct annual audits of the Flock System. Any recommendations for training improvements or policy amendments should be promptly addressed.

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### **418.7 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, by the San Leandro Police Department granting access to its data through the 3<sup>rd</sup> party system (Flock and Axon). No agency outside of the State of California shall be granted access to the department's systems.

NCRIC ALPR data may be shared with NCRIC partners in accordance with the NCRIC ALPR Policy.

Law enforcement agencies and prosecutorial agencies that are not NCRIC partners, or have access to the 3<sup>rd</sup> party system must use 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 Bureau of Services Captain 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).

### **418.8 CAMERA SIGNAGE**

Signage indicating the use of ALPR's shall be conspicuously posted near entrances into the City of San Leandro city limits.

### **418.8418.9 TRAINING**

Only persons trained in the use of the ALPR systems, including its privacy and civil liberties protections, shall be allowed access to ALPR Data. Training content shall consist of:

- a) Legal authorities, developments, and issues involving the use of ALPR Data and technology
- b) Current department policy regarding appropriate use of ALPR systems;
- c) Evolution of ALPR and related technologies, including new capabilities and associated risks;
- d) Technical, physical, administrative, and procedural measures to protect the security of ALPR Data against unauthorized access or use; and
- e) Practical exercises in the use of ALPR systems

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The Professional Standards and Training Unit should ensure that members receive department-approved training. 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 he/she has not completed training in more than a year. The Professional Standards and Training Unit 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). This training shall be consistent with the training outlined in the NCRIC ALPR Policy.

### **418.9418.10 NCRIC ALPR POLICY**

#### NCRIC ALPR Policy

### **418.10 DEFINITIONS (Section will be moved to the top prior to finalization)**

(a) Fixed ALPR: A fixed device that uses cameras and computer technology to compare digital images to lists of available information of interest.

(b) Mobile ALPR: A mobile device, typically mounted in a patrol vehicle, that uses cameras and computer technology to compare digital images to lists of available information of interest.

(c) 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.

(d) ALPR Administrator: The Bureau of Support Services Captain or the Chief's designee serves as the ALPR Administrator for the Department.

(e) Hotlist: 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 BOLOs.

(f) Vehicles of Interest: Including, but not limited to, vehicles that 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 Administration or law enforcement agencies.

(g) Detection: Data obtained by a 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.

(h) 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.

(i) Public Agency: A public agency (also referred to as "law enforcement agency" in this policy) means the state, any city, county, or city and county, or any agency or political subdivision of the state or a city, county, or city and county, including, but not limited to, a law enforcement agency.

(j) Authorized Agency: Another law enforcement agency whose own policy matches the intent of

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the San Leandro Police Department's ALPR policy as determined by the Office of the Chief of Police.