

## Fixed Automated License Plate Readers (ALPR)

### 463.1 STATEMENT OF INTENDED USE

The use of fixed Automated License Plate Readers (ALPR) technology seeks to improve the safety and protection of the City of Alameda, its residents, visitors, and business owners. The primary intended use of the technology is to collect license plate numbers to assist in the identification, apprehension, and prosecution of criminal offenders. Other uses include locating missing persons, intelligence gathering to prevent crimes or investigate acts of domestic terrorism, deter criminal actions, and/or reduce the perception of crime.

### 463.2 POLICY

The policy of the Alameda Police Department is to utilize fixed 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 fixed ALPR are for the official use in support of criminal investigations. Such data may contain confidential information not open to the public for review.

### 463.3 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 fixed Automated License Plate Reader (ALPR) technology.

### 463.4 DEFINITIONS

- (a) **Fixed Automated License Plate Reader (ALPR):** A fixed device that uses cameras and computer technology to compare digital images to lists of available information of interest.
- (b) **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.
- (c) **ALPR Administrator:** The Bureau of Support Services Captain or the Chief's designee serves as the ALPR Administrator for the Department.
- (d) **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.
- (e) **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.
- (f) **Detection:** Data obtained by a fixed 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.
- (g) **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

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including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order or terrorist-related activity.

(h) **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.

(i) **Authorized Agency:** Another law enforcement agency whose own policy matches the intent of the Alameda Police Department's ALPR policy as determined by the Office of the Chief of Police.

### **463.5 ADMINISTRATION**

The fixed ALPR technology, also known as Automated License Plate Readers (ALPR), allows for the automated detection of license plates along with the vehicle make, model, color, and unique identifiers through the Alameda Police Department's ALPR system and the vendor's vehicle identification technology. The Alameda Police Department uses the technology to convert data associated with vehicle license plates and vehicle descriptions 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, criminal investigations, suspect interdiction, and stolen property recovery.

All installation and maintenance of ALPR equipment and ALPR data retention and access shall be managed by the ALPR Administrator. The ALPR Administrator will assign members under their command to administer the day-to-day operation of the ALPR equipment and data.

### **463.6 ALPR ADMINISTRATOR**

The Bureau of Support Services Captain 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) Training requirements for authorized users.
- (b) A description of how the fixed ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (c) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (d) The title and name of the current designee in overseeing the fixed ALPR operation.
- (e) Ensuring the appropriate and timely retention and destruction of ALPR data.
- (f) Ensuring this policy and related procedures are conspicuously posted on the Department's website.

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### **463.7 OPERATIONS**

The 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) No member of this Department shall operate ALPR equipment or access ALPR data without first completing Department-approved training.
- (c) Absent exigent circumstances, officers shall verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) via Dispatch or MDT before taking any enforcement action. Once an alert is received, the operator must confirm that the observed license plate from the system matches the license plate, state of issue, and description of the observed vehicle. Officers are reminded ALPR provides hits on vehicles and may or may not provide information on occupants. Accordingly, officers must establish reasonable suspicion and/or probable cause to detain vehicle occupants.
- (d) Access and searches of the database require supervisory approval **prior** to the search. Additionally, the search documentation shall include the name of the person accessing the database, the name of the supervisor approving access, the associated case number/details, and intended purpose of the access by assigned code.
- (e) Partial license plates and unique vehicle descriptions reported during criminal investigations should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (f) Department members will clear all stops that were generated from an ALPR alerts with a CAD disposition code that clearly documents the stop outcome.
- (g) General Hot Lists (SVS, SFR, and SLR) will be automatically downloaded into the ALPR system a minimum of once a day, with the most current data overwriting the old data.
- (h) To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which can be fully audited.

### **463.8 PROHIBITED USES**

The ALPR system and all data collected are the property of the Alameda 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 and/or intimidate any individual or group.

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(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.

(g) The City Manager will be notified of any sustained policy violations within 1 week of the sustained violation. Anyone who engages in an impermissible use of the ALPR system may be subject to:

- Criminal prosecution,
- Civil liability, and/or
- Administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and Department policies.

#### **463.9 DATA COLLECTION AND RETENTION**

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

ALPR data stored or retained by the Alameda Police Department or any vendor may be retained up to 60 days. Thereafter, ALPR data shall be purged unless it has become, or is reasonable to believe will become evidence in a criminal, civil, and/or administrative action or is subject to a discovery request or other lawful action to produce records. In those circumstances, the applicable data shall be downloaded from the server into evidence.com. Additionally, no ALPR data will be warehoused or co-mingled with any private company data. Information gathered or collected will not be shared, sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes, and only in compliance with this policy or in response to a lawful action to produce the data.

#### **463.10 ACCOUNTABILITY AND SAFEGUARDS**

All data will be closely safeguarded and protected by procedural and technological means. The Alameda 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). Passwords are required to be changed periodically according to CJIS standards. Employees that leave the City will have all access immediately revoked.

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(b) All non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law and this policy.

(c) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes. Absent a court order, the Department may only share access to ALPR data with agencies whose ALPR policies align with this policy's intent and in compliance with Civil Code § 1798.90.5 et seq.

(d) ALPR system audits shall be conducted regularly.

### **463.11 ALPR DATA AUDITS AND ANNUAL REPORTING**

It is the responsibility of the the ALPR Administrator to ensure that an audit is conducted of ALPR detection browsing inquiries at least once during each calendar year. The Department will audit a sampling of the ALPR system utilization from the prior 12-month period to verify proper use in accordance with the above-authorized uses. The audit shall randomly select at least ten detection browsing inquiries conducted by Department employees during the preceding 12-month 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 Office of the Chief of Police. The memorandum shall include any data errors or policy violations found so that such errors can be corrected and violations addressed. Additionally, the memorandum shall include an evaluation of the system's efficacy, including relevant crime statistics and/or data to help the community assess whether use of the technology is beneficial. After the review by the Office of the Chief of Police, the memorandum and any associated documentation shall be filed and retained according to the City of Alameda's retention policies.

Beginning on January 1, 2024, or the next closest regular scheduled City Council meeting, and annually on or about the same date thereafter. The Office of the Chief of Police will prepare an annual report for submission to City Council. The annual report will include, at a minimum:

- 1) A summary of the audit memorandum including any corrective action taken, not to include any confidential disciplinary information prohibited by law from disclosure.
- 2) The number of fixed ALPR cameras.
- 3)(ALPRs) The number of scanned license plates.
- 4) The number of hotlist hits or alerts.
- 5) The number of search queries and the justification for such queries.
- 6) The number of investigative leads generated by use of ALPR data.
- 7) The number of witnesses located by use of ALPR data.
- 8) The number of stolen vehicles recovered by use of ALPR data.
- 9) The number of suspects apprehended by use of ALPR data.
- 10) A list of Authorized Agencies that accessed or received ALPR data.

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11) The approved and unapproved ALPR data requests from third parties referenced in the section below.

12) Total costs for maintenance, upgrades, licensing, and training.

### **463.12 RELEASING ALPR DATA**

The Department shares the following data with the recipients, provided they have both a "right to know" and a "need to know." A "right to know" is the legal authority to receive information pursuant to a court order, statutory law, case law, or being a sworn member of a law enforcement agency conducting an active criminal/administrative investigation.

A "need to know" is a compelling reason to request information such as direct involvement in an investigation. 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 and this policy. Absent exigent circumstances, all other agencies that have not been authorized by the Office of the Chief of Police, the following procedures shall apply.

Personnel shall ask that the requesting agency to complete a written request for the ALPR data that includes:

- (a) The name of the agency.
- (b) The name of the person requesting.
- (c) The intended purpose of obtaining the information.
- (d) The request is reviewed by the on-duty watch commander or the authorized designee and approved before the request is fulfilled.
- (e) The approved request is retained on file.

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. The Alameda Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for the purpose of federal immigration enforcement. These federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP). No facial recognition software will be incorporated into the ALPR software.

### **463.13 TRAINING**

The Training Manager 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). (ALPRs) Training shall include, but not be limited to, this policy, relevant statutory and case law, and local ordinances and policies. An attestation that this policy has been reviewed shall be documented in all ALPR Operator's training records.