

Automated License Plate Readers (ALPRs)

433.1 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.

433.2 POLICY

The policy of the Richmond 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 system are for the official use of this Department. Because such data may contain confidential information, it is not open to public review.

The Richmond Police Department does not permit the sharing of ALPR data gathered by the City or its contractor/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 Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP).

433.3 DEFINITIONS

- (a) Automated License Plate Reader (ALPR): a device that uses cameras and computer technology to compare digital images to lists of known license plates for investigative purposes.
- (b) ALPR Operator: Trained Department members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the Department.
- (c) ALPR Administrator: The Investigations Bureau Captain or the Chief's designee serves as the ALPR Administrator for the Department.
- (d) Hot List: A list of license plates associated with vehicles of interest compiled from one or more databases, e.g., NCIC, CA DMV, local 'Be on the Lookout' (BOLO) bulletins, etc.
- (e) Vehicles of Interest: Wanted vehicles such as stolen vehicles, vehicles displaying stolen license plates, vehicles linked to missing and/or wanted persons, and vehicles flagged by the Department of Motor Vehicles and other law enforcement agencies.
- (f) Detection: Data obtained by an ALPR of a license plate in public view, including images of the vehicle.
- (g) Hit: An alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) System or other law enforcement database for a specific reason, e.g., being related to a stolen car, wanted person, missing person, domestic violence protective order violation, terrorist-related activity, etc.

433.4 ADMINISTRATION

ALPR Technology (ALPR) allows for the automated detection of license plates along with the make, model, and color of vehicles. The technology is used by the Richmond Police Department

Richmond Police Department

Richmond PD CA Policy Manual

Richmond PD CA Policy Manual

Automated License Plate Readers (ALPRs)

for official law enforcement purposes to compare images of vehicle make/models and their license plates to lists of wanted vehicles. The installation and maintenance of ALPR equipment and the functionality of the ALPR System shall be managed by the Department's Information Technology Supervisor.

433.4.1 ALPR ADMINISTRATOR

The Investigations Bureau Captain shall be responsible for ensuring the Department's ALPR program complies with the security requirements in Civil Code § 1798.90.51, §1798.90.52, and §1798.90.53.

- (a) Only properly trained sworn officers, crime analysts, communication center dispatchers, Information Technology staff, and records specialists are allowed access to the ALPR system or to collect ALPR information.
- (b) Ensure training requirements are completed for authorized users.
- (c) Monitor the ALPR system to ensure the security of information and compliance with applicable privacy laws.
- (d) Maintain records of access and ensure procedures are being followed by ALPR operators.
- (e) Continually work with the Custodian of Records on the retention and destruction of ALPR data.
- (f) Ensure the Department's ALPR policy is conspicuously posted on the Department's website.

433.5 OPERATIONS

- (a) 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).
- (b) An ALPR shall only be used for official law enforcement business.
- (c) 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.
- (d) Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (e) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) via their MDC terminal or Dispatch, before taking enforcement action that is based solely on an ALPR alert. Once an alert is received, the operator should confirm that the observed license plate from the ALPR system matches the license plate of the observed vehicle. Members will not take any action that restricts the freedom of any individual based solely on an ALPR alert unless it has been confirmed and validated. As a reminder, the ALPR alert may

Richmond Police Department

Richmond PD CA Policy Manual

Richmond PD CA Policy Manual

Automated License Plate Readers (ALPRs)

be related to a vehicle and may not relate to the person operating the vehicle, so an officer will need reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle.

- (g) Hotlists compiled from law enforcement databases and other law enforcement sources, as designated by the ALPR Administrator, are not updated in real-time, therefore, an ALPR alert may not be the sole basis for enforcement action,
- (h) Department members taking enforcement action based on an ALPR alert shall notify the Communications Center of the disposition of the stop. The officer shall also notify the ALPR administrator about the stop and assist in determining whether the vehicle license plate should remain on the hot list.
- (i) Hotlists generated from NCIC and CLETS will be uploaded into the ALPR system on a daily basis with the most current data overwriting the old data.
- (j) All entries and updates of hot lists shall be approved by the ALPR Administrator or designee prior to uploading into the ALPR system.
- (k) ALPR alerts should be considered informational and are meant to bring the officer's attention to specific vehicles that may be associated with criminal activity or a missing/at-risk person.
- (l) All hot plates and suspect information entered into the ALPR system will contain the entering officer's name, related case number, and a synopsis of the event related to the license plate.
- (m) 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 system.
- (n) The ALPR system and data collected are the property of the Richmond Police Department, therefore, Department members may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with departmental policy.
- (o) Except when pursuant to a court order, the ALPR system may only record license plates that are exposed to public view (e.g., vehicles on a public road or vehicles on private property that are visible from a public road).
- (p) The ALPR system may not be used to harass or intimidate any individual or group.
- (q) ALPR system hot lists may not be compiled solely on the basis of a person's or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.
- (r) The ALPR system or associated data may not be used for personal use.
- (s) The ALPR system may not be used to infringe on an individual's or group's First Amendment rights.
- (t) Anyone who engages in an impermissible use of the ALPR system or associated data may be subject to criminal prosecution, civil liability, and administrative action.

Richmond Police Department

Richmond PD CA Policy Manual

Richmond PD CA Policy Manual

Automated License Plate Readers (ALPRs)

433.6 DATA COLLECTION AND RETENTION

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

All ALPR data downloaded to a Department server should be stored for no longer than thirty days (30 days)(Government Code § 34090.6) and in accordance with the established records retention schedule. 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 downloaded from the server onto portable media and booked into evidence.

ALPR vendor Flock Safety will ensure proper storage, maintenance, and security of data in their data towers. Flock Safety will purge their data at the end of 30 days of storage. However, this will not preclude the Richmond Police Department from maintaining any associated hot lists pursuant to established record retention schedules.

Information gathered or collected, and records obtained by Flock Safety cameras will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes.

433.7 ACCOUNTABILITY AND SAFEGUARDS

All data will be closely safeguarded and protected by both procedural and technological means. The Richmond 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 non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile workstation shall be accessible only through a login password-protected system capable of documenting all access of information by name, date, and time
- (c) Persons 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 relates to a specific criminal investigation or Department-related civil or administrative action.
- (d) ALPR data may be released to other authorized and verified law enforcement agencies for legitimate law enforcement purposes and pursuant to Department policy.
- (e) Every ALPR inquiry must be documented by using either a Richmond PD case number or an incident number and a reason for the inquiry.

433.8 ALPR DATA DETECTION BROWSING AUDITS

It is the responsibility of the Office of Professional Accountability to conduct an annual audit of the ALPR system's browsing history. 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 ALPR policy. The audit shall randomly select at least 10 detection browsing inquiries conducted by

Richmond Police Department

Richmond PD CA Policy Manual

Richmond PD CA Policy Manual

Automated License Plate Readers (ALPRs)

Department employees during the preceding six-month period and determine if each inquiry meets the requirements established in this policy.

The audit shall be documented in a memorandum and maintained by the Office of Professional Accountability, and a copy forwarded to the Chief of Police for review.

433.9 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, using the following procedures:

- (a) The agency makes 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) An acknowledgment the information received will not be used for the purpose of federal immigration enforcement pursuant to the California Values Act (Government Code §7282.5; Government Code §7284.2 et seq).
- (b) The request is reviewed by the Administration Division Commander 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).

433.10 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).