



PORTAGE DEPARTMENT OF PUBLIC SAFETY POLICY AND PROCEDURE		ORDER NO. 200-92
SUBJECT: Automatic License Plate Reader Systems		
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I. PURPOSE

This policy governs the use of Automated License Plate Reader (ALPR) technology by members of the Portage Department of Public Safety.

II. POLICY

It is the policy of this law enforcement agency to utilize Automated License Plate Reader (ALPR) technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public. The intended use of ALPR technology is to assist officers with objectively actionable leads needed to solve investigations and protect the community. All data and images gathered by the ALPR are for the official use of this department.

III. DEFINITIONS

- A. **ALPR System** – The ALPR Units, communications network components, data server hardware and software including any Optical Character Recognition (OCR) software and algorithms, all operating in an organized and coordinated manner.
- B. **ALPR Units** – The imaging hardware which captures the image of the license plates, regardless of the types of cameras used or the deployment of the unit.
- C. **ALPR Data** – All ALPR images and/or alerts that are active or historical in nature and stored within the ALPR System.
- D. **Active ALPR Data** – Information which is provided to a law enforcement official in real-time. Active ALPR Data includes alerts or notifications that a license plate number contained on an Alert List has been detected in the vicinity of an ALPR Unit.
- E. **Historical ALPR Data** – The dates, times, and locations of individually identifiable motor vehicles that are stored for future use and includes any ALPR Data not considered Active ALPR Data.
- F. **Crime** – As used herein, the term "crime" shall mean an act or the commission of an act that is forbidden by a public law or the omission of a duty that is commanded by a public law and that makes the offender liable to punishment by that law. The term "crime" also includes acts of terrorism.
- G. **Alert List** – List containing license plate numbers of stolen cars, vehicles owned by persons of interest, vehicles reasonably suspected of being involved in a crime, and/or vehicles associated with AMBER Alerts that are regularly circulated among law enforcement agencies. Alert list information can come from a variety of sources, including stolen vehicle information from the National Insurance Crime Bureau and the National Crime Information Center (NCIC), as well as national AMBER Alerts and Department of Homeland Security watch lists. Departments of motor vehicles can provide lists of expired registration tags and law enforcement agencies can interface their own, locally compiled lists to the ALPR System. These lists serve an officer safety function as well as an investigatory purpose. In addition to agency supported Alert Lists, users may also manually add license plate numbers to lists in order to be alerted if and when a vehicle license plate of interest is "read" by the ALPR system.
- H. **Authorized Administrator** – A sworn command officer of this department who has been authorized by the Director of Public Safety or designee who is responsible for system administration to include

setting up groups of Authorized Users as well as maintaining and/or removing data from lists, providing training to agency Authorized Users, and coordination with the system vendor for hardware and software setup and maintenance. The Administrative Lieutenant should be included as an Authorized Administrator.

- I. **Authorized User** – A sworn employee of this department who has been authorized by the Director of Public Safety or designee to operate an ALPR or to access and use ALPR stored data, and who has successfully completed training provided by an agency Authorized Administrator.

IV. ALPR DATA COLLECTION

Owners of motorized vehicles driven on public thoroughfares are required by law to annually register their vehicles with their state bureau or department of motor vehicles, and to attach license plates that are publicly and legibly displayed. Vehicle license plates generally consist of a series of alpha numeric characters that reference the license plate to the specific vehicle registered. Each piece of ALPR Data collected by PDPS may include:

- A. Digital image of the vehicle
- B. Vehicle license plate numbers and letters
- C. The Global Positioning System (GPS) coordinates or other location information of the observation
- D. The date and time of the observation, and
- E. Other information contained in the ALPR image that aids in the identification of vehicles including, but not limited to, color, make, body style, decals, etc.

The data captured by the ALPR Unit itself is entirely anonymous and is not considered personal identifying information. Authorized Users can only identify the registered owner of a vehicle by querying a separate, secure state government database of vehicle license plate records, which is restricted, controlled, and audited. The Driver's Privacy Protection Act (DPPA) restricts access and prohibits the release of personal information from state motor vehicle records to ensure the privacy of citizens, 18 USC § 2721-2725.

V. ALPR DATA MAY BE COLLECTED FOR:

- A. Supporting crime analysis techniques.

- B. Alerting law enforcement officials of the proximity of a vehicle displaying a license plate number that is included on an Alert List.
- C. Locating vehicles that have a known relationship to an individual who is reasonably suspected of having committed a crime.
- D. Assisting Law Enforcement in locating missing or endangered persons.

VI. ALPR DATA COLLECTION TECHNIQUES

ALPR Units may be deployed in any of the following manners:

- A. In a fixed deployment, by being permanently mounted in a fixed location.
- B. In a portable deployment, by being semi-permanently placed, whether overtly or covertly.
- C. In a mobile deployment, by being mounted to a mobile vehicle, whether overtly or covertly, or by a handheld device.

VII. USE AND DISSEMINATION OF ALPR DATA

- A. Authorized Users may access Active ALPR data to be alerted in real time to the location of vehicles on an active alert list. Entries on the alert list contain license plate information that is identifying a vehicle reported as:
 - 1. Stolen or displaying a stolen license plate.
 - 2. Associated with child abductions or missing and endangered persons.
 - 3. Involved in an official law enforcement investigation when there is articulable suspicion linking the individual to a crime that has already been committed.

Generally, active ALPR alert entries should not be the sole reason for an investigatory stop. Officers should independently verify the ALPR alert entries through LEIN/NCIC databases or other means unless the officer has firsthand knowledge of the alert data.

- B. Authorized Users of an ALPR System may access Historical ALPR Data to:
 - 1. Identify and analyze the movement of vehicles reasonably related to individuals when there is articulable suspicion linking the individual to a crime that has already been committed.

2. Identify and analyze the movement of vehicles displaying license plate numbers contained in an Alert List.

C. Field Operations and Enforcement Actions

1. Authorized Users of the ALPR system will unselect the following: Supervised Release, Protection Order, Violent Person, Immigration Violator, Sex Offender, Protective Interest, and CPIC Data Records under the National Crime Information Center (NCIC) notification reasons and will not take any enforcement action if the ALPR system alerts solely for these reasons.
2. Custom alert lists that alert the entire organization or portions of the organization must be authorized by a detective, SWET Investigator or command officer.
3. When notified of a NCIC "hit" from the ALPR system, Authorized Users will verify the ALPR response through the Law Enforcement Information Network (LEIN) before taking enforcement action. Action shall not be based solely on the ALPR alert.
4. Occasionally, there may be errors in the ALPR system's read of a license plate. Therefore, an alert alone is not a basis for police action.
5. Prior to initiation of a stop of a vehicle or other intervention based on an alert, operators will undertake the following:
 - a. Verification of a status on a hot list. An authorized user must confirm that the vehicle is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances). Without confirmation, a vehicle cannot be stopped solely on an ALPR alert and there must be a legal justification for the stop, such as a traffic violation, reasonable suspicion, or probable cause.
 - b. Visual verification of license plate number. Authorized users will visually verify that the license plate of interest matches identically with the image of the license plate number captured (read) by the ALPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors before proceeding.
6. After the stop of a vehicle or other intervention based on the alert, the Authorized Users will notify their supervisor or Authorized Administrator of the positive hit and request that the plate be removed from the list, unless the interest in the vehicle still exists.

D. Disseminating ALPR Data

1. Active and Historical ALPR Data may be disseminated to law enforcement officials from other jurisdictions upon request or through shared data on the vendor platform. The requesting agency must provide the reason for the request, and it can only be used for official law enforcement investigations.
2. Non-Dissemination of Historical ALPR Data to the Public: ALPR Data shall only be used for law enforcement purposes. ALPR Data will not be released to the public unless required by statute, court order or when approved by a Deputy Chief or higher rank to warn the community of a vehicle associated with an individual that poses an immediate threat of harm to the community or an individual.

E. Prohibited Use

1. Record license plates on vehicles on private property that are not exposed to public view.
2. Harass or intimidate any person or group.
3. Use the information for personal reasons or for any purpose other than a valid and legitimate law enforcement purpose.
4. Collect information solely based on a protected characteristic. Protected characteristics that are an impermissible basis for ALPR use include a person's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.
5. Collect information for the purpose of or known effect of infringing on First Amendment Rights. For example, collecting information about an individual's lawful associations, lawful political and religious affiliations, or activities, etc., is prohibited.
6. Collect information in any manner that would violate any constitutional rights or any applicable law, including local, state, and federal laws.
7. Collect, disseminate, or allow ALPR access to any entity for the purpose of monitoring, denying, or interfering with a person's right to obtain reproductive health care as granted by Article 1, Section 28 of the Michigan Constitution.
8. Collect, disseminate, or allow ALPR access to any entity solely for use in immigration enforcement not associated with a separate local, state, or federal criminal investigation.

VIII. RETENTION OF ALPR DATA

- A. ALPR Data connected to a criminal investigation shall be retained as part of the investigation record and shall be subject to department retention and disposal schedules.
- B. ALPR Data used to convict an individual, including but not limited to Query Responses, shall be retained as part of the PDPS case file as an external document and shall be subject to department retention and disposal schedules for that specific case and conviction.
- C. ALPR Data that is not connected to an investigation or conviction shall be subject to 3rd party vendor retention and disposal schedules and are not to exceed 30 days.

IX. ALPR TRAINING

Use of the department's ALPR System shall be limited to members who have completed training in accordance with this section and provided documentation of successfully completing that training.

- A. ALPR training will be conducted by an Authorized Administrator.
- B. Training for Authorized Administrators of the system will initially be provided by the vendor.

X. ALPR MAINTENANCE

ALPR operational status can be monitored through the system by an Authorized Administrator. ALPR Maintenance for hardware and software will be performed by the vendor of the ALPR system. Software updates are regularly pushed out to the system by the vendor. If hardware

requires repair or replacement, the Administrative Lieutenant will coordinate with the vendor to have that completed.