Automated License Plate Readers (ALPRs)

436.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for officers utilizing the Automated License Plate Reader (ALPR) system. This policy will further establish guidelines for the deployment and actions permissible when using the system. The policy shall remain in effect until it is superseded, amended, or withdrawn.

(a) An ALPR system is a computer-based system that utilizes special cameras to capture license plate information. The ALPR system captures an infrared image of a license plate and converts it to a text file using Optical Character Recognition ("OCR") technology. The text is compared to various hot lists generated by local, state, and federal law enforcement agencies, including the National Crime Information Center ("NCIC"), and generates an alert when there is a hit. The ALPR system identifies license plates and will not identify the person operating the motor vehicle. The Department may, as a separate step and for legitimate law enforcement purposes per the Federal Driver's Privacy Protection Act, and as set forth in this Policy, undertake to identify the owner of a vehicle in the event the ALPR system generates an alert, such as by running the license plate number through the State of California Department of Motor Vehicle (DMV) database.

(b) It shall be the policy of this Agency that all Department members abide by the policy and its procedures set forth when using the ALPR system, thereby increasing the efficiency and effectiveness of its public safety efforts in a manner that safeguards the privacy concerns of law abiding citizens.

(c) The ALPR system shall be restricted to legitimate law enforcement uses for the purpose of furthering legitimate law enforcement goals and enhancing public safety. Such uses and goals include, but are not limited to, providing information to officers that will assist in on-going criminal investigations, crime prevention, crime detection, the apprehension of wanted persons, ensuring the safety of vulnerable individuals through the recovery of missing and endangered persons, and improving the quality of life in our community through the identification and removal of stolen vehicles.

(d) The Department shall utilize hot lists which further the above specified goals of the ALPR system, where there is a legitimate and specific law enforcement reason for identifying a vehicle associated with an outstanding arrest warrant, vehicles related to missing persons investigations, vehicles associated with AMBER Alerts, stolen vehicles, vehicles that are reasonably believed to be involved in the commission of a crime, vehicles registered to persons who are subject to a restraining order issued by a court or by the Parole Board, or who are subject to any other duly issued order restricting their movements, vehicles registered to persons wanted by a law enforcement agency who are of interest in a specific investigation, or vehicles registered to persons who are on any watch list issued by a State or Federal agency responsible for homeland security when information has been received concerning a specific individual.

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436.2 DEFINITIONS

ALPR – Automated License Plate Recognition System, or Automated License Plate Reader

ALPR System – The system in its entirety, including all ALPR cameras, software, and collected data

Alert – An audible and/or visual signal activated upon the read of a license plate by the ALPR system that has NOT BEEN VISUALLY VERIFIED by the officer against the photo in the ALPR system.

Tentative Hit – An alert by the ALPR system that HAS BEEN VISUALLY VERIFIED by the officer against the ALPR hotlist and photo but HAS NOT BEEN VALIDATED by the officer or dispatch as a live query transaction OR CONFIRMED AS VALID with the original entering agency.

Live Query Transaction – A hit by the ALPR system that HAS BEEN VALIDATED as active but HAS NOT BEEN CONFIRMED as valid by the entering agency.

Confirmation (Confirmed Hit) – A hit by the ALPR system that HAS BEEN CONFIRMED as valid and active by the original entering agency through secondary check.

Hotlist – Data files extracted from law enforcement databases which contain listings of stolen license plates, stolen vehicles, wanted persons, and other vehicles/persons actively being sought by a law enforcement agency such as Amber/Silver Alert vehicles/persons. These data extracts are generally facilitated numerous times per day in an effort to provide current data.

436.3 PROCEDURES

Management

The South San Francisco Police Department, by and through the Chief of Police, is solely responsible for the day-to-day operation and management of the ALPR system and for all tasks ancillary to its operation and management. The Chief of Police shall assign Department personnel to operate and manage the ALPR system on a day-to-day basis.

The Chief of Police, through his or her designee, shall ensure that the ALPR system is operated in conformity with this Policy and other Department policies, procedures, rules and regulations. The Chief shall enforce this Policy and shall act as the Department Head for all disciplinary and enforcement actions for any violations by Department personnel.

Operations

(a) Installation and Functioning. ALPR cameras may be mounted on a marked cruiser, unmarked vehicle or fixated to a pole in public areas. ALPR equipment will passively read the license plates of moving or parked motor vehicles using ALPR optical character recognition technology and compare them against various hot lists uploaded or created by the South San Francisco Police Department. Scanned data files collected by the system will, on an ongoing basis, be automatically uploaded from the ALPR camera to the Department's ALPR database.

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(b) Hot Lists. Designation of hot lists to be utilized by the ALPR system shall be made by the Chief or his/her designee. Hot lists shall be obtained or compiled from sources as may be consistent with the purposes of the ALPR system set forth in this Policy. These sources may include:·NCIC Stolen Vehicle files, as available;· NCIC Stolen plates and Stolen Canadian plates, as available;· NCIC Wanted persons, as available;· NCIC Missing or Endangered person files, as available;· NCIC Supervised Release (Federal Probationers), as available;· NCIC Nationwide Domestic Violence Protection Orders, as available;· NCIC Violent Gang and Terrorist Organization File, as available;· NCIC Sexual Offender. Supervisor approval will be needed before a vehicle is entered into the Hot List.

(c) Training. No member of this Department shall operate ALPR equipment or access ALPR data without first completing Department-approved training.

(d) Login/Log-Out Procedure. 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. A routine check to ensure the equipment is working properly should be done at the beginning of each shift by the user logging into the system.

(e) Auditing and Oversight. To ensure proper oversight into the use of the system and adherence to this policy, all activities (plate detections, queries, reports, etc.) are automatically recorded by the system for auditing purposes, to include internal and external audits. System audits shall be conducted by the CIB Commander or Watch Commander on a monthly basis. The audit report shall include an explanation regarding any data retained longer than 30 days (e.g. data retained as evidence in a criminal case).

(f) Permitted/Impermissible Uses. The ALPR system, and all data collected, is the property of the South San Francisco Police Department. Department personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this Policy and applicable California law.

7. The following uses of the ALPR system are specifically prohibited:

(a) (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 except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).

(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.

(c) Personal Use: It is a violation of this Policy to use the ALPR system or associated scan files or hot lists for any personal purpose.

(d) Officers shall not stop a vehicle on a hot list for any civil or administrative violation(s) of federal immigration laws, for a related civil warrant, or for any other criminal immigration violation of federal immigration laws, except as specifically allowed per Department Policy sections 418.6 (Arrests for Federal Judicial

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Warrants) and 418.7 (Detentions for Previously Convicted Aggravated Felons with Unlawful Reentry) as noted below (Government Code § 7284.6)

8. Anyone who engages in an impermissible use of the ALPR system or associated scan files or hot lists 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.

9. Required Steps Preliminary to Police Action.

(a) 1. Hot lists utilized by the Department's ALPR system may be updated by agency sources more frequently than the Department may be uploading them, and the Department's ALPR system will not have access to real time data. Further, there may be errors in the ALPR's read of a license plate. Therefore, an alert alone shall not be a basis for police action (other than following the vehicle of interest).

2. Prior to initiation of a stop of a vehicle or other intervention based on an alert, an officer shall undertake the following:

(a) Verification of current status on hot list. An officer must receive confirmation, from someone or some system within the Department that the license plate is still stolen, wanted, or otherwise of interest before proceeding

(b) Visual verification of license plate number. Officers shall visually verify that the license plate on the vehicle 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 and the state of issue, before proceeding with a traffic stop.

10. Use in Connection With Serious Crimes/Incidents.

(a) (a) Use of the ALPR should be considered to conduct license plate canvasses in the immediate wake of any homicide, shooting, robbery, kidnapping, sexual assault or AMBER ALERT, or other major crime or incident.

11. Releasing of 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:

- Agency members accessing ALPR data are subject to a pre-approval process by SSFPD and the database management administration, confirming their authority to access the system for official law enforcement purposes.
- The agency must sign a SSFPD ALPR Data Sharing Acknowledgement Letter.

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).

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Database Access and Privacy Concerns

(a) The ALPR system database and software resides in a data center featuring full redundancy and access controls. The data remains property of the South San Francisco Police Department, and is managed according to this Policy.

(b) The ALPR system is governed by the Permitted/Impermissible Uses as outlined in this Policy.

(c) The ALPR data contains no Personally Identifiable Information (PII) that may be used to connect license plate detection to an individual. It is only with permissible purpose that an investigator may make this connection (using other systems) and this access is already governed by the Federal Driver's Privacy Protection Act (DPPA).

(d) All investigative queries into collected ALPR data are logged by user and available for auditing and review by the Department as outlined in this Policy.

Data Retention

All data and images gathered by an ALPR are for the official use of the South San Francisco Police Department and because such data may contain confidential CLETS information, it is not open to public review. ALPR information gathered and retained by this Department may be used and shared with prosecutors or others only as permitted by law. All ALPR data downloaded to the server will be stored for a period of 30 days, and thereafter shall 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 lawful action to produce records. In those circumstances, the applicable data should be downloaded from the server onto portable media and booked into evidence.

436.4 ALPR DATA SHARING

The Department may share ALPR data only with another California public agency and only as authorized by any other applicable federal or state law. The Department shall not sell, share, or transfer ALPR data to any private entity, nongovernmental organization, or out-of-state agency except as otherwise expressly authorized by law.

The following procedures are guidelines for the ALPR in-state network data-sharing relationship requests:

(a) The agency makes a written request for the ALPR in-state network data-sharing relationship that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the data sharing-relationship.

(b) The request is reviewed by the ALPR Program Administrator and approved before the request is fulfilled.

(c) The approved request is retained on file.

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Requests for ALPR data by non-California public agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

Approval criteria

The ALPR Program Administrator shall establish and maintain written criteria for evaluating all requests for in-state ALPR network-sharing access. Before approving a network-sharing relationship, the ALPR Program Administrator shall determine that:

(a) The requesting entity is a California public agency authorized by law to receive ALPR information.

(b) The requesting agency has a publicly available ALPR Usage and Privacy Policy that complies with California Civil Code sections 1798.90.51 through 1798.90.55.

(c) The requesting agency certifies that ALPR information will be accessed and used only for lawful purposes authorized by California law.

(d) The requesting agency agrees to comply with all applicable security, audit, retention, privacy, and dissemination requirements established by law and Department policy.

(e) A written agreement or documented authorization governing the network-sharing relationship has been executed and approved by the Department.

Denial criteria

The ALPR Program Administrator shall deny a request for network-sharing access when:

(a) The requesting entity is not an eligible California public agency.

(b) The request is not authorized by law.

(c) The requesting agency fails to provide the certifications or documentation required by this policy.

(d) The requesting agency has demonstrated a history of misuse of ALPR information or noncompliance with applicable law or policy.

(e) Approval would create an unacceptable legal, operational, security, or privacy risk.

Periodic review

The ALPR Program Administrator shall review each approved in-state network-sharing relationship at least annually to determine continued compliance with applicable law and Department policy.

The review shall include, at a minimum:

(a) Verification that the participating agency remains eligible to receive ALPR information.

(b) Confirmation that the agency continues to maintain a compliant ALPR Usage and Privacy Policy.

(c) Verification that the operational need for continued sharing remains valid.

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The results of the review shall be documented and retained in accordance with the Department's records retention schedule.

Suspension or termination

The Department may suspend or terminate a network-sharing relationship immediately whenever the ALPR Program Administrator determines that:

(a) The participating agency no longer qualifies as an eligible California public agency.

(b) The agency violates California law governing ALPR information.

(c) The agency violates the terms of the applicable sharing agreement.

(d) Continued sharing presents an unacceptable privacy, legal, operational, or cybersecurity risk.

(e) Continued sharing is no longer necessary to accomplish a legitimate law enforcement purpose.

The ALPR Program Administrator shall document the basis for any suspension or termination and shall notify the participating agency of the decision.

Documentation

The Department shall maintain records of all approvals, denials, periodic reviews, suspensions, and terminations of in-state ALPR network-sharing relationships. Such records shall include the basis for each decision and shall be retained in accordance with applicable records retention requirements.

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