CHAPTER 42 CRIMINAL INVESTIGATIONS		
42.9	**AUTOMATIC LICENSE PLATE READER**	

A. Purpose

This order provides St. Johns Police Department personnel with direction and guidelines for the capture, storage, and use of digital data obtained through the use of Automatic License Plate Reader (ALPR) technology.

B. Policy

Automated license plate recognition systems have enhanced law enforcement's ability to detect violations of law, recover stolen property, apprehend fugitives and assist with investigations. Employees will use ALPR systems in accordance with the policy and procedures, department approved training, and operational guidelines set forth. Furthermore, data captured from ALPRs will be used properly and responsibly as defined herein.

C. Definitions

1. ALPR: A device that uses cameras and computer technology to compare digital images to lists of known information of interest.

2. ALPR Administrator: The Police Chief or designee serves as the ALPR Administrator.

3. Alert Hit: Alert from the ALPR system that a scanned license plate number may be in the NCIC or other law enforcement database for a specific reason including, but not limited to, being related to a stolen vehicle, wanted person, missing person, domestic violation protective order, terrorist related activity, Amber Alert, Blue Alert, or Silver Alert.

4. Hot List: A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, National Crime Information Center (NCIC), Arizona Criminal Information Center (ACIC), Motor Vehicle Department (MVD), local BOLO's, St. Johns PD Hotlist, etc.

5. Vehicles of Interest: Including, but not limited to, vehicles which are reported as stolen; display stolen license plates; vehicles linked to missing and/or wanted person and vehicles flagged by law enforcement agencies.

6. Detection: Data obtained by an 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 is displayed), and information regarding the location of the ALPR system at the time of the ALPR's read.

7. Flock Safety: Is a semi-portable, self-sustaining ALPR camera and cloud-based storage system which holds license plate reads in a searchable database.

8. Evidence.com: Is a cloud-based storage system for storing digital media. This virtual warehouse stores all types of digitally encrypted data in a highly secure environment accessible to personnel based on security clearance (i.e. authorized user). Evidence.com will serve as a secure viewing and storage repository for ALPR data collected by the St. Johns Police Department.

D. General

1. ALPR technology allows for the automated detection of license plates along with the vehicle make, model, color, and unique identifiers through the St. Johns Police Department's ALPR system. The technology is used 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, homeland security, electronic surveillance, suspect interdiction, stolen property recovery, and active criminal investigations.

2. ALPR data is not personally identifiable information. A license plate number identifies a specific vehicle, not a specific person. Although a license plate number may be linked or otherwise associated with an identifiable person, this potential can only be realized through a distinct, separate step. Absent this extra step, the license plate number and the time and location data attached to it are not personally identifying. Thus, even though ALPR systems automate the collection of license plate numbers, it is the investigation process that identifies individuals.

3. ALPR systems and associated equipment and databases are authorized for official public safety purposes. Misuse of this equipment and associated databases, or data, is prohibited.

4. The use of ALPR systems is restricted to public safety and related missions of this agency. ALPR systems and ALPR data and associated media are the

property of the St. Johns Police Department and intended for use in conducting official business.

5. The Chief of Police or designee shall be responsible for determining the locations for fixed ALPRs within the City of St. Johns. Coordination with neighboring jurisdictions shall be considered to maximize efficient deployment of ALPRs.

E. Administration

1. The Police Chief, or their designee, has oversight for the ALPR system deployment and operations and is responsible for the following:

   a. Establishing and updating protocols for access, collection, storage, retention, and purging of ALPR data and associated media files, including searches of historical data.

   b. Designation of hot list categories and sources to be utilized by the ALPR system.

   c. Establishing protocols to ensure the security and integrity of data captured, stored, and/or retained by the ALPR system.

   d. Ensuring ALPR training materials are up to date, which explain the proper use of the ALPR system.

   e. Ensuring that training requirements are completed for authorized users prior to allowing access to the ALPR system.

   f. Maintaining records identifying approved ALPR deployments and documenting their results, including appropriate documentation of significant incidents and arrests that are related to ALPR usage.

   g. Ensuring that any requests for ALPR systems use or data are in accordance with Department policy and law.

F. Automatic License Plate Reader System Usage

1. Use of an ALPR is restricted to the purposes outlined below. Employees shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

2. ALPR operation and access to ALPR collected data shall be for official agency purposes only.

3. 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.

4. When a authorized employee is on-duty working within the jurisdictional boundaries of the City of St. Johns, the authorized employee shall log into the ALPR System Dashboard and remain logged into the ALPR for the duration of their shift.

5. Partial license plates and unique vehicle descriptions reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

6. Employees can check St. Johns PD's ALPR Flock Safety database and all other agencies' databases, in which we have a Data Sharing MOU.

7. No employee shall operate ALPR equipment or access ALPR data without first completing Department approved training.

8. ALPR system databases should be utilized for follow up investigations. Employees should utilize ALPR data to assist in the identification of suspects and suspect vehicles related to criminal activity. All sworn employees shall have search access enabling them to search the database.

    a. When employees utilize ALPR data to assist in identification of a suspect or vehicle linked to criminal activity, the ALPR data shall be downloaded from the ALPR system and entered into Evidence.com.

    b. ALPR data is only available on the ALPR system for 30 days. All data not extracted from the ALPR database prior to 30 days, from the date the image was taken, will be permanently deleted.

G. Automatic License Plate Reader Notifications

1. Employees may receive an ALPR Alert Hit from the ALPR system or from neighboring agencies BOLOs related to their ALPR Alert Hits.

2. Department issued mobile phones have the Flock Safety mobile application installed on the mobile phone. Employees can receive ALPR Alert Hit notifications on their mobile phones when the Flock Safety notifications are enabled.

3. An Alert Hit alone shall not be a basis for Police action (other than following the vehicle of interest). Before any law enforcement action is taken because of an ALPR Alert Hit, the Employee should verify an ALPR Alert Hit through NCIC or ACIC. Once an alert is received, the Employee should confirm that the

observed license plate from the ALPR system matches the license plate of the observed vehicle. If the Alert Hit is not from NCIC or ACIC, the Officer shall confirm that the observed license plate from the ALPR system matches the license plate of the observed vehicle before taking appropriate action.

4. Employees will not take any Police action that restricts the freedom of any individual based solely on an ALPR alert unless it has been validated. Because the ALPR alert may relate to a vehicle and may not relate to the person operating the vehicle, Employees are reminded that they need to have reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle.

    a. Example: If a vehicle is entered into the ALPR system because of its association with a wanted individual, Officers should attempt to visually match the driver or occupant(s) to the description of the wanted subject prior to making the stop or should have another legal basis for making the stop.

5. Prior to initiation of a vehicle stop, an Officer shall:

    a. Visually verify that the vehicle plate number matches the plate number run by the ALPR system, including both alphanumeric characters of the license plate and the state of issuance.

    b. Verify the current status of the plate through an MVD query when circumstances allow.

    c. Follow proper traffic stop procedures, based upon the type of Alert Hit, Officer observations, and other factors present.

6. Special Details: ALPR use during nontraditional deployments (e.g., special operations or during a criminal investigation) must be approved by the Police Chief.

7. Searches of historical data within the ALPR system should be done in accordance with established Departmental policies and procedures.

8. If an ALPR hit results in an action documented in the RMS, the “Actionable ALPR Hit Related” selected under special circumstances before submitting the report for approval.

H. St. Johns PD Hot Lists

1. Personnel will not enter any license plates into the St. Johns PD Hot List unless the vehicle is currently wanted/suspected in criminal activity. All hot list vehicles shall include:

2. A case number.

3. Reason for the vehicle being in the system.

4. Requesting member's name.

5. Requesting employees contact information.

6. Applicable instructions, e.g., "P/C for arrest," "No P/C for arrest, stop only with P/C and identify occupants," "Do not stop, contact member of Alert Hit," "R/O known to carry firearm," etc.

7. Other pertinent information.

8. All hot list vehicles shall have an expiration date.

I. Data Sharing and Dissemination

1. ALPR data should be considered for official use only and can be shared for legitimate law enforcement purposes.

2. Information sharing among law enforcement agencies should be in accordance with Memorandum of Understandings (MOUs) or established Department policies.

    a. The St. Johns Police Department utilizes the Flock Safety ALPR system. Within the Flock Safety ALPR system, employees can see which law enforcement agencies have a Data Sharing MOU with the St. Johns Police Department.

3. Restrictions on use of ALPR Data: Information gathered or collected, and records retained by the St. Johns Police Department ALPR system shall not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes.

4. All non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law and policies.

5. 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 relate to a specific criminal investigation or Department-related civil or administrative action.

6. ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes.

7. Every ALPR Browsing Inquiry must be documented by either the associated St. Johns Police Department case number or incident number, and/or a reason for the inquiry.

J. Retention and Public Records

1. All ALPR data is saved for 30 days on the ALPR cloud-based servers (Flock Safety & Evidence.com), after which the data is automatically hard deleted. Data needed for criminal investigations shall be downloaded from the ALPR database to Evidence.com.

2. All ALPR data saved as evidence shall be stored for the minimum period established by Department records retention schedule and thereafter shall be purged unless it has become evidence in a criminal or civil action or is subject to a lawful action to produce records.

K. ALPR Data Browing Audits

1. The Police Chief or their designee shall ensure an audit is conducted of the ALPR browsing inquiries at least once during each calendar year.

2. The audit will include a sampling of the ALPR system utilization from the prior twelve (12) month period to verify proper use in accordance with the above authorized uses.

3. The audit shall randomly select at least ten (10) browsing inquiries conducted by employees during the preceding six (6) month period and determine if each inquiry meets the requirements established in this policy.

4. The audit shall be documented in the form of an internal Department memorandum to the Chief of Police. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Chief of Police, the memorandum and any associated documentation shall be filed and retained by the Department.