

Automated License Plate Readers (ALPRs)

466.1 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.

466.2 POLICY AND PROCEDURES

The policy of the Barstow Police Department is to utilize the Flock Safety Group Inc. ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public. This policy also includes guidelines and procedures for Barstow Police Department personnel to follow when using, accessing, and collecting ALPR system information.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

466.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Barstow Police Department to convert data associated with vehicle license plates 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 investigatory leads, active warrants, homeland security, electronic surveillance, suspect interdiction, crime analysis, and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administrative Division Commander. The Administrative Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

466.3.1 ALPR ADMINISTRATOR

The Administrative Division Commander 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) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title of the current designee responsible for overseeing the ALPR operation.

Barstow Police Department

Barstow PD CA Policy Manual

Automated License Plate Readers (ALPRs)

- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

466.4 OPERATIONS

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) 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.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

466.5 DATA COLLECTION AND RETENTION

The Administrative Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) except ALPR data collected utilizing Flock Safety Group Inc. ALPR's. Flock ALPR data is collected and stored in a cloud and will be retained for a minimum of 30 days and in accordance with the established records retention schedule. Thereafter, ALPR data will be automatically purged by Flock Safety Group Inc., 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 officers shall download the applicable ALPR data from the server or cloud, prior to the date being purged, onto portable media such as a CD or DVD, and book it into evidence.

Barstow Police Department

Barstow PD CA Policy Manual

Automated License Plate Readers (ALPRs)

466.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Barstow 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).
- (b) Members 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.
- (c) The Administrative Division Commander is responsible for system oversight and management and will conduct ALPR system audits on a quarterly basis to ensure compliance with system requirements and with the provisions of this policy.
- (d) The Administrative Division Commander should review user accounts and delete or deactivate accounts of users no longer authorized to use the ALPR system. The Administrative Division Commander will inspect the audit information to ensure security and proper use of the ALPR system and provide an annual ALPR report to the Chief of Police. The report should include if accessed and requested information, including the purpose of the query are within the provisions of this policy.
- (e) Employees shall report errors and suspected or confirmed violations of department policies relating to protected information to their supervisors or managers. If a violation is discovered, the employee user will be notified and policy retraining will be conducted with the employee.

Flock Safety Group Inc. is in full compliance with CJIS (Criminal Justice Information System) data retention and security requirements and per the contract with the Barstow Police Department is responsible for continually monitoring the ALPR data in the cloud to ensure the security of the information and compliance with applicable privacy laws. For security or data breaches, see the Records Release and Maintenance Policy.

466.7 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:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.

Barstow Police Department

Barstow PD CA Policy Manual

Automated License Plate Readers (ALPRs)

- (b) The request is reviewed by the Administrative Division Commander or the authorized designee (Operations Division Commander or Watch Commander) 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).

466.8 TRAINING

The Administrative Training Corporal 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). All officers, detectives, and dispatchers shall receive department training prior to utilizing the ALPR system. This training will consist of a review of the ALPR policy, guidelines, and procedures and training on how to login and use the Flock ALPR system. This training will be documented and kept on file with the Administrative Training Corporal.

466.9 DISPATCH PROCEDURES WHEN RECEIVING AN ALPR HIT NOTIFICATION

When the Barstow Police Department Dispatch Center receives an ALPR notification the dispatcher shall do the following:

- (a) Immediately confirm the status of the vehicle in CLETS.
- (b) While waiting for the confirmation, advise patrol units of the ALPR alert and that confirmation is in progress.
- (c) Provide the patrol units with the description of the vehicle, license plate of the vehicle, and the last known direction of travel.
- (d) Upon receiving confirmation, advise the patrol units via the radio that the alert has been verified.
- (e) If possible, advise the patrol units with any updates as to the direction of travel of the suspect vehicle.

466.10 AUTHORIZED USERS

Access to ALPR information is restricted to authorized personnel. Only qualified individuals who have the appropriate security clearance and who have completed department training may use and analyze ALPR data. The following members of the Barstow Police Department are authorized to use, access, and collect ALPR system information:

- (a) Chief of Police
- (b) Captain (ALPR System Administrator)
- (c) Lieutenants
- (d) Sergeants
- (e) Detective Sergeant

Barstow Police Department

Barstow PD CA Policy Manual

Automated License Plate Readers (ALPRs)

- (f) Corporals
- (g) Detectives
- (h) Patrol Officers

The following members of the Barstow Police Department are authorized limited use and access to the ALPR system:

- (a) Dispatch Supervisor
- (b) Dispatchers
- (c) Information Technology Manager
- (d) Flock Safety Inc. personnel may have limited access for system maintenance and installation purposes only.

The Administrative Division Commander, under the direction of the Chief of Police, is responsible for assigning user permissions to each member of the department authorized to use, access, and collect ALPR system information. The Administrative Division Commander and the I.T. Manager are the only Administrative users authorized to create an ALPR user account.

466.11 ENTERING INFORMATION INTO THE ALPR SYSTEM

An officer may request vehicle information be entered into the ALPR system Custom Hotlist for routine patrol operations and criminal investigations once he/she has received approval to do so from the Operations Division Commander. If the Operations Division Commander is unavailable, the officer must receive approval from the Administrative Division Commander or Chief of Police. The officer shall note the Division Commander approving the entry in the ALPR's entry narrative.

Detectives may enter vehicle information into the ALPR system once he or she has received approval from the Administrative Division Commander. If the Administrative Division Commander is unavailable, the detective must receive approval from the Operations Division Commander or Chief of Police. The person providing approval of the entry shall be noted in the ALPR's entry narrative.

The department should not store Hotlist data in the system for more than 72 hours without refreshing it. Officers and detectives who locate a vehicle entered into the department Custom Hotlist are responsible for having the vehicle removed from the ALPR system upon it's recovery.