

## Automated License Plate Readers (ALPRs)

### 428.1 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.

### 428.2 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Downey 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 active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

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

#### 428.2.1 ALPR ADMINISTRATOR

The Administration Division Commander has developed the following 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) All ALPR data downloaded to the mobile workstation and server shall be accessible only to those department members that have been properly trained on the system and have a legitimate law enforcement purpose to access the information.
- (b) No member of the department shall operate ALPR equipment or access ALPR data without first completing department approved training. This training shall entail both the physical operation of the ALPR, as well as the laws and policy regarding the authorized use of ALPR equipment and data.
- (c) ALPR system audits should be conducted on a regular basis to ensure proper functioning of the ALPR software as well as compliance with security measures by personnel utilizing the ALPR system.
- (d) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password protected system capable of documenting all access of information by name, date and time.
- (e) The department's ALPR program shall fall under the oversight of the the Administrative Lieutenant, including the I.T. Unit.
- (f) All ALPR data should be stored for a minimum of one year (Government Code 34090.6), 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

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circumstances, the applicable data may be downloaded onto department evidence storage media for permanent retention.

- (g) A copy of the ALPR policy and related procedures shall be conspicuously posted on the department's website.
- (h) The department maintains both a mobile and fixed ALPR system. All LPR data access requires a username and password for access. When there is a return or match to a stolen vehicle, wanted person, or other database that license plate information is queried against, it is referred to as a "hit." Fixed and mobile system hits are displayed in the Communications Center and on vehicle devices that are logged into the ALPR system. If a "hit" on a vehicle license plate occurs at a fixed ALPR location, the dispatcher shall confirm that the plate is not a misread and then immediately broadcast the nature of the hit, the vehicle and license plate, and the fixed ALPR location to patrol officers. The dispatcher shall then run the "hit" through the California Law Enforcement Telecommunications System (CLETS), and broadcast the results to responding officers. Officers utilizing a mobile ALPR system that receives a "hit" shall visually verify the license plate on the vehicle and confirm its status through CLETS (unless already confirmed by the Communications personnel). The LPR database is not in real-time, and this step is necessary to confirm the current status in CLETS and that the plate was read properly.

#### **428.3 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) The officer shall verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

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### **428.4 DATA COLLECTION AND RETENTION**

The Administration 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) 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.

### **428.5 ACCOUNTABILITY**

All data will be closely safeguarded and protected by both procedural and technological means. The Downey 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) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

### **428.6 POLICY**

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

### **428.7 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.

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3. The intended purpose of obtaining the information.
  - (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).

ALPR data shall not be shared with out-of-state or federal law enforcement agencies.

### **428.8 TRAINING**

The Training Coordinator 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).