

Automated License Plate Readers (ALPRs)

460.1 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.

460.2 POLICY

The policy of the Livermore 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.

460.3 ADMINISTRATION

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

All installation and maintenance of ALPR equipment will be coordinated by the IT Manager and the Police Facility and Equipment Manager. ALPR data retention and access shall be managed by the ALPR Administrator.

460.3.1 ALPR ADMINISTRATOR

The ALPR Administrator 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 and name of the current designee in overseeing the ALPR operation.
- (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.

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460.4 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.
- (g) Hot plates should only be entered into ALPR systems to assist with the investigation of Livermore Police Department cases only. The following personnel have the authority to enter Hot Plates into ALPR systems:
 - 1. Lieutenants
 - 2. Sergeants
 - 3. Detectives
 - 4. Crime Analysts
 - 5. Support Services Manager
 - 6. Supervising Public Safety Dispatchers
- (h) The Information Technology (IT) unit may access ALPR systems to conduct periodical tests to ensure the systems performance.

460.5 DATA COLLECTION AND RETENTION

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

All ALPR data stored in a server should be stored for up to 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

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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.

The only information contained in the ALPR database is the vehicle license plate, a photograph of the vehicle, the location the photograph was taken and the date and time the photograph was taken. The data that is contained in the database is encrypted and does not keep any personal information.

460.5 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Livermore 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 shall be conducted by the ALPR Administrator on a quarterly basis to ensure compliance with department policy. For security or data breaches, see the Protected Information Policy #812.

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460.7 ACCESS TO ALPR DATA

Access to ALPR data is restricted to officers with both the need to know and the right to know. When these conditions are met, data can be used for the following purposes:

- (a) To locate stolen vehicles, wanted persons, and suspects of serious misdemeanors and felony crimes.
- (b) To locate and apprehend individuals subject to arrest warrants or otherwise lawfully sought by law enforcement.
- (c) To locate witnesses and victims of violent crime.
- (d) To locate missing children and elderly individuals, including responding to Amber and Silver Alerts.
- (e) To protect participants at special events and critical infrastructure.

ALPR data shall not be used to enforce infractions or minor vehicle code violations.

ALPR notifications related to outside agency entries that are general in nature (i.e., "felony vehicle" with limited further details) should be approved by a supervisor prior to a patrol response. Other entries that can be quickly and independently checked, such as the current status of a reported

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stolen vehicle, do not require supervisory authorization prior to a response. When required, supervisory review should include considerations regarding the amount of information available at the time of the notification, the intent of the responsible agency's entry (arrest driver, identify occupants, secure vehicle as evidence, etc.), available LPD resources, and all applicable LPD policies, such as the pursuit policy, prior to taking significant action related to such notifications. LPD supervisors are not required to initiate action based on an ALPR activation, and should base any decision to take action on the totality of the circumstances.

460.8 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.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Security Policy #810 (Civil Code § 1798.90.55).

460.9 TRAINING

The ALPR Administrator 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).

460.10 REPORTING

An annual report will be completed detailing the use of the ALPR system. The ALPR Administrator will be responsible for completing the report.

460.11 POLICY REVIEW

This policy was reviewed by Captain Boberg