

## Automated License Plate Readers (ALPRs)

### 433.1 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.

### 433.2 DEFINITIONS

- (a) Automated License Plate Reader (ALPR): A device that uses cameras and computer technology to capture digital images of license plates along with vehicle make, model, color, and unique identifiers.
- (b) ALPR Operator: Trained Department members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the Department, and the ALPR Administrator may order the deployment of the ALPR systems for use in various efforts.
- (c) ALPR Administrator: A Commander or Chief designee shall serve as the ALPR Administrator for the Department.
- (d) Hot List: A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, NCIC, CA DMV, Local BOLO's, etc.
- (e) Vehicles of Interest: Including, but not limited to vehicles which are reported as stolen; display stolen license plates or tags; vehicles linked to missing and/or wanted persons and vehicles flagged by the Department of Motor Vehicle Administration or law enforcement agencies.
- (f) 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 bumper stickers on a vehicle on which it was displayed), and information regarding the location of the ALPR system at the time of the ALPR's read.
- (g) Hit: Alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order, involved in a crime, or terrorist-related activity.

### 433.3 POLICY

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

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#### **433.4 ADMINISTRATION**

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates along with the vehicle make, model, color, and unique identifiers through the Pacific Grove Department's ALPR system and the vendor's vehicle identification technology. This technology is used by the Pacific Grove Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including criminal investigations, identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, 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 ALPR Administrator. The ALPR Administrator may assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

##### **433.4.1 ALPR ADMINISTRATOR**

The ALPR Administrator shall be responsible for ensuring guidelines and procedures 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) Only properly trained sworn officers, and professional staff are allowed access to the ALPR system or to collect ALPR information.
- (b) Ensuring that training requirements are completed for authorized users.
- (c) Ensuring the security of the information and compliance with applicable privacy laws.
- (d) Ensuring that procedures are followed for system operators and maintaining records of access in compliance with Civil Code § 1798.90.52.
- (e) Maintaining the title and name of the current designee overseeing the ALPR operation. Continually working with the Custodian of Records on the retention and destruction of ALPR data.
- (f) Ensuring this policy and related procedures are conspicuously posted on the department's website.

#### **433.5 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) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

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- (d) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (e) The ALPR Administrator or designee may approve a mutual aid request to assist law enforcement from other agencies and share ALPR data when they become aware of a serious incident, as to which they reasonably believe the ALPR may be useful, as resources permit.
- (f) Partial license plates and unique vehicle descriptions reported during crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (g) 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.
- (h) 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, which has the ability to be fully audited.
- (i) Permitted/Impermissible Uses. The ALPR system, and all data collected, is the property of the Pacific Grove Police Department. Department personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this Policy. The following uses of the ALPR system are specifically prohibited:
  1. 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).
  2. Harassment or Intimidation: It is a violation of this policy to use the ALPR system to harass and/or intimidate any individual or group.
  3. Use Based on a Protected Characteristic. It is a violation of this policy to use the ALPR system or associated scan files or hot lists solely because of a person's, or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.
  4. 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.
  5. First Amendment Rights. It is a violation of this policy to use the ALPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.

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

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- administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and City and Department policies.

#### 433.5.1 ALPR ALERT PROTOCOLS

When an ALPR alerts on a stolen vehicle the officer shall, prior to initiating a traffic stop or detaining the occupants of the vehicle.

Once an alert is received, the operator should confirm that the observed license plate from the system matches the license plate of the observed vehicle. Before any law enforcement action is taken because of an ALPR alert, the alert will be verified through a CLETS inquiry via MDC or through Dispatch.

Members 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, officers are reminded that they need to have reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle. (For example, if a vehicle is entered into the system because of its association with a wanted individual, Officers should attempt to visually match the driver to the description of the wanted subject prior to making the stop or should have another legal basis for making the stop.)

Hot Lists. Designation of hot lists to be utilized by the ALPR system shall be made by the ALPR Administrator 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. 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 thus the Department's ALPR system will not have access to real time data. Occasionally, there may be errors in the ALPR system'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).

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

- (a) Verification of status on a Hot List. An officer must receive confirmation, from Communications or other department computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).
- (b) Visual verification of license plate number. Officers shall visually verify that the license plate 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, state of issue, and vehicle descriptors before proceeding. Department members alerted to the fact that an observed motor vehicle's license plate is entered as a Hot Plate (hit) in a specific BOLO (be on the lookout) list are required to make a reasonable effort to confirm that a wanted person is actually in the vehicle and/or that a reasonable basis exists before a Department member would have a lawful basis to stop the vehicle.

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- (c) Department members will clear all stops from hot list alerts by indicating the positive ALPR Hit, i.e., with an arrest or other enforcement action. If it is not obvious in the text of the call as to the correlation of the ALPR Hit and the arrest, then the Department member shall update Communications and original person and/or the system administrator inputting the vehicle in the hot list (hit).
- (d) General Hot Lists (SVS, SFR, and SLR) will be automatically downloaded into the ALPR system a minimum of once a day with the most current data overwriting the old data. LPR system a minimum of once a day with the most current data overwriting the old data.

All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting Department member within the appropriate general offense report. As such, specific Hot Lists shall be approved by the ALPR Administrator (or designee) before initial entry within the ALPR system.

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hits from these data sources should be viewed as informational; created solely to bring the officers attention to specific vehicles that have been associated with criminal activity.

All Hot Plates and suspect information entered into the ALPR system will contain the following information as a minimum:

- Entering Department member's name
- Related case number
- Short synopsis describing the nature of the originating call

In the event the suspect vehicle or an occupant commits a violation of the law then the vehicle can be stopped or the occupants detained as in any other such incident.

When an ALPR alerts on a stolen vehicle for a professional staff member, the employee shall pull over in a safe location and use the radio to alert an officer to the vehicle's location. At no time shall a professional staff member take any action with the vehicle or any occupants. R alerts on a stolen vehicle for a professional staff member, the employee shall pull over in a safe location and use the radio to alert an officer to the vehicle's location. At no time shall a professional staff member take any action with the vehicle or any occupants.

#### **433.6 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.

All routine collected ALPR data and license plate information records, not associated with any case report, investigation, complaint or citation, shall be automatically purged pursuant to the city records retention schedule. ALPR records collected as evidence shall be tagged with a case report or citation number and be retained for the same length of time as other evidence relevant to the case.

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ALPR vendor, Flock Safety will store the data (data hosting) and ensure proper maintenance and security of data stored in their data towers. Flock Safety will purge their data at the end of the 30 days of storage. However, this will not preclude PGPD from maintaining any relevant vehicle data obtained from the system after that period pursuant to the established City of Pacific Grove retention schedule mentioned above or outlined elsewhere. Relevant vehicle data are scans corresponding to the vehicle of interest on a hot list.

Restrictions on use of ALPR Data: Information gathered or collected, and records retained by Flock Safety cameras or any other PGPD ALPR system will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes.

#### **433.7 ACCOUNTABILITY AND SAFEGUARDS**

All data will be closely safeguarded and protected by both procedural and technological means. The Pacific Grove 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 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) All access to ALPR will be maintained in an audit trail, including the date and time the information was accessed, the license plate number or other data used to query the system, the username of the person who accessed the information, the purpose for accessing the information.
- (c) 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.
- (d) All non-law enforcement requests for access to stored ALPR data shall be referred to the ALPR Administrator and processed in accordance with applicable law.
- (e) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes.
- (f) No entry of "Hot Lists" or other data may be entered into the ALPR database without supervisor approval.
- (g) Every ALPR Detection Browsing Inquiry (search) must be documented by the associated Pacific Grove Police Department case number or incident number. If the search is related to an out of city case, utilize that agency's case number along with the agency name (ex. Monterey PD Case #). In the unlikely event that a case number or incident number is not generated, you must contact the ALPR Administrator for guidance **before a search is conducted.**

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

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#### **433.8 ALPR DATA BROWSING DETECTION AUDITS**

It is the responsibility of the ALPR Administrator or designee to ensure that an audit is conducted of ALPR detection browsing inquiries at least once during each calendar year. For year one of activation, the Department will audit a sampling of the ALPR system utilization once every 6-months to verify proper use in accordance with the above- authorized uses. The audit shall randomly select at least 5 detection browsing inquiries conducted by department employees during the preceding six-month period and determine if each inquiry meets the requirements established in policy section 433.7 (f). If no issues arise, the audits will be conducted at least once every 12 months starting in year 2 increasing the audit size to 10 randomly selected browsing inquiries.

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 ALPR Administrator.

#### **433.9 RELEASING ALPR DATA**

The ALPR data may only be shared 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.
- (b) The request is reviewed by the ALPR Administrator or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.
- (d) The ALPR Administrator or the authorized designee will consider the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq), before approving the release of ALPR data. The Pacific Grove Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CPB). This department shall only share information with local California agencies unless the ALPR Administrator reviews the out of state local law enforcement request and such release would not violate any law and will serve a valid law enforcement purpose.
- (e) 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).

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### **433.10 TRAINING**

The Training Manager shall 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).