

Automated License Plate Readers (ALPRs)

431.1 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.

431.2 ADMINISTRATION OF ALPR DATA

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the City of Sunnyvale Department of Public Safety 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 Patrol Staff Lieutenant. The Patrol Staff Lieutenant is responsible for administering the day-to-day operation of the ALPR equipment and data.

431.2.1 ALPR ADMINISTRATOR

The Patrol Staff Lieutenant 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) Ensuring this policy and related procedures are conspicuously posted on the department's website.

431.3 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.

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- (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.

431.4 DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of law enforcement and because such data may contain confidential CLETS information, it is not open to public review. ALPR information gathered and retained may be used and shared with prosecutors or other law enforcement agencies only as permitted by law. Data contained in the South Bay Information Sharing System (SBISS) and Northern California Intelligence Center (NCRIC) servers is for law enforcement investigatory files. As such, the data is not subject to disclosure pursuant to Government Code 6254(f).

Data collected by ALPR units are uploaded to the SBISS and NCRIC servers. All ALPR reads downloaded to the SBISS and NCRIC servers are stored for a minimum of one year (Government Code § 34090.6). Unless the data has become, or it is reasonable to believe will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the NCRIC server onto portable media and booked into evidence.

The Patrol Staff Lieutenant is responsible to ensure proper collection and retention of ALPR data.

431.5 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The SBISS and NCRIC adhere to 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).

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- (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.
- (d) ALPR system audits are conducted by a senior SBISS and NCRIC official other than the person assigned to manage the ALPR function:
 - 1. Name of the law enforcement user
 - 2. Agency of the law enforcement user
 - 3. Date and time of the access
 - 4. Activities executed
 - 5. License plate(s) searched
 - 6. Justification for the search
 - 7. Associated case number

Audit reports from SBISS will be provided periodically and on request to supervisory personnel at the SBISS host and partner agencies. Audit reports from NCRIC will be reported to the Director of NCRIC.

All security or data breaches will be reported to the users parent agency..

431.6 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, through the Northern California Regional Intelligence Center (NCRIC).

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).

431.7 TRAINING

The Patrol Staff Lieutenant 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).