Automated License Plate Readers (ALPRs)

429.1 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.

429.1 POLICY

The policy of the Nevada County Sheriff's Office 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 office. Because such data may contain confidential information, it is not open to public review.

429.4 DEFINITIONS

(a) **Automated License Plate Reader (ALPR):** A device that uses cameras and computer technology to compare digital images to lists of known information of interest.

(b) **ALPR Operator:** Trained Office members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the Office, and the ALPR Administrator may order the deployment of the ALPR systems for use in various efforts.

(c) **ALPR Administrator:** The Administration Division Commander or their designee, serves as the ALPR Administrator of the Office.

(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 the plate and description of 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, domestic violence protective order or terrorist-related activity.

429.5 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 Nevada County Sheriff's Office's ALPR system and the vendor's vehicle identification

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technology. It is used by the Nevada County Sheriff's Office to convert data associated with vehicle license plates and vehicle descriptions 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.

429.5.1 ALPR ADMINISTRATOR

The Administration 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 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 office's website.

429.6 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Office 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.

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(d) No member of this office shall operate ALPR equipment or access ALPR data without first completing office-approved training.

(e) No ALPR operator may access office, state or federal data unless otherwise authorized to do so.

(f) If practicable, the deputy 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. 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, deputies 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, Deputies 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.)

(g) Hot Lists: Designation of hot lists to be utilized by the ALPR system shall be made by the ALPR Administrator or their 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 Office's LPR system may be updated by agency sources more frequently than the Office may be uploading them and thus the Office's LPR system will not have access to real time data. Occasionally, there may be errors in the LPR 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, Office members shall undertake the following:

1. Verification of status on a Hot List: An officer must receive confirmation, from a dispatcher or other office computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).

2. Visual verification of license plate number. Deputies shall visually verify that the license plate of interest matches identically with the image of the license plate number captured (read) by the LPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors before proceeding. Office 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 a wanted person is actually in the vehicle and/or that a reasonable basis exists before a Office member would have a lawful basis to stop the vehicle.

3. Office 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

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the Office member shall update with the dispatcher and original person and/or a crime analyst inputting the vehicle in the Hot List (Hit).

4. 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.

5. All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting Office member within the appropriate general offense report. As such, specific Hot Lists shall be approved by the ALPR Administrator (or their designee) before initial entry within the ALPR system. The updating of such a list within the ALPR system shall thereafter be accomplished pursuant to the approval of the Office member's immediate supervisor. The hits from these data sources should be viewed as informational; created solely to bring the officer's attention to specific vehicles that have been associated with criminal activity.

6. All Hot Plates and suspect inofrmation entered into the ALPR system will contain the following information at a minimum:

   (a) Entering Office member's name

   (b) Related case number

   (c) Short synopsis describing the nature of the originating call

(h) Training: No member of this Office shall operate ALPR equipment or access ALPR data without first completing Office-approved training.

(i) 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. Permitted/ Impermissible Uses. The ALPR system, and all data collected, is the property of the Nevada County Sheriff's Office. Office 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 LPR 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.

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5. First Amendment Rights: It is a violation of this policy to use the LPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.
6. Anyone who engages in an impermissible use of the ALPR system or associated scan files or hot lists may be subject to:
    (a) Criminal prosecution
    (b) Civil liability
    (c) Administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and Office policies.

429.7 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 office procedures.

All ALPR data downloaded to the server should be stored 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.

The ALPR vendor will store the data (data hosting) and ensure proper maintenance and security of data stored in their data towers. The vendor will purge their data at the end of the 30 days of storage. However, this will not preclude the Nevada County Sheriff's Office's from maintaining any relevant vehicle data obtained from the system after that period pursuant to the established days of storage. This will not preclude Office from complying with the retention schedule mentioned above or outlined elsewhere.

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

429.8 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, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:
    (a) The name of the agency.
    (b) The name of the person requesting.

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(c) 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 Sheriff or their 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 Nevada County Sheriff's Office does not permit the sharing of ALPR data gathered by the staff 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).

(d) 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).

429.9 ACCOUNTABILITY AND SAFEGUARDS

All data will be closely safeguarded and protected by both procedural and technological means. The Nevada County Sheriff's Office 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 non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law.

(b) 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).

(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 office-related civil or administrative action.

(d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes.

(e) Every ALPR Detection Browsing Inquiry must be documented by either the associated Nevada County Sheriff's Office case number or incident number, and/or a reason for the inquiry.

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

429.9 TRAINING

The Training Manager should ensure that members receive office-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

429.9 ALPR DATA DETECTION BROWSING AUDITS

It is the responsibility of the Administration Division Commander or the Sheriff's designee to ensure that an audit is conducted of ALPR detection browsing inquiries at least once during each calendar

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year. The Office will audit a sampling of the ALPR system utilization from the prior 12-month period to verify proper use in accordance with the above-authorized uses. The audit shall randomly select at least 10 detection browsing inquiries conducted by office employees during the preceding period and determine if each inquiry meets the requirements established in section 429.9(e) of this policy.

The audit shall be documented in the form of an internal office memorandum to the Sheriff. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Sheriff, the memorandum and any associated documentation shall be filed and retained by PSU (Professional Standards Unit).

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