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| <b>ESCONDIDO POLICE DEPARTMENT INSTRUCTION</b> |                 | <b>DATE:</b> 04-06-16                                       | <b>NO:</b> 1.62 ADMINISTRATION |
| <b>TO:</b>                                     | ALL PERSONNEL   | <b>SUBJECT:</b> AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS |                                |
| <b>ORIGIN:</b>                                 | CHIEF OF POLICE | <b>RETAIN:</b> UNTIL FURTHER NOTICE                         |                                |

This is a new Department Instruction.

**I. PURPOSE**

The Escondido Police Department maintains an Automated License Plate Recognition (ALPR) system and shares data gathered by this system with the Automated Regional Justice Information System (ARJIS). ARJIS, in cooperation with local, state, and federal law enforcement agencies, maintains a regional server as an ALPR data repository in support of law enforcement efforts to improve public safety. The purpose of this Department Instruction is to establish an ALPR Acceptable Use and Privacy Policy which is consistent with the policy of the [Automated Regional Justice Information System \(www.ARJIS.org\)](http://www.ARJIS.org). The Escondido Police Department retains control and ownership of ALPR data shared with ARJIS.

**II. BACKGROUND AND OVERVIEW**

Automated License Plate Recognition, or ALPR, is a computer-based, information gathering system that utilizes specially-designed cameras to rapidly capture an image of a vehicle license plate and convert the plate characters into a text file using optical character recognition technology. The text file can then be compared against pre-existing data files, such as databases containing records of stolen or wanted vehicles as well as vehicles associated with AMBER alerts, missing children, wanted subjects or other criteria. If a match is found, the ALPR user is notified by an audible alert and an associated notation on the user's computer screen. Because the ALPR system is programmed to check all vehicles in the same manner, they are an objective and non-discriminatory public safety tool. The data obtained by ALPR cameras is useful in criminal investigations.

ALPR cameras can be mobile (mounted on vehicles) or fixed (mounted to a structure).

Mobile ALPR systems scan plates, notify the user of a vehicle alert, and store the plate scan data for later upload or transfer to an ALPR server or the regional ALPR server. ALPR systems in fixed positions can link to an ALPR server for updates and transmission of scanned plate data in real time or near-real time. In the event of an alert, the ALPR system can notify field users and dispatchers so verification of the alert and appropriate response can take place.

The information data files (alert lists) against which license plate reads are checked may include, but are not limited to, the Stolen Vehicle System (SVS) Felony Warrants System (FWS), Missing and Unidentified Persons System (MUPS) and Probable Cause to Arrest Bulletins. ALPR alert databases can be comprised of any selected list that is deemed of legitimate interest to law enforcement in carrying out its public safety mission. Because these informational data files are periodically updated with different data sources being refreshed at different intervals, it is important that ALPR users take into account the potential for lag time between the last update and an alert provided by the ALPR system on a vehicle of interest or wanted vehicle. Any alert provided by an ALPR system is to be considered informational and advisory in nature and requires further verification before action is taken.

### III. POLICY

The ALPR system is restricted to legitimate criminal justice uses for the purpose of furthering law enforcement goals and enhancing public safety. There are two primary objectives of ALPR data use. The first is to identify stolen or lost vehicles and license plates, and wanted or missing persons, by matching the ALPR data to the alert lists. The second objective is the ability to query ALPR data to assist officers and detectives with ongoing criminal investigations, crime prevention and detection, and aid in the prosecution of crimes involving vehicles. LPR data is queried only if there is a reasonable suspicion that a vehicle is involved in criminal activity and the requestor has a legitimate need to know. Implementation of this policy will ensure that the collection, use, maintenance, sharing and dissemination of ALPR data is consistent with respect for individuals' privacy and civil liberties.

### IV. GENERAL

#### A. Mobile ALPR Equipment Use

1. Department personnel operating ALPR equipment or accessing information/data associated with the ALPR system must be properly trained prior to use.
2. Department personnel operating mobile ALPR units should ensure that the system is operating properly and updated prior to placing the unit into service.
3. When alerted that a vehicle is wanted, stolen or of interest to law enforcement, the mobile ALPR operator should, to the fullest extent possible, take the following steps:
  - a. Ensure the plate was read properly and that the state of origin is consistent with the alert.
  - b. Confirm the alert status by either manually entering the plate via the mobile computer terminal or requesting verification through dispatch.

- c. Review the alert information to determine the nature of the advisory (information only, stolen vehicle, etc.).
- d. In the event that compelling circumstances are present or situational officer safety issues make it unsafe to confirm the status of the alert information prior to taking action, the mobile ALPR operator must confirm the status of the alert information as soon as possible.

#### B. Fixed ALPR Equipment Use

1. Monitoring of the fixed ALPR equipment is accomplished through a graphical user interface (GUI) connected to the ALPR server. Dispatch is primarily responsible for monitoring the fixed ALPR equipment.
2. When alerted that a vehicle is wanted, stolen or of interest to law enforcement, Dispatch should, to the fullest extent possible, take the following steps:
  - a. Ensure the plate was read properly and that the state of origin is consistent with the alert.
  - b. Confirm the alert status; i.e., Conduct a records check on the plate through the appropriate law enforcement database.
  - c. Broadcast a “Be on the Lookout” to field units with the license plate, description and information contained in the alert.

#### C. Database and Records

1. Department personnel permitted to access or query ALPR data must meet the same criteria as those required for accessing other criminal justice data. Requirements concerning the security and confidentiality of all criminal justice data are set forth in the FBI CJIS Security Policy and the CLETS Policies, Practices and Procedures.
2. Access to the ALPR system will be managed by the ALPR System Administrator or Agency CLETS Coordinator.
3. The data records stored on the ALPR server include photographs of the vehicle (close-up of the license plate and context photo of the front or rear of the vehicle) and accompanying license plate number, date, time, and location in the field, and do not directly identify a particular person.
4. Access to, and use of, ALPR data is logged for audit purposes. Audit reports contain the name of the user, date and time of access, the specific data queried and the justification for the query including a relevant case number if available at the time.

5. ALPR data is for official law enforcement purposes only. Department personnel will not share ALPR data with commercial or private entities or individuals. ALPR data may be shared with other governmental entities with an authorized law enforcement or public safety purpose in accordance with existing FBI and Cal DOJ policies.
6. Data generated by the ALPR System are records of investigations and therefore exempt from public disclosure under Government Code Section 6254, Subdivision (f). Further, the data are exempt from disclosure under 6254(k) of the California Government Code which ensures an individual's right to privacy under the California Constitution, Article 1, Section 1.
7. ALPR data is not to be accessed for the purpose of monitoring individual activities protected by the First Amendment to the United States Constitution.

## V. RETENTION OF DATA

### A. Mobile ALPR Systems

Records generated by mobile ALPR systems which have not been linked to an ongoing criminal investigation shall be retained for a period of two years. Once the retention period has expired, the records will be purged from the active database. Records which have been linked to an ongoing criminal investigation may be retained as part of the investigation and subject to the same purge criteria associated with the investigative case file.

### B. Fixed ALPR Systems

Records generated by fixed ALPR systems which have not been linked to an ongoing criminal investigation shall be retained for a period of one year. Once the retention period has expired, the records will be purged from the active database. Records which have been linked to an ongoing criminal investigation may be retained as part of the investigation and subject to the same purge criteria associated with the case file.

### C. Audit Reports

Audit reports shall be retained for two years.