

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.

429.2 POLICY

The policy of the Napa Police Department is to utilize ALPR technology to capture and review 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 unless as provided by law.

The Napa Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, pursuant to the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq) – these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CPB).

429.3 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 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 law enforcement related efforts.
- (c) **ALPR Administrator:** The Operations Division Captain or the Chief's designee, serves 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 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

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specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order or terrorist-related activity.

429.4 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 ALPR systems utilized by the Napa Police Department and the vendor's vehicle identification technology. The technology is used by the Napa 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, suspect interdiction, and crimes against person or property.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the ALPR Administrator or their designee. The ALPR Administrator will determine members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

429.4.1 ALPR ADMINISTRATOR

The Operation Division Captain shall be responsible for compliance 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, crime analysts, communication operators, records clerks and police assistants are allowed access to the ALPR system or to collect ALPR information.
- (b) Ensuring that training requirements are completed for authorized users.
- (c) ALPR system monitoring to ensure the security of the information and compliance with applicable privacy laws.
- (d) Ensuring that procedures are followed for system operators and 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 is maintained. Continually working with the Custodian of Records on the retention and destruction of ALPR data retained by the Department.
- (f) Ensuring this policy and related procedures are conspicuously posted on the department's website.

429.5 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.

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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) Partial license plates and unique vehicle descriptions 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) 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. Before any law enforcement action is taken because of an ALPR alert, the alert will be verified through a CLETS inquiry via MDC or Napa 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.)
- (f) 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 which are consistent with the purposes of the ALPR system set forth in this Policy. Hot lists utilized by the ALPR system accessed by NPD personnel may be updated by sources other than the Department and thus alerts should be validated. 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, Department members shall undertake the following:
 1. Verification of status on a Hot List. An officer must receive confirmation, from a Napa Police Department Communications Dispatcher or other department 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. Officers 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. 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.
 3. Department members will clear all stops from hot list alerts by ensuring the positive ALPR hits is documents (Report, CAD Notes, etc.) 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 Department member shall update with the Communications Dispatcher and original person inputting the vehicle in the hot list.

4. General Hot Lists (SVS, SFR, MUPS, etc.) will be automatically downloaded into the ALPR system by the contracted agency (Flock).
5. All entries and updates of specific Hot Lists by department personnel will be documented by the requesting Department member within the appropriate general offense report. As such, specific Hot Lists should be approved by a supervisor prior to entry and should be set to expire in 30 days. It will be the officer's responsibility to ensure the accuracy of the hotlist entry. Nothing in this policy will preclude the hotlist from being entered for additional 30-day timeframes if the need still exists. The 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.
 - (a) All Hot Plates and suspect information entered into the ALPR system will contain the following information as a minimum:
 1. Entering Department member's name
 2. Related case number
 3. Reasoning for inclusion on the hot list
 - (g) Training. No member of this Department shall operate ALPR equipment or access ALPR data without first completing Department-approved training.
 - (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.

Permitted/Impermissible Uses. Data collected from the ALPR system, is the property of the Napa Police Department. The vendor, Flock Safety retains property rights as established in the contract. 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:

- (a) 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).
- (b) Harassment or Intimidation: It is a violation of this Policy to use the ALPR system to harass and/or intimidate any individual or group.
- (c) 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.

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- (d) **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.
- (e) **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.

Anyone who engages in an impermissible use of the ALPR system or associated scan files or hot lists may be subject to:

1. Criminal prosecution,
2. Civil liability, and/or
3. Administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and Department policies.

429.6 DATA COLLECTION AND RETENTION

The Operations Division Captain or their designee is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data.

ALPR data accessed from the vendor, Flock Safety should not be locally stored and any information obtained and utilized by criminal investigation purposes should be documented in an associated crime report.

ALPR vendor, Flock Safety will store the data (data hosting) and ensure proper maintenance and security of data stored in their data towers. Per Flock Safety, they will purge their data at the end of the 30 days of storage. However, this will not preclude officers from maintaining any relevant vehicle data obtained from the system (evidence in an ongoing criminal investigation) after that period pursuant to the established City of Napa retention schedule. Relevant vehicle data are scans corresponding to the vehicle of interest on a hot list or in criminal investigations.

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

429.7 ACCOUNTABILITY AND SAFEGUARDS

All data will be closely safeguarded and protected by both procedural and technological means. The Napa 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 non-law enforcement request for access to stored ALPR data shall be processed in accordance with applicable law.
- (b) 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.
- (c) Persons 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

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relate to a specific criminal investigation or department-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 purpose and in accordance with applicable laws and policies.
- (e) ALPR system audits shall be conducted on an annual basis and as determined by the ALPR Administrator or their designee.

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

429.8 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies when there is a need to know, a right to know or legal obligation to provide the information.

- (a) California agencies within the Flock Safety network, who have a valid MOU with Flock may make a request to share the data within the Flock system. This is completed through the Flock system.
- (b) The request is reviewed by the ALPR Administrator or their designee, who will consider the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq), and applicable laws and policies and approve it prior to the request being fulfilled. Requests made by prosecutorial agencies will be made and reviewed as per established laws, rules and policies for evidentiary items.
- (c) 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 TRAINING

The Training Manager 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).