

## Automated License Plate Readers (ALPRs)

### 427.1 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.

### 427.2 DEFINITIONS

- Automated License Plate Reader (ALPR): A device that uses cameras and computer technology to compare digital images to lists of known information of interest.
- 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.
- ALPR Administrator: The Investigations Bureau Captain, or their designee, serves as the ALPR Administrator for the Department.
- 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.
- 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.
- 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.
- 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 or terrorist-related activity.

### 427.3 POLICY

The policy of the El Cajon 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.

The Regional LPR Operational Protocol under development by the County Chiefs' and Sheriff's Association outlines LPR best practices and standard operating procedures for those agencies that utilize LPR in the field. The policy can be found here. [ARJIS LPR](#)

The El Cajon 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 California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq) – these

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federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP).

#### **427.4 ADMINISTRATION**

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates along with the vehicle make, body style, color, and unique identifiers through the El Cajon Police Department's ALPR system and the vendor's vehicle identification technology. It is used by the El Cajon Police Department to convert data associated with vehicle license plates and 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, 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 ITP Sergeant. The ITP Sergeant will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

##### **427.4.1 ALPR ADMINISTRATOR**

The Support Bureau Captain, or the their designee, 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 members of the Department are allowed to access the ALPR system or to collect ALPR information.
- (b) Training is required for authorized users.
- (c) ALPR system monitoring 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 department's website.

#### **427.5 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.

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- (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.
- (g) 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 which are consistent with the purposes of the ALPR system set forth in this Policy. Hot lists utilized by the Department's LPR system may be updated by agency sources more frequently than the Department can upload them. If so, the Department's LPR system will not have access to that real time data. Occasionally, there may be errors in the LPR system's interpretation of a license plate. Therefore, an alert alone shall not be solely used as a basis for enforcement action.

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

- (a) Verification of status on a Hot List
  1. Absent exigent circumstances, an officer must receive confirmation, from a El Cajon Police Department Communications Dispatcher or other department computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding.
- (b) Visual verification of license plate number
  1. Officers shall visually verify that the license plate of interest matches identically with the image of the license plate number captured by the LPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors, before proceeding. Department members alerted that an observed vehicle's license plate is entered on a Hot List are required to ensure they possess articulable reasonable suspicion to stop the vehicle, based on the totality of circumstances.

When an enforcement stop is initiated based on an ALPR alert, the disposition of the contact shall be noted in the call for service or in the subsequent police report.

#### 427.5.1 HOT LISTS

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 Department's LPR system may

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be updated by agency sources more frequently than the Department can upload them. If so, the Department's LPR system will not have access to that real time data. Occasionally, there may be errors in the LPR system's interpretation of a license plate. Therefore, an alert alone shall not be solely used as a basis for enforcement action.

#### NLETS Hot Lists:

- (a) NLETS hot lists (SVS, SFR, and SLR) will be automatically downloaded into the ALPR system a minimum of once a day. When this occurs the new data will overwrite the previous data.

#### Specific Hot Lists:

- (a) All entries and updates of Specific Hot Lists within the ALPR system will be documented by the requesting Department member within their case report. As such, Specific Hot Lists entries and updates shall be approved by an on-duty supervisor before entry in the ALPR system.
- (b) All Hot Lists entered into the ALPR system will contain the following minimum information:
  - 1. Name of case agent submitting the hot list
  - 2. Case number associated to the information
  - 3. Short synopsis describing the nature of the case or call

#### 427.5.2 CREDENTIALS

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.

#### 427.5.3 PROHIBITED USE OF ALPR SYSTEMS

The ALPR system, and all data collected, is the property of the El Cajon 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:

- (a) Invasion of Privacy:
  - 1. Except when done pursuant to a court order such as a search warrant 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:
  - 1. 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:

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1. 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.
- (d) Personal Use:
  1. 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:
  1. 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:

- (a) Criminal prosecution
- (b) Civil liability, and/or
- (c) Administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and Department policies.

#### **427.6 DATA COLLECTION AND RETENTION**

The Support Bureau Captain, or their designee, is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred to the designated storage server in accordance with department procedures.

All ALPR data downloaded to the ARJIS server is managed by ARJIS.

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 the Department from maintaining any relevant vehicle data obtained from the system after that period pursuant to the established City of El Cajon evidence retention schedule or other data retention schedules outlined elsewhere in these policies. "Relevant vehicle data" are ALPR scans corresponding to the vehicle of interest on a hot list required to be retained for evidence in future criminal proceedings.

Restrictions on use of ALPR Data:

- (a) Information gathered or collected, and records retained by Flock Safety cameras, or any other Department ALPR system, will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes.

#### **427.7 ACCOUNTABILITY**

All data will be closely safeguarded and protected by both procedural and technological means. The El Cajon 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):

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- (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).
- (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) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes.
- (d) Every ALPR detection search must be documented by either the associated El Cajon Police case number or incident number, and/or the reason for the inquiry.
- (e) All non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law.

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

#### **427.8 ALPR DATA DETECTION BROWSING AUDITS**

It is the responsibility of the Support Bureau Captain, or the authorized designee, to ensure that an audit is conducted of ALPR detection browsing inquiries at least once during each calendar year. The Department 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 department employees during the preceding six-month period and determine if each inquiry meets the requirements established in this policy.

#### **427.9 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.

All requests for sharing ALPR data should be reviewed by the Support Bureau Captain or the authorized designee before the request is fulfilled. The Support Bureau Captain 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 El Cajon 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).

The Support Bureau Captain or the authorized designee will consider the California Reproductive Privacy Act (Health and Safety Code § 123460 - §123469) before approving the release of ALPR data. The El Cajon Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of prosecuting, investigating, or initiating any legal proceeding against any person for the exercise of reproductive health care rights as defined by California Law.

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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).

#### **427.10 TRAINING**

The ITP Sergeant 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).