

## Automated License Plate Readers (ALPRs)

### 433.1 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.

### 433.2 DEFINITIONS

- **Automated License Plate Reader (ALPR):** A device that uses cameras and computer technology to capture images of vehicle license plates and other vehicle data in order to identify and compare those captured digital images to lists of license plate numbers associated with Vehicles of Interest (as identified below).
- **ALPR Operator:** A trained Department member authorized to utilize ALPR system/equipment. ALPR operators may be assigned to positions identified in section 433.4.1(a) of this policy, and the ALPR Administrator may order the deployment of the ALPR systems for use in legitimate law enforcement efforts.
- **ALPR Administrator:** The Investigations/Administrative Division Commander 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 reported as stolen; vehicles displaying stolen license plates or tags; vehicles linked to missing and/or wanted persons and vehicles flagged by the Department of Motor Vehicles 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, involved in a crime, or terrorist-related activity.

### 433.3 POLICY

The policy of the Monterey 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 subject to public disclosure unless required by law.

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#### **433.4 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 the Monterey Police Department's ALPR system and vehicle identification technology. It is used by the Monterey Police Department to convert data associated with vehicle license plates and vehicle descriptions for official law enforcement purposes, including but not limited to 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, plot movement of wanted suspects, 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 ALPR Administrator. The ALPR Administrator will assign members under their command to administer the day-to-day operation of the ALPR equipment and data.

##### **433.4.1 ALPR ADMINISTRATOR**

The Administration Division Commander shall be assigned the role of ALPR Administrator and is responsible for ensuring 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 and specifically authorized Department members (sworn officers, analysts, police service technicians, police service assistants and community service officers) with an operational need to utilize the system are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Ensuring that specific training requirements are established and that authorized users complete such training.
- (c) Ensuring the security of the information and compliance with applicable privacy laws.
- (d) Ensuring that procedures are followed for system operators and maintaining records of access in compliance with Civil Code § 1798.90.52.
- (e) Maintaining a list of the job title or other designation of the employees who are authorized to access and use ALPR information.
- (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.

**Annual Reporting** - within one year of approval of the MPD ALPR system, and annually thereafter, the Chief of Police or the authorized designee will present an ALPR report to City Council related to the ALPR system, to include changes to the policy.

#### **433.5 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) 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) The officer will verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) or dispatch before taking enforcement action that is based solely on an ALPR alert.
- (g) 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.
- (h) Permitted/Impermissible Uses. The ALPR system, and all data collected, is the property of the Monterey 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:
  - 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 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.
  - 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.
  - 5. First Amendment Rights. It is a violation of this policy to use the ALPR system or associated scan files or Hot Lists for the purpose or 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; criminal prosecution, civil liability, and/or administrative sanctions,

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up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and City and Department policies.

#### 433.5.1 ALPR ALERT PROTOCOLS

Once an alert is received, the operator will confirm that the observed license plate from the system matches the license plate for 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.

Officers 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.)

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 as may be consistent with the purposes of the ALPR system set forth in this policy. Hot Lists utilized by the Department's ALPR system may be updated by agency sources more frequently than the Department may be uploading them and thus the Department's ALPR system will not have access to real time data. Occasionally, there may be errors in the ALPR 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:

- (a) **Verification of status on a Hot List.** An officer must receive confirmation, from Communications or other department computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).
- (b) **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 ALPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors before proceeding.
- (c) 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.

Department members will clear all vehicle 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 the Department member shall update

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Communications and the original person and/or the system administrator inputting the vehicle in the Hot List (hit).

General Hot Lists (Stolen Vehicle System - SVS, Felony Wanted Vehicles - SFR, and Lost or Stolen License Plates - SLR) will be automatically downloaded into the ALPR system a minimum of once a day with the most current data overwriting the old data.

All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting Department member within the appropriate general offense report. As such, specific Hot Lists shall be approved by the ALPR Administrator (or 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 Department member's immediate supervisor. The hits from these data sources should be viewed as informational, created solely to bring the officers attention to specific vehicles that are suspected to have been associated with criminal activity.

All Hot List license plate numbers and suspect information entered into the ALPR system will contain the following information as a minimum:

- Entering Department member's name
- Related case number
- Short synopsis describing the nature of the originating call

In the event the suspect vehicle or an occupant commits a violation of the law then the vehicle can be stopped or the occupants detained as in any other lawful stop or arrest.

When an ALPR alerts on a stolen vehicle for a non-sworn professional staff member, the employee shall pull over in a safe location and use the radio to alert an officer to the vehicle's location. At no time shall a professional staff member take any action with the vehicle or any occupants.

#### **433.6 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.

All non-evidentiary ALPR data and license plate information records, not associated with any case report, investigation, complaint or citation, shall be downloaded to the server or cloud and stored for a maximum of 30 days. Thereafter, it shall be entirely purged from all active and backup systems. Evidentiary ALPR data shall be tagged with a case report or citation number and be retained for the same length of time as other evidence relevant to the case in accordance with the Records Retention Schedule.

The ALPR 3rd party vendor will store the data (data hosting) and ensure proper maintenance and security of data stored in their data towers. The ALPR vendor will purge their data at the end of the 30 days of storage. However, this will not preclude the Monterey Police Department from maintaining any relevant vehicle data obtained from the system after that period pursuant to the retention period set forth above for evidentiary and non-evidentiary data. Relevant vehicle data are scans corresponding to the Vehicle of Interest on a Hot List.

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Restrictions on use of ALPR Data: Information gathered or collected, and records retained by ALPR cameras or any other MPD ALPR system will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes. The release of necessary data to the City's authorized 3rd party vendor or to towing services shall not be considered the sale, sharing, or transferring of ALPR information.

### **433.7 ACCOUNTABILITY**

All data will be closely safeguarded and protected by both procedural and technological means. The Monterey 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 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) All access to ALPR will be maintained in an audit trail, including the date and time the information was accessed, the license plate number or other data used to query the system, the username of the person who accessed the information and the purpose for accessing the information.
- (c) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only (i.e. there must be a need and right to know), such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) All non-law enforcement requests for access to stored ALPR data shall be referred to Administration Division Commander and processed in accordance with applicable law.
- (e) Such ALPR data may only be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes consistent with the law and these policies.
- (f) No entry of "Hot Lists" or other data may be entered in to the ALPR database without supervisor approval.
- (g) Every ALPR Detection Browsing Inquiry must be documented with the associated Monterey Police Department case number or incident number. A specific reason for the inquiry will only be entered when, due to extenuating circumstances, there is no case or incident number.

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

### **433.8 ALPR DATA AUDITS**

It is the responsibility of the Administration Division Commander or 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

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preceding twelve-month period and determine if each inquiry meets the requirements established in the "Accountability" policy section.

The audit shall be documented in the form of an internal department memorandum to the Chief of Police. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Chief of Police, the memorandum will be forwarded and reviewed by the City Attorney. The memorandum and any associated documentation shall be filed and retained by the Administration Division Commander.

#### **433.9 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:
  1. The name of the agency.
  2. The name of the person requesting.
  3. 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 Administration Division Commander 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 Monterey 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 MPD will not share ALPR information with out-of-state or federal agencies, including out-of-state and federal law enforcement agencies. Nor will ALPR data be shared with any law enforcement agency for the purposes of enforcing prohibitions on reproductive or gender-affirming care.
- (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).

#### **433.10 TRAINING**

The Personnel/IA Sergeant (Training) shall 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). That training shall encompass, at a minimum:

- Proper operation and use of the ALPR system,
- Restrictions of use,
- Alert protocols,

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- Authorized data collection and retention,
- Accountability,
- A review of the aspects contained in this Automated License Plate Reader (ALPR) Policy to include the civil code law sections related to ALPR systems,
- And other aspects as determined by the ALPR Coordinator.