

Automated License Plate Readers (ALPRs)

428.1 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.

428.2 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 efforts.

(c) ALPR Administrator: The Special Operations Bureau 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, Silver and Amber Alerts 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 ALPR, 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, missing person, domestic violation protective order or terrorist-related activity.

428.3 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 Culver City Police Department's ALPR's system and the vendor's vehicle identification technology.

The technology is used by the Culver City Police Department 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, suspect interdiction, active criminal investigations and stolen property recovery.

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All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Special Operations Bureau Commander. The Special Operations Bureau Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

428.3.1 ALPR ADMINISTRATOR

The Special Operations Bureau Captain shall be 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 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 all 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.
- (f) Ensuring this policy and related procedures are conspicuously posted on the Department's website.

428.4 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 criminal investigation.
- (c) Partial license plates and unique vehicle descriptions reported during major crimes may 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 shall verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) and/or MDC before taking enforcement action. Once an alert is received, the operator shall confirm that the observed license plate from the system matches the license plate of the observed vehicle. 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

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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 in a manner that is 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, resulting in a delay in the Department's ALPR system 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:

(1) Verification of status on a Hot List. An officer must receive confirmation, from a Culver City 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 a 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. 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 may actually be in the vehicle and/or that a reasonable basis exists before a Department member would have a lawful basis to stop the vehicle.

(3) The on-duty Watch Commander will ensure that all stops from hot list alerts resulting in an arrest or other enforcement action are cleared from the Hot List System. 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 with the Communications Dispatcher and original person and/or a crime analyst inputting the vehicle in the hot list (hit).

(4) General Hot Lists 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 Department member within the appropriate general offense report. As such, specific Hot Lists shall be approved by the ALPR Administrator (or his/her 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.

All Hot Plates and suspect information entered into the ALPR system will contain the following information as a minimum:

- Entering Department member's name
- Related case number.

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- Short synopsis describing the nature of the originating criminal investigation.

(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 to 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.

Prohibited Uses: The ALPR system, and all data collected, is the property of the Culver City 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 known effect of infringing upon First Amendment rights.

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

- criminal prosecution,
- civil liability, and/or
- Administrative sanctions, up to and including termination.

428.5 DATA COLLECTION AND RETENTION

The Special Operations Bureau Captain 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 Department procedures. All ALPR data downloaded to the server should be stored for no longer than 30 days. 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

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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 ALPR vendor will purge their data at the end of the 30 days of storage. However, this will not preclude CCPD from maintaining any relevant vehicle data obtained from the system after that period pursuant to the established City of Culver City retention schedule mentioned above or outlined elsewhere. Relevant vehicle data are scans corresponding to the vehicle of interest on a hot list.

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

428.6 ACCOUNTABILITY AND SAFEGUARDS

All data will be closely safeguarded and protected by both procedural and technological means. The Culver City 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 requests for access to stored ALPR data shall be processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile workstation 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 relates to a specific criminal investigation or Department-related civil or administrative action.
- (d) 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 Culver City Police case number or incident number, and/or a reason for the inquiry.

428.7 POLICY

The policy of the Culver City 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 Culver City 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

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

The Culver City Police Department does not permit the sharing or use of ALPR data gathered by the city or its contractors/subcontractors for the purpose of investigating and/or participating in the arrest of any person for performing, supporting, or aiding in the performance of an abortion or gender affirming treatment, or for obtaining an abortion or any type of gender affirming treatment in the state of California, that is lawful under the laws of the state of California, pursuant to Assembly Bill 1242 (which amends Sections 629.51, 629.52, 638.50, 638.52, 1269 (b), 1524, 1524.2, and 1551 of, and adds Sections 1546.5 and 13778.2 to, the Penal Code). Additionally, the Culver City Police Department does not permit providing ALPR data to any law enforcement agency or a federal law enforcement agency for the purposes of investigating out of state abortion laws or laws related to gender affirming treatment.

428.8 ALPR DATA DETECTION BROWSING AUDITS

It is the responsibility of the Professional Standards Unit (PSU) Lieutenant or the Chief's 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 section 426.6 of this policy.

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 and any associated documentation shall be filed and retained by PSU.

428.9 DATA SHARING

All data obtained from the ALPR cameras is owned by the Culver City Police Department. The Culver City Police Department shall maintain robust security procedures and practices, including operational, administrative, technical, and physical safeguards, to protect ALPR information from unauthorized access, destruction, use, modification, or disclosure. The Administrator of the data collection will not share information with Immigration and Customs Enforcement (ICE) or any agency conducting immigration enforcement or removal operations. The Administrator of the data collection will not share ALPR data with any law enforcement agency or federal law enforcement agency for the purpose of investigating and/or participating in the arrest of any person for performing, supporting, or aiding in the performance of an abortion or any type of gender affirming treatment or for obtaining an abortion or any type of gender affirming treatment that is lawful under the law the state of California.

It is the sole discretion of the Culver City Police Department whether to share its ALPR data with any other State Law Enforcement agency.

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ALPR data collected by the Culver City Police Department shall not be sold under any circumstances.

428.10 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) 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 Chief of Police or the authorized designee and approved before the request is fulfilled.

(c) The Chief of Police 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 Culver City 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).

(d) The Chief of Police or the authorized designee will consider Assembly Bill 1242 (which amends Sections 629.51, 629.52, 638.50, 638.52, 1269b, 1524, 1524.2, and 1551 of, and adds Sections 1546.5 and 13778.2 to, the Penal Code) before approving the release of ALPR data. The Culver City Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of investigating and/or participating in the arrest of any person for performing, supporting, or aiding in the performance of an abortion or any type of gender affirming treatment, or for obtaining an abortion or any type of gender affirming treatment within the state of California that is lawful under the laws of the state of California.

(e) 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).

428.11 TRAINING

The Personnel and Training 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).