Automated License Plate Readers (ALPRs)

461.1 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.

461.2 POLICY

The Policy of the Newport Beach Police Department is to utilize ALPR technology to capture and store digital license plate and vehicle description 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 information, it is not open to public review.

461.3 ADMINISTRATION

ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Newport Beach 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, homeland security, 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 Support Services Division Commander or an authorized designee.The Support Services Commander or authorized designee will assign personnel under his/her command to administer the day-to-day operation of the ALPR system and data.

461.3.1 ALPR ADMINISTRATOR

The Support Services Division Commander shall be responsible for developing guidelines and procedures to comply 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) A description of the job title or other designation of the employees and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.

(b) Training requirements for authorized users.

(c) A description of how the ALPR system will be monitored 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) Ensuring compliance with the Records Retention Schedule for retention and destruction of ALPR data.

(f) The title and name of the current designee in overseeing the ALPR operation.

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(g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

461.4 OPERATIONS

Use of any ALPR data is restricted to the purposes outlined below. Department employees shall not use, or allow others to use the system or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(a) The ALPR system shall only be used for official law enforcement business.

(b) ALPR data may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using ALPR data.

(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 employee of this department shall operate the ALPR system or access ALPR data without first completing department-approved training.

(e) No ALPR operator may access department, state or federal data unless they have both a legitimate need and a right to access data. "Need" shall be defined as a legitimate law enforcement need related to an investigation or report follow-up.

(f) Any alerts (wanted returns) received from the ALPR system, including lost or stolen license plates, stolen vehicles, wanted persons, outstanding warrants, Amber Alerts and vehicles of interest, should be confirmed through the MCT or Dispatch before any law enforcement action is taken absent additional information necessitating immediate police action.

(g) Absent a confirmed warrant, hit or stolen vehicle return, officers must develop independent reasonable suspicion to initiate a traffic stop on vehicles of interest identified in an ALPR system alert.

461.5 DATA COLLECTION AND RETENTION

The Support Services Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data.

All ALPR data downloaded to the ALPR system should be stored for a minimum of 30 days in accordance with the established records retention schedule. Thereafter, ALPR data should be automatically deleted unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil 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 system in accordance with established digital evidence collection and storage procedures

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461.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Newport Beach 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 ALPR system 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) Employees 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) Employees accessing information on the system must enter all information required for auditing purposes to include, at minimum, a valid Newport Beach Police Department case number or CAD incident number, a valid taskforce case/investigation number (if the employee is assigned to a taskforce and conducting an investigation in their official capacity as a member of the Newport Beach Police Department), and a reason for the inquiry.

461.7 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.

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).

461.8 TRAINING

The ALPR Administrator or the authorized designee should ensure that employees receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

461.9 INTERNAL/EXTERNAL ALPR AUDITS

It is the responsibility of the Support Services Lieutenant or the Chief's designee to ensure that an audit is conducted of the ALPR browsing inquiries once a month. The audit is intended to verify the proper use of internal and external inquiries in accordance with this policy and established laws.

The audit shall be documented and forwarded to the Chief of Police. The documentation shall include any internal and external unauthorized or improper queries of ALPR data.

461.10 HOTLISTS

Creation and modification of custom hotlists within the ALPR system is restricted to detectives, traffic investigators, and Crime Information Center personnel.

All custom hotlist vehicle entries shall adhere to the following requirements:

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(a) Each entry shall be associated with a case number or event number.

(b) Each entry shall include an expiration date no more than 30 days from the date of entry.

(c) Entries shall serve a legitimate investigative or public safety purpose.

(d) Entries shall not be used to routinely monitor known offenders or their associates who are not currently wanted in connection with a crime.

461.10.1 EXCEPTIONS

Dispatchers and Supervisors may hotlist vehicles or license plates in connection with active, patrol-based calls for service or investigations.

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