

## Automated License Plate Readers (ALPRs)

### 437.1 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) camera technology.

### 437.2 POLICY

The policy of the Humboldt County Sheriff's Office 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 camera technology are for the official use of this office. Because such data may contain confidential information, it is not open to public review.

### 437.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Humboldt County Sheriff's Office 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 Administrative Services Bureau Commander. The Administrative Services Bureau Commander will work with key department members to administer the day-to-day operation of the ALPR equipment and data.

Pursuant to SB 34:

A public agency "shall not sell, share, or transfer ALPR information, except to another public agency, and only as otherwise permitted by law" "The provision of data hosting or towing services shall not be considered the sale, sharing, or transferring of ALPR information." (Civ. Code 1798.90.55, subd. (b)).

A public agency that operates or intends to operate an ALPR system must provide the opportunity for public comment at a regularly scheduled meeting of the agency before implementing the ALPR program (Civ. Code, 1798.90.55, subd. (b))

ALPR operators and end-users must develop a usage and privacy policy, which must be conspicuously posted on their website, and must contain provisions designed to "protect ALPR information from unauthorized access, destruction, use, modification, or disclosure." (Civ. Code, 1798.90.53, subds. (a)-(b); 1798.90.51, subd. (a)-(b);)

"Public Agency" is limited to state or local agencies, including law enforcement agencies, and does not include out-of-state or federal law enforcement agencies (See Civ. Code 1798.90.5, subd. (f).)

# Humboldt County Sheriff's Office

Humboldt County SO Policy Manual

## *Automated License Plate Readers (ALPRs)*

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Accordingly, SB 34 does not permit California LEAs to share ALPR information with private entities or out-of-state or federal agencies, including out-of-state and federal law enforcement agencies. This prohibition applies to ALPR database(s) that LEAs access through private or public vendors who maintain ALPR information collected from multiple databases and/or public agencies.

### 437.3.1 ALPR ADMINISTRATOR

The Administrative Services Bureau Commander shall be responsible for developing and maintaining 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 members 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) The title and name of the current designee in overseeing 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 office's website.

A document, identifying the above requirements, shall be created and maintained by the Program Coordinator.

### 437.4 OPERATIONS

Use of ALPR camera technology and data is restricted to the purposes outlined below. Office 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) ALPR camera technologies shall only be used for official law enforcement business.
- (b) ALPR camera technologies 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 ALPR camera technologies 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 office shall operate ALPR equipment or access ALPR data without first completing office-approved training.

# Humboldt County Sheriff's Office

Humboldt County SO Policy Manual

## *Automated License Plate Readers (ALPRs)*

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- (e) No ALPR operator may access office, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the deputy 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.

### **437.5 DATA COLLECTION AND RETENTION**

The Administrative Services Bureau Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from the equipment to the designated storage in accordance with office procedures.

All ALPR data downloaded to the server should be stored for a minimum of 30 days in accordance with the established records retention schedule. 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 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.

### **437.6 ACCOUNTABILITY**

All data will be closely safeguarded and protected by both procedural and technological means. The Humboldt County Sheriff's Office 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) 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 office-related civil or administrative action.
- (c) ALPR system audits should be conducted on a monthly basis.

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

### **437.7 RELEASING ALPR DATA**

The ALPR data may not be sold, shared, or transferred, except to another public agency, and only as otherwise permitted by law and 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 Operations Services Bureau Commander or the authorized designee and approved before the request is fulfilled.

# Humboldt County Sheriff's Office

Humboldt County SO Policy Manual

## *Automated License Plate Readers (ALPRs)*

---

(c) 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).

### **437.8 TRAINING**

The Administrative Services Bureau Commander or their designee shall ensure that members receive office-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).