Automated License Plate Readers (ALPRs)

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460.1 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.

460.2 POLICY

The policy of the Mountain View 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 readily accessible to most Mountain View Police Department personnel and is also not open for public review.
The Mountain View Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for the purpose of federal immigration enforcement, pursuant to the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq).

460.3 DEFINITIONS

A. **Automated License Plate Reader (ALPR):** A device that uses cameras and computer technology to compare digital images of license plates to lists of known plates of interest.

B. **Hot List:** License plate(s) associated with vehicles of interest from an associated database, including, but not limited to, Stolen Vehicle System (SVS), National Crime Information Center (NCIC), Department of Motor Vehicles (DMV), Local "Be On The Lookout" (BOLOs), etc.

C. **Detection:** Data obtained by an ALPR of license plates within public view that were read by the device, including potential images of the plate and vehicle on which it was displayed and information regarding the location of the police cruiser at the time of the ALPR read.

D. **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 violence protective order or terrorist-related activity.

460.4 ADMINISTRATION

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The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. The Mountain View Police Department uses it 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, criminal investigations, suspect interdiction, and stolen property recovery.

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

460.4.1   ALPR ADMINISTRATOR

The Special Operations Division Captain 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 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 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.

460.5   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.

(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 shall verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert. 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. Before any law enforcement action is taken because of an ALPR alert, the alert must be verified through a CLETS inquiry via Mobile Digital Communicator (MDC) or through Dispatch. Members of this department 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.)

(g) Designation of hot lists to be utilized by the ALPR system shall be made by the ALPR Administrator or his/her designee. Hotlists shall be obtained from sources in accordance with this Policy. Hotlists 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. Additionally, there may be errors in the ALPR system's reading 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 should undertake the following:

1. An officer must receive confirmation from a Mountain View Police Department Public Safety Dispatcher or other department computer device that the license plate is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).

2. 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.

3. 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 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.

4. Department members will clear all 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 with the Communications Dispatcher and original person and/or a crime analyst inputting the vehicle on the hotlist.

5. General hotlists will be automatically downloaded into the ALPR system a minimum of once a day, with the most current data overwriting the old data.

6. 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 subject to the approval of the Department member's supervisor. The hits from these data sources should be viewed as informational, created solely to bring the officer's attention to specific vehicles associated with criminal activity. All hot plates and suspect information entered into the ALPR system will contain the following information at a minimum:

- Entering Department member's name

- Related case number

- Short synopsis describing the nature of the originating call

(h) The Mountain View Police Department will, consistent with Government Code § 7284.8 (b), ensure that databases are governed in a manner that limits to the fullest extent practicable the availability of information for assistance with immigration enforcement, consistent with federal and,
state law., .

460.6 DATA COLLECTION AND RETENTION

The Special Operations Division Captain is responsible for ensuring systems and processes are in place to properly collect and retain ALPR data.

All ALPR data should be stored for a minimum of one year (Government Code § 34090.6) and 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 onto portable media and booked into evidence.

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 30 days of storage. However, this will not preclude MVPD from maintaining any relevant vehicle data obtained from the system after that period pursuant to the established City of Mountain View retention schedule mentioned above or outlined elsewhere.

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

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460.7   ACCOUNTABILITY

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

(d)   Personal Use. It is a violation of this Policy to use the ALPR system or associated can files or hot lists for any personal purpose.

(e)   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.

(f)   All ALPR data 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).

(g)   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.

(h)   ALPR system audits should be conducted on a regular basis.

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

460.8   TRAINING

The Personnel & 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).

460.9   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:

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    (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 Special Operations Division Captain or the authorized designee and approved before the request if fulfilled.

    (c)   The approved request is retained on file.

    (d)   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 access to ALPR data. The Mountain View Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for the purpose of federal immigration enforcement.

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).