

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 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

Culver City Police Department

Culver City PD Policy Manual

Automated License Plate Readers (ALPRs)

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) If practicable, the officer 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.

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 ACCOUNTABILITY

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 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 department-related civil or administrative action.

Culver City Police Department

Culver City PD Policy Manual

Automated License Plate Readers (ALPRs)

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

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

428.5 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 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.

428.6 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.

428.7 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

Culver City Police Department

Culver City PD Policy Manual

Automated License Plate Readers (ALPRs)

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 laws of 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.

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

428.8 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.

Culver City Police Department

Culver City PD Policy Manual

Automated License Plate Readers (ALPRs)

(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).

428.9 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).