

Automated License Plate Readers (ALPRs)

428 POLICY

The purpose and scope of this policy is to utilize Automated License Plate Reader (ALPR) technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public. The ALPR technology allows for the automated detection of license plates and converting it into data associated with vehicles for official law enforcement purposes. The data can then be used to identify stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, suspect interdiction and stolen property recovery.

All data and images gathered by the ALPR are for official law enforcement use related to investigative and/or administrative duties. Statistical data (excluding private information) may be shared with other city departments for official city business (e.g. vehicle counts to determine traffic flow for engineering purposes).

428.1 ADMINISTRATION

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

428.1.1 ALPR ADMINSTRATOR

The Community Services Bureau Commander shall be responsible for maintaining the following guidelines and procedures to comply with the requirements of Civil Code 1798.90.5 et seq. This includes, but not limited to (Civil Code 1798.90.51; Civil Code 1798.90.52):

- (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) Procedure for system operators to maintain records of access in compliance with Civil Code 1798.90.52.
- (e) The title and name of current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR operations.
- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

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428.2 OPERATIONS

Use of ALPR is restricted to the purposes outlined below. Department member 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 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 prior to using ALPR.
- (c) While an ALPR may be used to canvas license plates around any crime scene, particular consideration should be given to using ALPR equipped cars to canvas areas around homicides, shootings and other major incidents. Partial license plates reported during crimes should be entered into the ALPR system in the 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 authorized to do so.
- (f) If practical, the officers or dispatcher should verify an ALPR response through California Law Enforcement Telecommunications Systems (CLETS) before taking enforcement action that is based solely on ALPR alert. For report writing purposes, officers shall indicate the fact that they were originally drawn to the vehicle via the use of ALPR.

In addition to the above, the system may be used in the research of activities (e.g. vehicular counts to determine traffic flow for engineering purposes) and for use in producing statistical reports, so long as the personal information is not published, disclosed, or used to contact individuals, in accordance with 18 U.S. Code § 2721, B(5) - Prohibition on release and use of certain personal information from State motor vehicle records.

428.3 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 1798.90.53).

- (a) All ALPR data downloaded to the mobile workstation and 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.
- (c) ALPR system audits should be conducted on a regular basis.
For security or data breaches, see the records release and maintenance policy.

428.4 ALPR DATA COLLECTION AND RETENTION

The Community Services Bureau Commander is responsible to ensure proper collection and retention of ALPR data, and for the transferring of ALPR data stored in department vehicles to the department server on a regular basis, not to exceed 30 days between transfers.

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All ALPR data downloaded to the server should be stored for a minimum of 1 year (Government Code 34090.6) and thereafter may 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 lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and book into evidence. Because such data may contain confidential information, it is not open to the public view.

428.5 RELEASING ALPR DATA

The ALPR data may be shared with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) Maintain a record of the request for the ALPR data that includes:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. Intended purpose or report number associated
- (b) The request is approved by the Community Services Bureau Commander or authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Notwithstanding the above, sharing ALPR data with other law enforcement or prosecutorial agencies shall be consistent with California SB54, the California Values Act, and Culver City Resolution 2017-R025, declaring Culver City to be a sanctuary city.

Request for ALPR data by non-city, non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code 1798.90.55).

428.6 TRAINING

The Community Services Bureau Lieutenant 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).

The training will consist of the following:

- (a) Use and operation of the ALPR equipment
- (b) Review of department policy