



## Item No. 10 Town of Atherton

### **CITY COUNCIL STAFF REPORT – REGULAR AGENDA**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
GEORGE RODERICKS, CITY MANAGER**

**FROM: STEVEN D. MCCULLEY, CHIEF OF POLICE**

**DATE: NOVEMBER 20, 2019**

**SUBJECT: REVIEW AND AFFIRM THE TOWN'S CURRENT  
AUTOMATED LICENSE PLATE READER (ALPR)  
POLICY; OR, IF DEEMED APPROPRIATE, MAKE  
REVISIONS TO THE POLICY AND APPROVE IT**

#### **RECOMMENDATION**

Review and affirm the Town's current Automated License Plate Reader (ALPR) Lexipol policy; or, if deemed appropriate, make revisions to the Policy and approve it.

#### **BACKGROUND**

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Atherton 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.

Installation and maintenance of ALPR equipment, as well as ALPR data retention and access, is managed by the Commander. The Commander assigns members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

#### **ANALYSIS**

The State of California Civil Code 1798.90.5 governs and provides guidance/requirements for the development of an ALPR policy for the implementation and deployment of an ALPR system (Attachment 2).

The State of California Government Code 34090.6 governs and provides guidance/requirements for the retention of ALPR data. ALPR data is required to be retained for a minimum of one year by the agency collecting the ALPR data (Attachment 3).

The Police Department’s Lexipol ALPR Policy (Attachment 1) meets the requirements of both the California Civil Code 1798.90.5 and the California Government Code 34090.6.

Other law enforcement agencies in San Mateo County which have an ALPR program, like Menlo Park and Redwood City police departments, have very similar Lexipol policies. The Menlo Park Police Department ALPR data retention period is listed as 6 months at the direction of the Menlo Park City Council. This is in direct conflict with California law which requires the data to be retained for at least one year

Menlo Park and Redwood City policies are attached as Attachments 4 and 5.

**POLICY FOCUS**

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.

**FISCAL IMPACT**

None.

**PUBLIC NOTICE**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about this item is also disseminated via the Town’s electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town’s electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

**COMMISSION/COMMITTEE FEEDBACK/REFERRAL**

This item \_\_\_ has or  X  has not been before a Town Committee or Commission.

- Audit/Finance Committee (meets every other month)
- Bicycle/Pedestrian Committee (meets as needed)
- Civic Center Advisory Committee (meets as needed)
- Environmental Programs Committee (meets every other month)
- Park and Recreation Committee (meets each month)
- Planning Commission (meets each month)
- Rail Committee (meets every other month)
- Transportation Committee (meets every other month)

**ATTACHMENTS**

1. Attachment 1 - Atherton PD Lexipol ALPR Policy
2. Attachment 2 - State of California Civil Code 1798.90.5
3. Attachment 3 - State of California Government Code 34090.6
4. Attachment 4 – Menlo Park PD Lexipol ALPR Policy
5. Attachment 5 – Redwood City PD Lexipol ALPR Policy

## Automated License Plate Readers (ALPRs)

### 469.1 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.

### 469.2 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Atherton 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 Commander. The Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

#### 469.2.1 ALPR ADMINISTRATOR

The 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 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 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.

### 469.3 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.

# Atherton Police Department

## Atherton PD Policy Manual

### *Automated License Plate Readers (ALPRs)*

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- (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) 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.

#### **469.4 DATA COLLECTION AND RETENTION**

The 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 vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server 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 from the server onto portable media and booked into evidence.

#### **469.5 ACCOUNTABILITY**

All data will be closely safeguarded and protected by both procedural and technological means. The Atherton 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.
- (c) ALPR system audits shall be conducted on an annual basis.

# Atherton Police Department

Atherton PD Policy Manual

## Automated License Plate Readers (ALPRs)

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### **469.6 POLICY**

The policy of the Atherton 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.

### **469.7 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, 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 Commander or the authorized designee and approved before the request is fulfilled.
- (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).

### **469.8 TRAINING**

The Training Manager 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).



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**CIVIL CODE - CIV**

**DIVISION 3. OBLIGATIONS [1427 - 3273]** (*Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.*)

**PART 4. OBLIGATIONS ARISING FROM PARTICULAR TRANSACTIONS [1738 - 3273]** (*Part 4 enacted 1872.*)

**TITLE 1.81.23. COLLECTION OF LICENSE PLATE INFORMATION [1798.90.5 - 1798.90.55]** (*Title 1.81.23 added by Stats. 2015, Ch. 532, Sec. 3.*)

**1798.90.5.** The following definitions shall apply for purposes of this title:

(a) "Automated license plate recognition end-user" or "ALPR end-user" means a person that accesses or uses an ALPR system, but does not include any of the following:

- (1) A transportation agency when subject to Section 31490 of the Streets and Highways Code.
- (2) A person that is subject to Sections 6801 to 6809, inclusive, of Title 15 of the United States Code and state or federal statutes or regulations implementing those sections, if the person is subject to compliance oversight by a state or federal regulatory agency with respect to those sections.
- (3) A person, other than a law enforcement agency, to whom information may be disclosed as a permissible use pursuant to Section 2721 of Title 18 of the United States Code.

(b) "Automated license plate recognition information," or "ALPR information" means information or data collected through the use of an ALPR system.

(c) "Automated license plate recognition operator" or "ALPR operator" means a person that operates an ALPR system, but does not include a transportation agency when subject to Section 31490 of the Streets and Highways Code.

(d) "Automated license plate recognition system" or "ALPR system" means a searchable computerized database resulting from the operation of one or more mobile or fixed cameras combined with computer algorithms to read and convert images of registration plates and the characters they contain into computer-readable data.

(e) "Person" means any natural person, public agency, partnership, firm, association, corporation, limited liability company, or other legal entity.

(f) "Public agency" means the state, any city, county, or city and county, or any agency or political subdivision of the state or a city, county, or city and county, including, but not limited to, a law enforcement agency.

(*Added by Stats. 2015, Ch. 532, Sec. 3. (SB 34) Effective January 1, 2016.*)

**1798.90.51.** An ALPR operator shall do all of the following:

(a) Maintain reasonable security procedures and practices, including operational, administrative, technical, and physical safeguards, to protect ALPR information from unauthorized access, destruction, use, modification, or disclosure.

(b) (1) Implement a usage and privacy policy in order to ensure that the collection, use, maintenance, sharing, and dissemination of ALPR information is consistent with respect for individuals' privacy and civil liberties. The usage and privacy policy shall be available to the public in writing, and, if the ALPR operator has an Internet Web site, the usage and privacy policy shall be posted conspicuously on that Internet Web site.

(2) The usage and privacy policy shall, at a minimum, include all of the following:

(A) The authorized purposes for using the ALPR system and collecting ALPR information.

(B) 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. The policy shall identify the training requirements necessary for those authorized employees and independent contractors.

(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) The purposes of, process for, and restrictions on, the sale, sharing, or transfer of ALPR information to other persons.

(E) The title of the official custodian, or owner, of the ALPR system responsible for implementing this section.

(F) A description of the reasonable measures that will be used to ensure the accuracy of ALPR information and correct data errors.

(G) The length of time ALPR information will be retained, and the process the ALPR operator will utilize to determine if and when to destroy retained ALPR information.

*(Added by Stats. 2015, Ch. 532, Sec. 3. (SB 34) Effective January 1, 2016.)*

**1798.90.52.** If an ALPR operator accesses or provides access to ALPR information, the ALPR operator shall do both of the following:

(a) Maintain a record of that access. At a minimum, the record shall include all of the following:

(1) The date and time the information is accessed.

(2) The license plate number or other data elements used to query the ALPR system.

(3) The username of the person who accesses the information, and, as applicable, the organization or entity with whom the person is affiliated.

(4) The purpose for accessing the information.

(b) Require that ALPR information only be used for the authorized purposes described in the usage and privacy policy required by subdivision (b) of Section 1798.90.51.

*(Added by Stats. 2015, Ch. 532, Sec. 3. (SB 34) Effective January 1, 2016.)*

**1798.90.53.** An ALPR end-user shall do all of the following:

(a) Maintain reasonable security procedures and practices, including operational, administrative, technical, and physical safeguards, to protect ALPR information from unauthorized access, destruction, use, modification, or disclosure.

(b) (1) Implement a usage and privacy policy in order to ensure that the access, use, sharing, and dissemination of ALPR information is consistent with respect for individuals' privacy and civil liberties. The usage and privacy policy shall be available to the public in writing, and, if the ALPR end-user has an Internet Web site, the usage and privacy policy shall be posted conspicuously on that Internet Web site.

(2) The usage and privacy policy shall, at a minimum, include all of the following:

(A) The authorized purposes for accessing and using ALPR information.

(B) A description of the job title or other designation of the employees and independent contractors who are authorized to access and use ALPR information. The policy shall identify the training requirements necessary for those authorized employees and independent contractors.

(C) A description of how the ALPR system will be monitored to ensure the security of the information accessed or used, and compliance with all applicable privacy laws and a process for periodic system audits.

(D) The purposes of, process for, and restrictions on, the sale, sharing, or transfer of ALPR information to other persons.

(E) The title of the official custodian, or owner, of the ALPR information responsible for implementing this section.

(F) A description of the reasonable measures that will be used to ensure the accuracy of ALPR information and correct data errors.

(G) The length of time ALPR information will be retained, and the process the ALPR end-user will utilize to determine if and when to destroy retained ALPR information.

*(Added by Stats. 2015, Ch. 532, Sec. 3. (SB 34) Effective January 1, 2016.)*

**1798.90.54.** (a) In addition to any other sanctions, penalties, or remedies provided by law, an individual who has been harmed by a violation of this title, including, but not limited to, unauthorized access or use of ALPR information or a breach of security of an ALPR system, may bring a civil action in any court of competent jurisdiction against a person who knowingly caused the harm.

(b) The court may award a combination of any one or more of the following:

- (1) Actual damages, but not less than liquidated damages in the amount of two thousand five hundred dollars (\$2,500).
- (2) Punitive damages upon proof of willful or reckless disregard of the law.
- (3) Reasonable attorney's fees and other litigation costs reasonably incurred.
- (4) Other preliminary and equitable relief as the court determines to be appropriate.

*(Added by Stats. 2015, Ch. 532, Sec. 3. (SB 34) Effective January 1, 2016.)*

**1798.90.55.** Notwithstanding any other law or regulation:

(a) A public agency that operates or intends to operate an ALPR system shall provide an opportunity for public comment at a regularly scheduled public meeting of the governing body of the public agency before implementing the program.

(b) A public agency shall not sell, share, or transfer ALPR information, except to another public agency, and only as otherwise permitted by law. For purposes of this section, the provision of data hosting or towing services shall not be considered the sale, sharing, or transferring of ALPR information.

*(Added by Stats. 2015, Ch. 532, Sec. 3. (SB 34) Effective January 1, 2016.)*

**GOVERNMENT CODE - GOV****TITLE 4. GOVERNMENT OF CITIES [34000 - 45345]** ( Title 4 added by Stats. 1949, Ch. 79. )**DIVISION 1. CITIES GENERALLY [34000 - 34102]** ( Division 1 added by Stats. 1949, Ch. 79. )**CHAPTER 1. General [34000 - 34095]** ( Chapter 1 added by Stats. 1949, Ch. 79. )**ARTICLE 4. Miscellaneous [34090 - 34095]** ( Article 4 added by Stats. 1949, Ch. 79. )

**34090.6.** (a) Notwithstanding the provisions of Section 34090, the head of a department of a city or city and county, after one year, may destroy recordings of routine video monitoring, and after 100 days may destroy recordings of telephone and radio communications maintained by the department. This destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. In the event that the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved.

(b) For purposes of this section, "recordings of telephone and radio communications" means the routine daily recording of telephone communications to and from a city, city and county, or department, and all radio communications relating to the operations of the departments.

(c) For purposes of this section, "routine video monitoring" means video recording by a video or electronic imaging system designed to record the regular and ongoing operations of the departments described in subdivision (a), including mobile in-car video systems, jail observation and monitoring systems, and building security recording systems.

(d) For purposes of this section, "department" includes a public safety communications center operated by the city or city and county.

*(Amended by Stats. 2009, Ch. 88, Sec. 50. (AB 176) Effective January 1, 2010.)*

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## Automated License Plate Readers (ALPRs)

### 462.1 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.

### 462.2 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Menlo Park 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. The Support Services Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

#### 462.2.1 ALPR ADMINISTRATOR

The Support Services Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Menlo Park's Municipal Code § 2.56 - Public Safety Information and 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 in compliance with Municipal Code § 2.56.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52 and in compliance with Municipal Code § 2.56.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data in compliance with Municipal Code § 2.56.030.
- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

# Menlo Park Police Department

Menlo Park PD Policy Manual

## *Automated License Plate Readers (ALPRs)*

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### **462.3 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; Municipal Code § 2.56).

- (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) 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.

### **462.4 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. Data will be transferred from vehicles to the designated storage in accordance with department procedures. Data will be securely transmitted to the Northern California Regional Intelligence Center (NCRIC) as part of a multi-jurisdictional public safety program (Municipal Code § 2.56.030.)

Data transmitted to NCRIC from the police department shall be kept no more than six (6) months, and then destroyed (Municipal Code § 2.56.030.) 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.

### **462.5 ACCOUNTABILITY**

All data will be closely safeguarded and protected by both procedural and technological means. The Menlo Park 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; Municipal Code § 2.56.030):

- (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).

# Menlo Park Police Department

Menlo Park PD Policy Manual

## *Automated License Plate Readers (ALPRs)*

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- (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.

### **462.6 POLICY**

The policy of the Menlo Park 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.

### **462.7 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, using the following procedures (Municipal Code § 2.56.030):

- (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 Support Services Division Commander or the authorized designee and approved before the request is fulfilled.
- (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).

### **462.8 TRAINING**

The Training Manager 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).

### **462.9 AUDITING AND REPORTING**

NCRIC will give a quarterly report to the police department (Municipal Code § 2.56.050.) The police department will provide an information report to the City Council following NCRIC's reports.

ALPR system audits will be randomly conducted by the California Department of Justice and in conjunction with yearly CLETS audits.

## Automated License Plate Readers (ALPRs)

### 463.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Redwood City 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. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

### 463.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Patrol Division. The Patrol Division Commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

#### 463.2.1 ALPR ADMINISTRATOR

The Administrative 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 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 the ALPR operation.
- (f) Working with the Custodian of Records and Northern California Regional Intelligence Center on the retention and destruction of ALPR data.
- (g) Ensuring the ALPR usage and privacy policy is posted on the Department's website.

### 463.3 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.

# Redwood City Police Department

Redwood City PD Policy Manual

## *Automated License Plate Readers (ALPRs)*

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- (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. A list of authorized users is maintained by the Training Sergeant.
- (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.
- (g) Use of an ALPR will be limited to department members who are sworn peace officers, Community Service Officers, or Parking Enforcement Officers. Information Technology staff may use an ALPR only for the purpose of repairing and/or ensuring proper functionality.

### **463.4 ALPR DATA COLLECTION AND RETENTION**

All data and images gathered by an ALPR are for the official use of the Redwood City Police Department and because such data may contain confidential CLETS information, it is not open to public review. ALPR information gathered by this department may be used and shared with prosecutors or others only as permitted by law.

All ALPR data collected by the Redwood City Police Department is electronically sent to the Northern California Regional Intelligence Center. The Redwood City Police Department does not store any ALPR data.

The Northern California Regional Intelligence Center retains ALPR records with no connection to a criminal investigation for no longer than 12 months. Once the retention period has expired, the record is purged from the Northern California Regional Intelligence Center database unless a reasonable suspicion has been established that the vehicle identified by the ALPR read is connected to criminal activities.

The Northern California Regional Intelligence Center retains ALPR records connected to a criminal investigation for no longer than five years. Once the retention period has expired, the record is purged from the Northern California Regional Intelligence Center database. Further, if during the five-year period Northern California Regional Intelligence Center personnel become aware that the vehicle license plate information is no longer associated with a criminal investigation, the record will be purged from the Northern California Regional Intelligence Center database.

# Redwood City Police Department

Redwood City PD Policy Manual

## *Automated License Plate Readers (ALPRs)*

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### **463.5 ACCOUNTABILITY AND SAFEGUARDS**

All saved data will be closely safeguarded and protected by both procedural and technological means. The Redwood City Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Supervisor and processed in accordance with applicable law.
- (b) All ALPR data downloaded to the Northern California Regional Intelligence Center shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons 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.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) ALPR system audits should be conducted on a regular basis.

### **463.6 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 via the Northern California Regional Intelligence Center database, in accordance with the policies and procedures set forth by the Northern California Regional Intelligence Center.

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).

### **463.7 TRAINING**

The Training Sergeant shall ensure that members receive department-approved training for those authorized to use or access the ALPR system, and maintain a list of authorized users, the date training was provided and the instructional plan used for training or annual re-certification (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

### **463.8 QUALITY ASSURANCE**

The Northern California Regional Intelligence Center takes reasonable measures to ensure the accuracy of ALPR data collected. If Northern California Regional Intelligence Center discovers errors in ALPR data collected by its ALPR units, it will mark, correct, or delete data in accordance with the type and severity of the error in question. If the Northern California Regional Intelligence Center discovers errors in ALPR data collected from partner agencies' ALPR systems, it will communicate the errors back to the controlling agency to be addressed as deemed appropriate

# Redwood City Police Department

Redwood City PD Policy Manual

## *Automated License Plate Readers (ALPRs)*

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by that agency or in accordance with the agency's own ALPR data policies. Upon notification of a potential error in ALPR data collected from the Redwood City Police Department's ALPR systems, the Department shall investigate and correct any errors