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## Automated License Plate Readers (ALPRs)

### 471.1 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.

### 471.2 POLICY

The policy of the Clayton 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.

### 471.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Clayton 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 is the responsibility of the Chief of Police or his/her designee(s). ALPR data retention and access shall be managed by the ALPR Administrator or his/her designee(s).

### 471.4 ALPR ADMINISTRATOR

The ALPR Administrator 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.

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- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website

### **471.5 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. 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, vendor-provided/facilitated training, including webinars.
- e. 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.

### **471.6 DATA COLLECTION AND RETENTION**

The ALPR Administrator is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred, wirelessly, from ALPR systems to the remote vendor-maintained secure storage server.

All ALPR data is stored in a vendor owned and maintained remotely located highly secure server with redundant systems in place. The data should be stored for a minimum of one year (Government Code § 34090.6) Thereafter, ALPR data is programmed to be automatically 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.

The only information contained in the ALPR database is the vehicle license plate, a photograph of the vehicle, the location the photograph was taken and the date and time the photograph was taken. The data that is contained in the database is encrypted and does not keep any personal information.

### **471.7 ACCOUNTABILITY**

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All data will be closely safeguarded and protected by technological means. The Clayton 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 remote, vendor-maintained secure server can be accessed only through a login/password-protected system that is programmed to track all access of information by name, date and time. (Civil Code § 1798.90.52). The ALPR has an auditing feature which is in place to maintain this information.
- b. Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only.
- c. ALPR system audits should be conducted on a regular basis. Audits conducted are tracked in the system.

For security or data breaches, see the Records Maintenance and Release Policy #810.

#### **471.8 ACCESS TO ALPR DATA**

Access to ALPR data is restricted to officers with both the need to know and the right to know. When these conditions are met, data can be used for the following purposes:

- a. To locate stolen vehicles, stolen property, wanted persons, and suspects of crimes.
- b. To locate and apprehend individuals subject to arrest warrants or otherwise lawfully sought by law enforcement.
- c. To locate witnesses and victims of violent crimes.
- d. To locate missing children, adults, and elderly individuals, including but not limited to responding to Amber and Silver Alerts.
- e. To protect participants at special events, critical infrastructure, and the public in general.

#### **471.9 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.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy #810 (Civil Code § 1798.90.55).

#### **471.10 TRAINING**

The Training Sergeant or his/her designee ensures that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code section 1798.90.51 & 1798.90.53), this includes vendor provided material, including webinars.