

 <p>Contra Costa County Office of the Sheriff General Policy and Procedure</p>	CCCSO	NUMBER: 1.07.38
	<p>RELATED ORDERS: CCCSO 1.02.28, 1.06.39, 1.06.71, 1.06.74, SB 34 (2015) and SB 54 (2017; aka "The Values Act") California Civil Code Section 1798.90.5 <i>et seq</i> CA DOJ Information Bulletins 23-01-CJIS and 2023-DLE-06</p>	
<p>ISSUE DATE: 7-12-2012 REVISION DATE: 11-13-2024</p>	<p>CLEARANCE: Office of the Sheriff</p>	
<p>CHAPTER: Equipment and Property Management</p>	<p>SUBJECT: Automated License Plate Reader (ALPR) Devices – Usage and Privacy Policy</p>	

I. POLICY.

- A. 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. It is the policy of the Sheriff's Office to enhance patrol and investigatory capabilities by utilizing the latest technologies for crime prevention and the apprehension of criminals, while being cognizant of citizens' legitimate privacy concerns and civil liberties.

II. GENERAL.

- A. The use of ALPR information assists the Sheriff's Office in its enforcement of the law. The use of ALPR devices enhances productivity, effectiveness, and officer safety by alerting officers to the presence of vehicles that appear on the "Hot List." Authorized uses of ALPR Devices include identifying stolen vehicles, wanted vehicles, stolen license plates, missing persons, and persons of interest. Authorized uses of ALPR devices also include gathering information related to active warrants, homeland security, electronic surveillance, suspect interdiction, crime prevention, general law enforcement and investigatory purposes, crime analysis, and the recovery of stolen property.
- B. Authorized ALPR devices may be deployed as mobile units, as fixed units, or as hand-held devices. ALPR equipment may be operated by employees and qualified personnel, who have been trained in its operation. ALPR information will be safeguarded and used for official business only.
- C. All ALPR users shall protect ALPR information with the highest regard to privacy and security, and in accordance with Office of the Sheriff Policy Sections 1.06.39 – Criminal Intelligence Files, 1.06.71 – Dissemination of Law Enforcement Information, and 1.06.74 – Control of Sheriff's Office Information.
- D. Senate Bill 34 (SB 34), enacted in 2015 and codified in California Civil Code Section 1798.90.5 *et seq.*, establishes requirements, including privacy safeguards, for California law enforcement agencies that collect, store, use, or share ALPR information. Additional requirements apply to agencies that operate an ALPR system.

III. DEFINITIONS.

- A. **AUTOMATED LICENSE PLATE READER (ALPR).** A device that uses cameras and computer technology to compare digital images to lists of known plates of interest.
- B. **ALERT.** A visual and/or auditory notice that is triggered when the ALPR system receives a potential "Hit" on a license plate.
- C. **ALPR END USER.** A person that accesses or uses an ALPR system.

- D. ALPR INFORMATION. Information or data collected through the use of an ALPR system.
- E. ALPR SYSTEM. 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.
- F. PUBLIC AGENCY. As defined in Civil Code section 1798.90.5(f), is the state (California), any city, 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. A "public agency" is limited to state or local agencies, including law enforcement agencies, and does not include out-of-state or federal agencies.
- G. HOT LIST. License plates associated with vehicles of interest from an associated law enforcement database or communication, including but not limited to NCIC, CLETS, JAWS, BOLOs, Critical Reach Flyers, etc. or associated with active investigations. These lists serve an officer safety and investigatory purpose. The list provides a source for creating an alert when a specific license plate number is "read" by the ALPR device.
- H. HIT. A read matched to a plate that has previously been registered to an agency "Hot List" of vehicle plates related to stolen vehicles, wanted vehicles, or other factors supporting investigation, or which has been manually registered by a user for further investigation.

IV. PROCEDURE.

- A. ALPR Program Management.
 - 1. Management of the operation, serviceability, and deployment of ALPR equipment is the responsibility of the Patrol Division Commander (County Patrol) and the Special Operations Division Commander (Contract City PDs). They are responsible for:
 - a. Identifying and training personnel in the operation of ALPR equipment.
 - b. Identifying and training personnel in the function and proper alignment of ALPR equipment.
 - c. Assist Fleet Services with coordinating necessary system repairs, hardware, or software, with authorized sources.
 - d. Prior to the implementation of an ALPR program, coordinate and provide the opportunity for public comment at a regularly scheduled meeting of the governing body of the public agency responsible for implementing an ALPR program.
 - e. Conducting an annual audit of all Sheriff's Office and its contract city agencies managing ALPR systems to ensure:
 - i. The agencies are not selling, sharing, or transferring ALPR information, except to another California public agency, as defined, and only as otherwise permitted by law.
 - ii. Evaluating whether the system is being used/accessed properly.
 - iii. Confirming access records are kept and that data is maintained consistent with the retention policy.
 - iv. Overall compliance with related statutes and policies.
 - f. ALPR user access records can be obtained from the Technical Services Division (County) or through the designated Contract City PD ALPR system operator.
 - g. A memorandum verifying the findings of the audit shall be forwarded to

the Field Operations Bureau Assistant Sheriff.

2. The following is a list of Office of the Sheriff authorized ALPR systems:
 - a. Flock Safety Solutions
 - b. Vigilant (Motorola Safety) Vehicle Manager
 - c. Rekor ALPR Solutions

B. ALPR Deployment.

1. Only designated and trained personnel may deploy ALPR devices or access ALPR information. Designated personnel include sworn, crime analysts, dispatchers, Information and Technology (IT) staff, records staff, contract and volunteers conducting official law enforcement business on behalf of Office of the Sheriff.
2. ALPR devices will only be used to scan license plates of vehicles that are in places that are in public view or pursuant to court order such as a search warrant.
3. ALPR devices may be used during normal patrol operations or while conducting criminal investigations. Reasonable suspicion or probable cause is not required to utilize the equipment.
4. ALPR devices should be considered to canvass the surrounding area of a serious incident or a terrorist incident to collect the license plate numbers of vehicles in the area.
5. ALPR devices may be deployed as part of a mutual aid request when approved by the Station Commander or the Watch Commander.

C. Prohibited Uses of ALPR.

1. 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 not 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 a place to which members of the public have access, such as the parking lot of a shop or other business establishment).
2. Harassment or Intimidation. It is a violation of this policy to use the ALPR system to harass and/or intimidate any individual or group.
3. Personal Use. It is a violation of this policy to use the ALPR system or associated scan files or hot lists for any personal purpose.
4. Immigration Enforcement. It is a violation of this policy to use the ALPR system for immigration enforcement and/or investigations.
5. For any purpose outside of what is set forth in this policy.

D. ALPR Device Inspection / Maintenance.

1. Prior to deployment, mobile ALPR cameras will be inspected by the operator for damage and serviceability.
2. Fixed ALPR locations will be checked quarterly or as needed due to environmental factors (obstructions) or operational feedback (system errors) indicating potential malfunctions. This may be done by reviewing plate reads to ensure clear view and quality reads throughout the day.
3. Damage to cameras or other ALPR equipment will immediately be reported to a supervisor and maintenance will be coordinated through the Patrol / Special Operations Division Commanders or their designees.

E. ALPR Alerts / Hits.

1. Once an Alert is received, the operator should confirm that the observed license plate matches the license plate of the observed vehicle.
2. Before any law enforcement action is taken as a result of an ALPR Alert, the Alert will be verified through a CLETS inquiry via MDC or through Dispatch. Employees will not take any police action that restricts the freedom of any individual based solely on an ALPR Alert, unless it is validated.
3. 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 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.)
4. Any enforcement action or investigative follow-up requiring a crime report shall document the use of the ALPR system if it was used to initiate, support, or aid in the law enforcement action or operation.
 - a. The ALPR hit shall be attached to the report.
 - b. If available, a screenshot of the vehicle's plate from the ALPR system will be attached to the report.

F. ALPR Information Management / Storage.

1. The Station House Commanders, and Contract City Chiefs of Police are responsible for ALPR equipment in their areas of command and have the responsibility for managing the ALPR information collected and ensuring that privacy and civil liberties protections and the provisions of this policy are carried out. These lieutenants are also responsible for maintaining the security of the hotlist information and any ALPR information which is maintained by the Office of the Sheriff or the Contract Cities.
2. All personnel are responsible for the security of ALPR information and may only access, use, release, and/or disseminate Hot List and ALPR information for official and legitimate law enforcement purposes. Employees will safeguard ALPR information obtained from other law enforcement agencies and sources in the same manner.
3. Only authorized ALPR users shall access ALPR systems and data by entering their own log-in credentials. Users shall also enter a case or CAD number, and the reason for accessing the ALPR information: investigation, patrol follow-up, TRAKS Flyer, etc.
4. ALPR information may be shared with other public agencies as defined in this policy and applicable law.
5. ALPR information will not be stored in personal devices. ALPR information shall not be stored by the Office of the Sheriff for longer than one year. Once the retention period has expired, if the Patrol / Special Operations Division Commanders or other authorized ALPR user become aware that the license plate information is no longer needed or associated with a criminal investigation, it will be purged from the Office of the Sheriff's servers.
 - a. Exceptions:
 - i. Reasonable suspicion has been established that the vehicle identified by the ALPR is connected to ongoing criminal activity. This includes partial plate information.

- ii. Reasonable belief the ALPR information will become evidence in a criminal action or subject to lawful action to produce records.
 - b. Under these circumstances, the applicable ALPR information should be downloaded from the server onto a portable media device and booked into evidence.
 6. Audits for the access of ALPR information will be conducted by the Patrol and Special Operations Divisions.
 7. In addition to administrative discipline, employees who misuse or unlawfully release ALPR information may be subject to civil and criminal action.
- G. ALPR Training.
1. All sworn, professional, contract, and volunteer staff authorized to use, access, or manage the ALPR system, or to collect ALPR information, shall receive and acknowledge they have received training on the following prior to using ALPR equipment and having access to ALPR information:
 - a. Operations and proper use guidelines of ALPR devices.
 - b. Legal requirements of ALPR systems and use (SB 34).
 - c. Understanding the privacy concerns surrounding ALPR and current case law.
 - d. Review of this policy.
 2. Training courses and scheduling will be implemented by the Patrol Division in consultation with the Training Division.
 3. Annual ALPR system training will be conducted and maintained via Vector Solutions training system.