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1	01/24/2011	03/01/2019

## **TUSTIN POLICE DEPARTMENT GENERAL ORDERS**

### **POLICY 462      AUTOMATED LICENSE PLATE READERS**

#### **462.1                      PURPOSE AND SCOPE**

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

##### **462.1.1                      ACCREDITATION STANDARDS**

This policy pertains to the following CALEA standards: **41.3.9**

#### **462.2                      ADMINISTRATION OF ALPR DATA**

All installation, maintenance and service of ALPR equipment will be managed by the Fleet Coordinator under the oversight of the Administrative Services Bureau Commander. ALPR data retention and access shall be managed by the Crime Analyst and the Community Policing Bureau Commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment.

#### **462.3                      ALPR ADMINISTRATOR**

The Operations Support Division Manager 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.

#### **462.4                      ALPR OPERATION**

Use of ALPR is restricted to the purposes outlined below. Department personnel 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):

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- a) ALPR shall only be used for official and legitimate law enforcement business;
- b) ALPR may be used in conjunction with any patrol or official department investigation. Reasonable suspicion or probable cause is not necessary for its use;
- c) 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 surrounding 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 CLETS before taking enforcement action that is based solely on an ALPR alert.

### **462.4 ALPR DATA COLLECTION AND RETENTIONS**

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

The Operations Support Division Manager is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from the vehicles to the designated storage in accordance with department procedures.

Collection and retention of ALPR data is subject to the following guidelines:

- a) Files will be automatically transferred via secure wireless upload from field units to Verio servers located in Washington DC;
- b) All data is stored in accordance with the PCI, HIPAA, and SOX IT governance requirements for file storage;
- c) All data retention is set by the Agency Manager in accordance to Tustin Police Department policy (446.6 Media Storage, Integrity and Retention);
- d) All legacy DATA911 ALPR data will be stored on dedicated city server equipment in accordance to Tustin Police Department policy.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 340.90.6), and thereafter 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.

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### **462.5 ACCOUNTABILITY AND SAFEGUARDS**

All data will be closely safeguarded and protected by both procedural and technological means. The Tustin 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 (Civil Code § 1798.90.55);
- b) All ALPR data downloaded to the operator mobile workstation and server 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);
- 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 relates 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.

For security or data breaches see the TPD General Order 810 – Release of Records and Information.

### **462.7 TRAINING**

The Training Officer should ensure that employees receive department approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).