

USE OF AUTOMATED LICENSE PLATE READERS AND DATA

PURPOSE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by Rancho Santa Margarita (RSM) Police Services (Orange County Sheriff's 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 be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction, and stolen property recovery.

POLICY

Administration of ALPR Data

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Chief of Police Services or their designee and the Public Works Director/City Engineer. The Chief of Police Services or their designee will assign an ALPR Agency Manager under his/her command to administer the day-to-day operation of the ALPR equipment and data.

ALPR Administrator

The Chief of Police Services or their designee 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):

1. 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;
2. Training requirements for authorized users;
3. A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws;
4. Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52;
5. The title and name of the current designee in overseeing the ALPR operation;

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6. Working with the Custodian of Records/City Clerk on the retention and destruction of ALPR data;
7. Ensuring this policy and related procedures are conspicuously posted on the City's website.

ALPR Operation

Use of an ALPR is restricted to the purposes outlined below. Police Services 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):

- a) An ALPR shall only be used for official and legitimate law enforcement business;
- b) An ALPR may be used in conjunction with any patrol or criminal investigation. Reasonable suspicion or probable cause is not necessary for its use;
- 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 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 Police Services personnel shall operate ALPR equipment or access ALPR data without first completing OCSD approved training;
- e) No ALPR operator may access OCSD, state or federal data unless otherwise authorized to do so;
- f) If practicable, Police Services personnel should verify an ALPR response through CLETS before taking enforcement action that is based solely on an ALPR alert;
- g) The Chief of Police Services or their designee shall not sell, share, or transfer ALPR information, except to another law enforcement agency for law enforcement purposes, and only as otherwise permitted by California 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. (Civil Code § 1798.90.55);
- h) Pursuant to California law (Government Code § 7282.5, Government Code § 7284.2 et seq., and Penal Code § 13778.2), the City's ALPR data may not be

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shared with agencies for the purposes of federal immigration enforcement or regarding an abortion that is lawful under California law;

- i) Civil Code § 1798.90.55(b) provides that ALPR data shall not be sold, shared, transferred, or made public unless required by state or federal law, or by court order. Consequently, ALPR data is exempt from disclosure pursuant to the California Public Records Act pursuant to Government Code § 7927.705 and Civil Code 1798.90.55(b).

ALPR Data Collection and Retention

The Chief of Police Services or their designee is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. All ALPR data downloaded to a server, if any, should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the City's 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.

Accountability and Safeguards

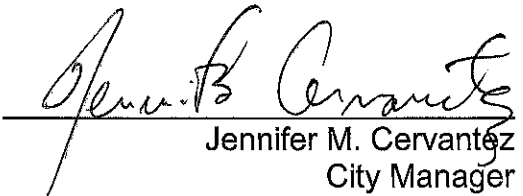
All data will be closely safeguarded and protected by both procedural and technological means. Police Services personnel will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- a) All ALPR data downloaded to a 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) Police Services personnel authorized 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.

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Training

The Chief of Police Services or their designee should ensure that authorized users receive OCSD-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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