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# Automated License Plate Readers

## 412.1 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.

## 412.2 POLICY

The policy of the Riverside County Sheriff's 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.

## 412.3 ADMINISTRATION

The ALPR technology, allows for the automated detection of license plates. It is used by the Riverside 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. It may also be used to gather information related to arrest 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 Chief Deputy. This chief deputy will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

### 412.3.1 ALPR ADMINISTRATOR

The Support Services Chief Deputy 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.

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### 412.3.2 PUBLIC HEARING

Before implementing the current ALPR program within Riverside County, the department invited public opinion on the matter during an open meeting of the Riverside County Board of Supervisors in late 2017.

### **412.4 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) 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. This training will be facilitated via the DocRead format and will cover general ALPR use, legal requirements, privacy issues, and data collection and destruction guidelines.
- (e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- (f) If practicable, the deputy 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.

### 412.4.1 REPORT WRITING

The ALPR EDP code shall be used as a secondary EDP and is required on any written report where ALPR technology was effectively utilized during an investigation. For example, if an abandoned stolen vehicle is located via a notification from the ALPR system, the recovery should be documented as a Stolen Vehicle Recovery and the corresponding EDP for the recovery should be first on the Form A. On the second line of the Form A, "ALPR" should be entered in the offense section and "25T1-N" should be entered in the EDP code section. This practice will ensure proper identification of ALPR-related incidents and crime trends.

### **412.5 DATA COLLECTION AND RETENTION**

The Support Services Chief 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.

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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.

### **412.6 ACCOUNTABILITY**

All data will be closely safeguarded and protected by both procedural and technological means. The Riverside County Sheriff's 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 relates to a specific criminal investigation or department-related civil or administrative action. Department members shall only use their own assigned username and password when accessing any ALPR system. Department members shall include an identifiable justification, such as a file number, when accessing ALPR data.
- (c) Any printed ALPR information must be destroyed using a secure method. No materials shall be disposed of in regular trash or recycling containers.
- (d) NO ALPR data shall be given, sold, shared or otherwise transferred to any unauthorized party.
- (e) ALPR system audits should be conducted on a regular basis.
- (f) Any breach or unauthorized or unintentional release of any ALPR information shall be immediately reported to the Support Services Chief Deputy.

#### **412.6.1 DATA SECURITY AND RETENTION**

- (a) Electronic data gathered during ALPR usage is the property of the Riverside County Sheriff's Department. The approved ALPR vendor will maintain responsibility for adherence to protocols involving information security in accordance with FBI CJIS security policy. The approved vendor will also be responsible for executing retention and/or deletion routines of electronically stored data as specified by the Riverside County Records Management and Archive Policy and in compliance with applicable laws.
- (b) Authorized Department vendors with access to systems containing ALPR data shall 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.

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- (c) Sheriff's TSB will require that ALPR login and query records are retained for a period of two years unless the information has been requested for investigative or other legal reasons. Any records retained must contain, at a minimum, the following information:
  - (a) The date and time ALPR information was accessed;
  - (b) The username of the person who accessed the information;
  - (c) The license plate number or other data elements used to query the ALPR system;
  - (d) The stated purpose for accessing the information.
- (d) ALPR records retained by the Department will be maintained, safeguarded, and purged according to all applicable laws and policies. Consistent with Government Code § 26202 and Riverside County Records Management and Archive Policy A-43, raw ALPR information will be retained for a period of two years and then be deleted. ALPR data that may be needed for active or probable litigation, is the subject of an active public records request, or is needed for auditing purposes shall be maintained until the underlying matters are fully resolved before being deleted. ALPR information documented in criminal and/or administrative reports will follow the same retention period as the report. ALPR information placed in evidence will remain secured as evidence until destroyed per Department policy. Deletion of ALPR data will follow the steps specified pursuant to Board of Supervisors policy and in accordance with the Sheriff Department's records retention schedule.

### 412.6.2 CUSTODIAN OF RECORD

The Commander of TSB, acting on behalf of the Riverside County Sheriff's Department, is responsible for implementing the provisions of this usage and privacy policy as the official custodian/owner of the ALPR system, and ALPR information covered herein.

### 412.7 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 affected 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). Public record requests for ALPR data shall be routed to the CPRA Unit for disposition.

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### **412.8 TRAINING**

The department will ensure the presentation of department-approved training to those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).