

# South Bay Information Sharing System ALPR Policies and Procedures

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## **GOALS OF THE SOUTH BAY INFORMATION SHARING SYSTEM**

The South Bay Information Sharing System (SBISS) was established to maximize the sharing of data and communication within the South Bay region while maintaining the confidentiality of privileged or otherwise protected information shared throughout the system. Currently, the Sheriff's Office is the collection point for data that is vital in the information sharing, analysis and dissemination of criminal threat information.

## **AUTOMATED LICENSE PLATE READER (ALPR) TECHNOLOGIES**

To support authorized law enforcement and public safety purposes of local, state, and regional public safety agencies, the SBISS utilizes ALPR technology, and supporting software, to gather and analyze ALPR data to enable the rapid identification and location of vehicles of legitimate interest to law enforcement. ALPRs are attached to Law Enforcement vehicles or deployed at fixed locations, to collect license plate information from vehicles on public roadways or property. In one common use of ALPR technology, license plate encounters are compared against law enforcement "hotlists" – lists of vehicles associated with active investigations, for example, related to Amber Alerts or other missing children, stolen vehicles, or stolen license plates. The information is also retained for a fixed retention period, though it is only accessible by law enforcement given a legitimate law enforcement purpose as listed below.

### **Purpose**

This document defines a minimum set of binding guidelines to govern the use of Automated License Plate Reader Data (ALPR Data), in order to enable the collection and use of such data in a manner consistent with respect for individuals' privacy and civil liberties.

## **ALPR AUTHORIZED USES**

To support the mission of the South Bay Information Sharing System, sworn law enforcement, analysts, or support personnel will utilize ALPR technology to:

- Locate stolen, wanted, and subject-of-investigation vehicles;
- Locate and apprehend individuals subject to arrest warrants and otherwise lawfully sought by law enforcement;

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- Locate witnesses and victims of violent crime
- Locate missing children and elderly individuals, including responding to Amber and Silver Alerts;
- Support local, state, federal, and regional public safety departments in the identification of vehicles associated with targets of criminal investigations, including investigations of serial crimes;
- Protect participants at special events; and
- Protect critical infrastructure sites

## **RESTRICTIONS ON COLLECTION OF ALPR DATA AND USE OF ALPR SYSTEMS**

SBISS ALPR units may be used to collect data that is within public view, but may not be used for the sole purpose of monitoring individual activities protected by the First Amendment to the United State Constitution.

ALPR operators may not contact occupants of stolen, wanted, or subject-of-investigation vehicles unless the ALPR operators are law enforcement officers. ALPR operators must rely on their parent agency rules and regulations regarding equipment, protection, self-identification, and use of force when stopping vehicles or making contact.

ALPR operators must recognize that the data collected from the ALPR device, and the content referenced hotlists, consists of data that may or may not be accurate, despite ongoing efforts to maximize the currency and accuracy of such data. To the greatest extent possible, vehicles and subject information will be verified from separate law enforcement information sources to confirm the vehicle or subject's identify and justification for contact. Users of ALPR Data must, to the fullest extent possible, visually confirm the plate characters generated by the ALPR readers correspond with the digital images of the license plate in question.

All users of ALPR equipment or accessing ALPR Data are required to acknowledge that they have read and understood agency policy prior to use of the ALPR system.

In no case shall the ALPR system be used for any purpose other than legitimate law enforcement or public safety purpose.

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## **TRAINING**

Only persons trained in the use of the ALPR system, including its privacy and civil liberties protections, shall be allowed access to ALPR Data. Training shall consist of:

- Legal authorities, developments, and issues involving the use of ALPR Data and technology
- Current Agency Policy regarding appropriate use of ALPR systems;
- Evolution of ALPR and related technologies, including new capabilities and associated risks;
- Technical, physical, administrative, and procedural measures to protect the security of ALPR data against unauthorized access or use; and
- Practical exercises in the use of ALPR system

Training shall be updated as technological, legal, and other changes occur that affect the use of ALPR systems.

## **Audit**

Access to, and use of, ALPR Data is logged for audit purposes. Audit reports will be structured in a format that is understandable and useful and will contain, at a minimum:

- The name of the law enforcement user;
- The name of the agency employing the user;
- The date and time of access;
- The activities executed, including any license plates searched for;
- The supplied authorized law enforcement or public safety justification for access; and
- A case number associated with the investigation effort generating the ALPR data query.

Audit reports will be provided periodically and on request to supervisory personnel at the SBISS host and partner agencies.

In addition, no less frequently than every 12 months, SBISS will audit a sampling of the ALPR system utilization from the prior 12 month period to verify proper use in accordance with the above authorized uses. Any discovered intentional misconduct will lead to further investigation, termination of system access, and notification of the user's parent agency for appropriate recourse. In addition, the auditing data will be used to identify systemic issues, inadvertent

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misuse, and requirements policy changes, training enhancements, or additional oversight mechanisms. The ALPR audits shall be conducted by the SBISS Project Manager other than the person assigned to manage the SBISS ALPR function. Audit results shall then be reported to the Director of Information Systems.

## **DATA QUALITY AND ACCURACY**

The SBISS agencies will take reasonable measures to ensure the accuracy of ALPR Data collected by agency ALPR systems. Errors discovered in ALPR Data collected by agency ALPR units are to be marked, corrected, or deleted in accordance with the type and severity of the error in question. Errors discovered in ALPR Data collected from partner agencies' ALPR systems are communicated back to the controlling agency to be addressed as deemed appropriate by that agency or in accordance with the agency's own ALPR data policies. As the downstream custodian of "hotlists", the SBISS host will provide the most recent versions of these lists available and ensure the lists are refreshed from state or federal sources on a daily basis.

The SBISS agencies acknowledge that, in rare instances ALPR units may inadvertently capture information contrary to the collection guidelines set forth in this policy. Such records will be purged upon identification by agencies and or SBISS host. Any discovered notable increase in frequency of these incidents from specific ALPR units or agencies will be followed up with for equipment repairs, camera realignment, or personnel training as necessary.

## **PHYSICAL AND ELECTRONIC SECURITY OF ALPR DATA:**

Data collected by ALPR systems is stored in a secured law enforcement facility with multiple layers of physical security and 24/7 security protections. Physical access is limited to law enforcement staff in good standing who have completed background investigations and possess an active law enforcement security clearance. SBISS will utilize strong multi-factor authentication, encrypted communications, firewalls, and other reasonable physical, technological, administrative, procedural, and personnel security measures to mitigate the risks of unauthorized access to the system.

## **RETENTION OF ALPR DATA:**

ALPR Data collected by and shared from partner agencies' ALPR units shall not be retained longer than specified by the partner agency who is the custodian of the record. Once the retention period has expired, the record will be purged entirely from all active and backup systems unless a reasonable suspicion has been established that the vehicle identified by the ALPR is connected to criminal activities.

ALPR records matching an entry in a current law enforcement hotlist will trigger an immediate

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notification to the officer operating the ALPR unit, the custodial agency of the hotlist and any agency utilizing the dispatch feature of the application. Such notifications are also subject to a maximum retention of the custodial agency.

ALPR Data obtained with license plate information not appearing on hotlists, and with no immediate reasonable connection to criminal activity, will be retained in secure systems so as to only be made accessible to authorized personnel for a maximum period corresponding to the SBISS agency policy, then purged entirely from the ALPR system. If during the specified retention period there is information which supports a legitimate law enforcement purpose (see above section enumerating AUTHORIZED PURPOSES, COLLECTION, AND USE OF ALPR DATA) as to a license plate or partial license plate which was recorded and is retained in these systems, then limited access will be permitted for predicate-based querying for potential matches against the parameters specific to the legitimate law enforcement purpose. Such events shall be recorded in an access log showing date, time, name of person seeking access, agency of employment, reason for access, and tracking identifiers such as an agency case number.

## **CUSTODIAN OF RECORDS AND RECORDS REQUESTS**

Each agency operating ALPR technology retains control and ownership as the official custodian of its records, and must independently verify all external information obtained via SBISS Information Systems. To the extent permitted by law, requests for information under the California Public Records Act or Freedom of Information Act or similar applicable laws will be directed back to the owner/custodian of the requested data.

## **SYSTEM MANAGEMENT AND ACCOUNTABILITY**

ALPR Agencies within SBISS will assign Badge personnel who will have responsibility, and be accountable, for managing the ALPR Data collected and ensuring that the privacy and civil liberties protection and other provisions of this ALPR Policy are carried out. This individual shall also be responsible for managing a process for maintaining the most current and accurate hotlists available from their respective ALPR systems. This individual shall also have the responsibility for the security of the hotlist information and any ALPR Data which is maintained by the SBISS. It remains, however, the personal responsibility of all authorized personnel with access to ALPR Data to take reasonable measures to protect the privacy and civil liberties of individuals, as well as the security and confidentiality of ALPR Data.

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## **DISSEMINATION**

Agencies may disseminate their own ALPR data to any governmental entity with an authorized law enforcement or public safety purpose for access to such data. The SBISS host assumes no responsibility or liability for the acts or omissions of other agencies in making use of the ALPR data properly disseminated. Though the agencies will make every reasonable effort to ensure the quality of shared ALPR Data and hotlists, SBISS agencies cannot make absolute guarantees of the accuracy of the information provided.

## **POLICY REVISIONS**

SBISS ALPR Policies will be reviewed, and updated as necessary, no less frequently than every 12 months, or more frequently based on changes in data sources, technology, data use and/or sharing agreements, and other relevant considerations. The most current version of the ALPR Policy may be obtained from the Santa Clara County Sheriff's Office website at <http://www.sccsheriff.sccgov.org>