

Automated License Plate Readers (ALPRs)

431.1 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. The policy of the Sunnyvale Department of Public Safety 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 only accessible to authorized Department of Public Safety personnel and is also not open for public review.

The Department of Public Safety does not permit the sharing of ALPR data gathered by the city or its contractors/subcontractors for the purpose of federal immigration enforcement, pursuant to the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq).

DEFINITIONS

1. **Automated License Plate Reader (ALPR):** A fixed or mobile device that uses cameras and computer technology to compare digital images of license plates to lists of known plates of interest.
2. **Hot List:** License plate(s) associated with vehicles of interest from an associated database, including, but not limited to, Stolen Vehicle System (SVS), National Crime Information Center (NCIC), Department of Motor Vehicles (DMV), Local "Be On The Lookout" (BOLOs), etc. Official national and state Hot Lists will be automatically downloaded into the ALPR systems a minimum of once a day, with the most current data overwriting the old data.
3. **Vehicle of interest:** Including but not limited to vehicles which are reported as stolen; display stolen license plates or tags; vehicles linked to missing and/or wanted persons, and vehicles flagged by the Department of Motor Vehicle Administration or law enforcement agencies.
4. **Detection:** Data obtained by an ALPR of license plates within public view that were read by the device, including potential images of the plate and vehicle on which it was displayed, and information regarding the location of the ALPR systems at the time of the ALPR's read.
5. **Hit:** Alert from ALPR systems that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason, including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violence protective order, or terrorist-related activity.

431.2 ADMINISTRATION OF ALPR DATA

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ALPR technology allows for the automated detection of license plates. It is used by the City of Sunnyvale Department of Public Safety 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 active warrants, homeland security, electronic surveillance, suspect interdiction, and stolen property recovery.

All installation and maintenance of mobile ALPR equipment, as well as mobile ALPR data retention and access, shall be managed by the Patrol Staff Lieutenant. The Patrol Staff Lieutenant is responsible for administering the day-to-day operation of the mobile ALPR equipment and data. The Investigations and Community Services Captain shall manage the installation and maintenance of fixed ALPR equipment.

431.2.1 ALPR ADMINISTRATOR

The Investigations and Community Services Captain 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 systems or to collect ALPR information.
2. Training requirements for authorized users.
3. A description of how the ALPR systems 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 (Patrol Staff Lieutenant).
6. Working with the Records Manager on the retention and destruction of ALPR data.
7. Ensuring this policy and related procedures are conspicuously posted on the department's website.

431.3 OPERATIONS

Use of ALPR systems 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).

1. ALPR systems shall only be used for official law enforcement business.

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2. ALPR systems may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using ALPR systems.
3. While ALPR systems may be used to canvass license plates around any crime scene, particular consideration should be given to using a mobile ALPR system to canvass areas around homicides, shootings, and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system to identify suspect vehicles.
4. No member of this department shall operate ALPR systems' equipment or access ALPR systems data without first completing department-approved training.
5. Members shall only use their assigned account to access the ALPR systems.
6. Members shall enter a valid case number/incident number and/or a valid justification for search when conducting a query.
7. Designation of Hot Lists to be utilized by the ALPR systems shall be made by the ALPR Administrator, or his/her designee(s), or an authorized officer(s). Hot Lists shall be obtained from national, state, and/or agency-generated sources in accordance with this policy.
8. All entries and updates of specific hot lists within the ALPR systems will be documented by the requesting department's authorized member within the appropriate offense report. The alerts from the hot lists should be viewed as informational and created solely to bring the officer's attention to specific vehicles associated with criminal activity. All vehicles entered into a hot list will at a minimum, contain the following information:
 - Entering Department member's name
 - Related case or event number
 - Synopsis describing the nature of the originating call and the reason for entry
1. The following use of the ALPR systems are specifically prohibited: harassment, intimidation, personal use, and/or immigration enforcement.
10. No ALPR systems' operator may access department, state, or federal data unless otherwise authorized to do so.

431.3.1 ALPR ALERT

OFFICER RESPONSIBILITIES

Officers shall verify ALPR systems' response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR system's alert. Once a hit is received, the officer shall confirm that the observed license plate from the system matches the license plate of the observed vehicle. Members of this department will not take any police action that restricts the freedom of any individual based solely on ALPR hits unless it has been validated. Because the ALPR hit may relate to a vehicle and may not relate to the person operating the vehicle, officers are reminded that they need to have reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle. (For example, if a vehicle is entered into the system because of

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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.)

Upon contacting a vehicle from a Hot List, the officer is responsible for ensuring the Hot List is updated by making an appropriate notification to an on-duty supervisor, dispatch, or the entry owner of the agency-generated Hot List.

LIEUTENANT RESPONSIBILITIES

Upon becoming aware of an ALPR hit with officers responding, the Lieutenant shall acknowledge, monitor, and continually assess the situation and ensure the response is conducted within the guidelines and requirements of this and all other applicable policies.

431.4 DATA COLLECTION AND RETENTION

The Sunnyvale Department of Public Safety is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR systems' data. Data will be transferred from ALPR systems to the designated storage in accordance with department procedures.

All data and images gathered by ALPR systems are for the official use of law enforcement, and because such data may contain confidential CLETS information, it is not open to public review. Information gathered and retained by ALPR systems may be used and shared with prosecutors or other law enforcement agencies only as permitted by law. As such, the data is not subject to disclosure pursuant to Government Code 6254(f).

The fixed and mobile ALPR vendors will store the data (data hosting) and ensure proper maintenance and security of data. The vendor will purge their data at the end of 30 days of storage. However, this will not preclude the Department of Public Safety from maintaining any relevant vehicle data obtained from the system after that period pursuant to the established City of Sunnyvale retention schedule mentioned above or outlined elsewhere.

In circumstances where the data has become, or it is reasonable to believe will become, evidence in a criminal or civil action or is subject to a lawful action to produce records, the applicable data should be retained as evidence. Evidence will be stored in accordance with the established records retention schedule.

Information gathered or collected, and records retained by the fixed and mobile ALPR systems will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes.

The Investigations and Community Services Captain is responsible for ensuring proper collection and retention of fixed ALPR data.

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431.5 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Sunnyvale Department of Public Safety will adhere to the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

1. 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 to information by name, date, and time (Civil Code § 1798.90.52).
2. 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.
3. ALPR system audits should be conducted on a regular basis.

For security and/or data breaches, see the Records Maintenance and Release Policy 807.

431.6 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 Special Operations Division Deputy Chief or the authorized designee and approved before the request is fulfilled
- c. The approved request is retained on file.
- d. Special Operations Division Deputy Chief or the authorized designee will consider the California Values Act (Government Code 7282.5; Government Code 7284.2 et seq) and the California Department of Justice Information Bulletin number 2023-DLE-06, providing guidance on ALPR collection, storage, sharing, use of data and in relation to Senate Bill 34 (Statutes of 2015, chapter 532; codified as California Civil Code section 1798.90 et seq.), before approving the access to ALPR data. The Department of Public Safety does not permit the sharing of ALPR data gathered by the City or its Contractors/subcontractors for the purpose of federal immigration enforcement.

Immediate need requests for ALPR data by law enforcement agencies that do not have a written request on file shall, at a minimum, be reviewed by a lieutenant before being approved. The request shall include:

- a. The name of the agency
- b. The name of the person requesting
- c. The intended purpose of obtaining the information

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy 807 (Civil Code 1798.90.55).

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431.7 TRAINING

The Patrol Staff Lieutenant should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).