



# KENSINGTON POLICE DEPARTMENT

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## NEWS RELEASE

### ALPR Policy #471

It has come to the attention of the Kensington Police Department (KPD), that there has been community discussion regarding the Automated License Plate Reader Policy #471, which the KPD adopted, as required by law, on 4/6/2016.

The community discussion questioned why KPD would adopt a policy on the use of the ALPR Technology, prior to the KPPCSD Board receiving the informational report by the General Manager and/or prior to public input. The Kensington Police Department adopted the ALPR policy based on legislative requirements pursuant to California Senate Bill SB 34 and California Civil Code section 1798.90.51. Although we currently do not operate ALPR in Kensington, we have access to the data of other police agencies in the county that do use ALPR.

#### HISTORY:

Automated License Plate Reader systems have been in use by cities in California for many years. The ALPR system uses high speed camera systems, which are either fixed mounted or vehicle mounted, to capture images of license plates. The license plate numbers are typically used to identify missing, stolen or wanted vehicles. The data captured by ALPR systems can be a valuable tool for law enforcement investigators, as it can also help identify suspects who have committed crimes, vehicles associated with Amber Alerts, and individuals with outstanding wants or warrants. ALPR technology is governed by CA Civil Code 1798.29.

#### LAWS:

California Senate Bill 34 requires all agencies that use ALPR technology to develop and maintain a policy on its use. Specific language from the bill states that the agency will, "implement a usage and privacy policy in order to ensure that the collection, use, maintenance, sharing, and dissemination of ALPR information is consistent with respect for individuals' privacy and civil liberties." Those who operate and maintain ALPR technology, and anyone utilizing associated data, must have an ALPR Policy and must post that document on the agency's website.

#### ADOPTION OF POLICY:

The Kensington Police Department adopted the ALPR policy and posted it on our website in order to comply with the regulations specified in California SB 34. As noted above, KPD does not maintain or operate any ALPR technology, and this is noted in the policy itself. However, because we have the ability to access ALPR data from other law enforcement agencies, we are required to have an ALPR policy. KPD's ALPR policy comes from Lexipol, an organization that is widely used by police departments, that drafts standardized police policies.

## Automated License Plate Readers (ALPRs)

### 471.1 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.

#### 471.1.1 KENSINGTON PD DEPLOYMENT AND USE

At the time of this policy's adoption, the Kensington Police Department is not equipt to record or store and ALPR data. Sworn members of the Kensington Police Department only have access to recorded ALPR data through the ARIES interface, to be used for legitimate law enforcement related purposes.

### 471.2 POLICY

The policy of the Kensington Police 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.

### 471.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Kensington 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. 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 ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administration Sergeant. The Administration Sergeant will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

#### 471.3.1 ALPR ADMINISTRATOR

The Administration Sergeant 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.

# Kensington Police Department

## Policy Manual

### *Automated License Plate Readers (ALPRs)*

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- (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.

#### **471.4 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.
- (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 the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

#### **471.5 DATA COLLECTION AND RETENTION**

The Administration Sergeant 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.

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.

# Kensington Police Department

## Policy Manual

### *Automated License Plate Readers (ALPRs)*

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#### **471.6 ACCOUNTABILITY**

All data will be closely safeguarded and protected by both procedural and technological means. The Kensington Police 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 relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.

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

#### **471.7 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 Administration Sergeant 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).

#### **471.8 TRAINING**

The Training Coordinator 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).

End users of the Aries database shall be required to review the ARIES User Manual and sign the ARIES "Use of Criminal Justice Information Obtained from ARIES" waiver.