

## Automated License Plate Readers

### Mill Creek Police Department Policy

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#### 461.1 PURPOSE AND SCOPE

The Mill Creek Police Department authorizes the use of Automated License Plate Reader ("ALPR") cameras for law enforcement and community safety purposes. These devices gather and analyze data to enable the rapid identification and location of vehicles and persons of legitimate interest to law enforcement.

The purpose of this policy is to establish guidelines for the use, management, and operation of ALPR cameras by the Mill Creek Police Department. The Mill Creek Police Department is committed to utilizing ALPR cameras in compliance with state law, to enhance community safety, deter and solve crimes, maintain public trust, and support the overall mission of the department.

#### 461.2 DEFINITIONS

**Automated License Plate Reader (ALPR):** A system consisting of a camera and related equipment that automatically and without direct human control locates, focuses on and photographs vehicles and license plates that come into range of the device.

**ALPR Data:** All data collected by automated license plate reader system including, but not limited to, global positioning system coordinates, location, date and time, speed of travel, photograph, license plate number, automobile characteristics, or other identifying information.

**ALPR Operator:** Authorized Office members (users) who utilize the ALPR system/equipment. ALPR operators may consist of sworn and non-sworn personnel.

**ALPR Administrator:** The Chief of Police will appoint two members of the department to serve as the primary ALPR administrators.

**Detection:** The ALPR captures images of vehicle license plates as they pass through the camera's field of view. This process includes the automated recognition of license plate numbers, vehicle characteristics, and the associated date, time, and location data. Detection enables the system to document and store information about vehicles for further analysis and investigation.

**Hit:** Alert from the ALPR system that a scanned license plate number may be in a law enforcement database for a specific reason.

**Hot List:** License plate(s) associated with vehicles of interest compiled from one or more databases including but not limited to the Washington Crime Information Center (WACIC), and the Department of Licensing (DOL) databases.

#### 461.3 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 or their designee. The appointed administrator will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

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#### 461.4 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use or allow others to use, the equipment or database records for any unauthorized purpose.

- a) An ALPR shall only be used for official and legitimate law enforcement business.
- b) No member of this department shall operate ALPR equipment, or access ALPR data, without first completing department-approved training.
- c) Officer shall verify an ALPR response through the Central Computerized Enforcement Service System (ACCESS) before taking enforcement action that is based solely upon an ALPR alert.
- d) No ALPR operator may retrieve ACCESS data unless otherwise authorized to do so.

ALPR systems may be used to compare captured data with databases maintained by federal or Washington State agencies, including:

- a) Department of Licensing
- b) State Criminal Justice Information System
- c) FBI Kidnappings and Missing Persons List
- d) National Center for Missing and Exploited Children
- e) Washington Missing Persons List

#### 461.5 ALPR DATA SEARCH CRITERIA

Law enforcement personnel, who are ACCESS certified, may query the ALPR system for the license plate number or vehicle characteristics when investigating a vehicle that is:

- a) Stolen.
- b) Associated with a missing or endangered person.
- c) Registered to an individual for whom there is an outstanding felony or gross misdemeanor warrant; or
- d) Related to or involved in a felony or gross misdemeanor crime.

ALPR may only be used in an administrative investigation when there is an allegation of a criminal law violation that meets Section 463.4(a) - (d) criteria against an employee. All MCPD employees, including commissioned officers and civilian personnel, shall abide by the policy relating to ALPR system use. Office personnel shall not use, or allow others to use, the ALPR system for any unauthorized purpose.

An ALPR Hit alone does not constitute reasonable suspicion to stop the vehicle. Mill Creek Police shall develop independent reasonable suspicion for the stop or immediately confirm visually that the license plate on the vehicle matches the image of the license plate displayed on the ALPR System and confirm by other means that the license plate number is in one of the law enforcement database systems.

#### 461.6 ALPR DATA COLLECTION AND RETENTION

All ALPR data uploaded to the Mill Creek Police Department's digital evidence management server shall be stored according to the Washington State Law Enforcement Records Retention Schedule. Data and images will

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only be shared as outlined in this policy or required by law or court rules.

- a) All non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law and court rules.
- b) The ALPR service provider stores data (data hosting) and ensures proper maintenance and security of data. ALPR Safety purges this data after twenty one (21) days of storage, and it is not recoverable. Data related to criminal investigations or community safety concerns located within the 21-day storage period shall be uploaded to the department's digital evidence storage prior to the 21-day data purge.

#### **Exceptions.**

- a) When retained pursuant to a valid, court-issued, probable cause felony or gross misdemeanor warrant or subpoena, or as permitted by court order in criminal or civil cases, provided the data is deleted at the conclusion of the criminal or civil case, pursuant to the applicable record retention schedule.
- b) When retained as evidence for one of the authorized purposes under this chapter.

Images and videos that are considered evidence will be stored in accordance with department policies and procedures.

#### **461.7 CAMERA PLACEMENT RESTRICTIONS**

It is unlawful to place ALPR cameras on the premises or immediate surroundings or access to or from:

- a. Facilities that provide protected health care as defined in chapter 7.115 RCW or;
- b. Facilities conducting immigration matters as defined in RCW 19.154.020 or;
- c. Elementary and secondary schools, or;
- d. Places of worship, or;
- e. Courts, or;
- f. Food banks.

For the purposes of this subsection, "facilities" includes only the building or buildings used for the purposes described in this subsection and any immediately adjacent parking lots that are primarily or exclusively used for the purposes described in this subsection.

#### **461.8 ACCOUNTABILITY AND SAFEGUARDS**

The Mill Creek Police Department will store all retained ALPR data in a manner that is consistent with the Criminal Justice Information Services (CJIS) Policy, and the Washington State Patrol (WSP) ACCESS Manual. All saved data will be closely safeguarded and protected by both procedural and technological means.

The Mill Creek Police Department will observe the following safeguards regarding access to and use of stored data:

- a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Support Services Manager and processed in accordance with applicable law.
- b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a

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login/password-protected system capable of documenting all access of information by name, date and time.

- c) Persons approved to access ALPR data under these guidelines are permitted to access the data for law enforcement purposes only, such as when the data relates to a specific criminal investigation or department-related civil or administrative action.
- d) ALPR data may only be shared with other WA State or local agencies in Washington, authorized to collect ALPR data. Any release to a law enforcement or criminal justice agency shall be documented in a case report.
- e) The Chief of Police or designee shall conduct audits of the ALPR System as required by law.

### 461.9 IMMIGRATION AND HUMAN REPRODUCTIVE RIGHTS ENFORCEMENT

ALPR technology and data shall not be used for the sole purpose of immigration enforcement.

ALPR technology and data shall not be used to specifically identify vehicles traveling to or from healthcare facilities, including but not limited to hospitals, clinics, mental health providers, and protected health care services under chapter 7.115 RCW. This restriction applies irrespective of the vehicle's origin, destination, or the medical services sought by the individuals.

### 461.10 ALPR SYSTEM AUDITS

All audit trail data will be stored for two years. Audit data may be used solely for auditing purposes and may not be searched, analyzed, compiled, or indexed for investigative purposes. Audit reports must contain, at a minimum:

- a) A record of each action in which automated license plate reader data is accessed or searched, including:
  - 1. The identity or username of the person who accessed or queried the system, and as applicable, the organization or entity with whom the person is affiliated;
  - 2. The date and time the automated license plate reader data or the automated license plate reader system was accessed or searched;
  - 3. Data elements used to query the automated license plate reader system;
  - 4. Specific purpose for accessing or querying the automated license plate reader system, including the offense type for any criminal investigation;
  - 5. The associated call for service or case number; and
  - 6. The location of the cameras that are part of the automated license plate reader system accessed.
- b) All records of actions in which automated license plate reader data is exported, downloaded, or shared; and
- c) Any audit trail data generated by or made available through a third-party vendor providing automated license plate reader system services. The Mill Creek Police Department shall ensure that all such vendor audit trail data is downloaded or otherwise obtained and retained by the agency in accordance with this section.

#### INTERNAL AUDIT:

The Mill Creek Police Department will do a comprehensive internal audit at least annually, and must include, at minimum:

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- a) All access to and use of the automated license plate reader system, as reflected in the audit trail data; and
- b) The agency's compliance with the data retention, purging, and sharing requirements established under this chapter and agency policy.

The ALPR camera administrators may also conduct periodic, documented audits of ALPR inquiries conducted by ALPR users, to ensure compliance with this policy and state law at the discretion of the Chief of Police.

#### **461.11 STATE GUIDELINES AND POLICY UPDATES**

This policy shall be reviewed annually and updated to remain consistent with state law, Attorney General guidance and model policies, and legal requirements.

Whenever this policy is modified or there are any changes to any policy pertaining to the use of the ALPR system, the Mill Creek Police Department shall submit notice of such action with copies of any relevant policies to the Attorney General within 60 days.

The Mill Creek Police Department is required by this section to publish this policy on the department's website and submit a website link to the policy to the attorney general.

#### **461.12 STATE ANNUAL REPORTING REQUIREMENTS**

The ALPR system administrator will draft and submit an annual report through the chain of command, the ALPR system practices and usage to the appropriate committees of the legislature. The report must also be conspicuously posted on the agency's public website. The report shall include:

- a) The number of matches that resulted in traffic stops or arrests made with assistance from automated license plate reader systems, and the number of subsequent prosecutions;
- b) The number of stolen vehicles and stolen license plates recovered due to use of the system;
- c) The number of preservation requests and disclosure orders received;
- d) The number of times automated license plate reader data or audit trail data was shared with or accessed by another governmental entity and the identity of each of those governmental entities;
- e) The number of times automated license plate reader data was shared or accessed pursuant to a judicial warrant;
- f) Any changes in policy that affect data collection, retention period, access or sharing;
- g) Results from the agency's internal audit of its automated license plate reader system;
- h) The total annual number of automated license plate reader system reads, searches that yielded results, and alerts; and
- i) The locations of cameras used as part of automated license plate reader systems.

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### **461.14 SYSTEM MISUSE**

Any person who willfully and intentionally queries, accesses, or uses an automated license plate reader system for a purpose not specifically authorized under this chapter, or who willfully and intentionally retains, sells, shares, permits access, or disseminates automated license plate reader system data or audit trail data in violation of this chapter, may be guilty of a gross misdemeanor and/or department discipline.