

Automated License Plate Readers

Mukilteo Police Department Policy

339.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the procedures for the appropriate and authorized use of Automated License Plate Readers (ALPR) and the data that are collected by these devices and made available for law enforcement use.

The Mukilteo Police Department utilizes ALPR technology to support authorized law enforcement and public safety purposes.

339.2 DEFINITIONS

Automated License Plate Reader (ALPR): A system consisting of a camera and related equipment that, automatically and without direct human control, locates and focuses on and photographs vehicles and license plates that come into range of the device. ALPR devices capture images of a vehicle's rear license plate and transform that image into alphanumeric characters. ALPRs can compare the license plate number to official local, state, and federal database records and deliver alerts to authorized law enforcement users when a license plate of interest has been detected.

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

ALPR Administrators: The Chief shall designate personnel to serve as the Department's ALPR Administrators. The ALPR Administrators are responsible for system training, deployments, audits, and system maintenance.

Hot List: - A list of license plates associated with vehicles of interest. Vehicles of interest may include, but are not limited to, reported stolen, displaying stolen license plates, linked to missing and/or wanted persons, or otherwise flagged by law enforcement agencies.

Detection: Data obtained by an ALPR of an image (such as a license plate) within public view and was read by the device, including potential images (such as the plate and description of the vehicle on which it was displayed). Data will also include information regarding the location of the ALPR system at the time of the ALPR's read.

Hit - Alert from the ALPR system that a scanned license plate number may be on a hot list or in a 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 violation, or terrorist-related activity.

ALPR Data: means all data collected by automated license plate reader systems 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.

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Audit Trail Data: means all forms of data collected or generated by an automated license plate reader system that identify how the system is accessed or used. "Audit trail data" includes information about who accesses or uses the system, and how and when the system is accessed or used. "Audit trail data" does not include automated license plate reader data.

339.3 POLICY

ALPR systems are commonly utilized in parking, toll, speed, and red-light violation enforcement and criminal investigations. The Mukilteo Police Department uses ALPR systems and data to enable the rapid identification and location of vehicles of legitimate interest to law enforcement.

ALPR units can be attached to law enforcement vehicles and/or deployed at fixed locations, collecting license plate information from vehicles on public roadways and public property.

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. Officers receive a hit when a vehicle license plate is on the list. The information is also retained for a fixed retention period, though it is only re-accessible by law enforcement given a legitimate law enforcement purpose as listed below.

ALPR systems capture a contextual photo of the vehicle, an image of the rear license plate, the geographic coordinates of where the image was captured, and the date and time of the recording. The ALPR system does not conduct facial recognition analysis. It shall not be used by Mukilteo Police Department staff for immigration enforcement or monitoring 1st Amendment expressive activity or for any protected health care services under chapter 7.115 RCW, travel to or from religious institutions, education facilities, immigration facilities, courts, or to track or otherwise monitor activity protected by the Washington State Constitution and the 1st Amendment to the United States Constitution through its analysis of license plate characters.

Mukilteo Police Department ALPRs do not identify any individual or access any person's personal information through its analysis of license plate characters. The data captured by the ALPR unit itself is entirely anonymous. Officers can only identify the registered owner of a vehicle by querying a separate, secure state government database of vehicle license plate records, which is restricted, controlled, and audited.

339.4 AUTHORIZED PURPOSES, COLLECTION, AND USE OF ALPR DATA

To support the mission of the Mukilteo Police Department, law enforcement personnel with a need and right to know will utilize ALPR technology to:

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- a. Compare captured ALPR data with:
 - a. Databases maintained by federal or Washington state agencies, including:
 - i. The Department of Licensing
 - ii. The State Criminal Justice Information System
 - iii. The FBI Kidnappings and Missing Persons List
 - iv. The National Center for Missing and Exploited Children List
 - v. The Washington Missing Persons List
 - b. License plate numbers or vehicle characteristics entered into a state or local ALPR system database or entered for a specific search, when an officer determines they are relevant and material to an investigation involving a vehicle that is:
 - i. Stolen
 - ii. Associated with a missing or endangered person
 - iii. Registered to an individual with an outstanding felony or gross misdemeanor warrant
 - iv. Related to or involved in a felony or gross misdemeanor
- b. No member of this department shall operate ALPR equipment, or access ALPR data, without first completing department-approved training.
- c. Law enforcement personnel may obtain privately held automated license plate reader data only pursuant to a valid, court-issued, probable cause warrant."
- d. The Assistant Chief of Police or their designee may permit ALPR Operators to create Custom Hot Lists, as needed, and restrict the sharing of such lists based on Department needs.

339.5 RESTRICTIONS ON COLLECTION OF DATA AND SYSTEM USE

All employees of the Mukilteo Police Department, including commissioned officers and civilian personnel, shall abide by the policies and procedures related to ALPRs as set forth in this policy. Misuse

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of the ALPR system may be a violation of state law. Employees of the police department are prohibited from using ALPR camera technology in the following circumstances:

- a. ALPR cameras will not be used to monitor individual or expressive activities protected by the 1st Amendment of the United States Constitution.
- b. ALPR cameras shall not be used for the purpose of immigration investigation or enforcement or monitoring immigration facilities.
- c. Users will not target any person based on their actual or perceived age, color, creed, criminal history, disability, ethnic background, gender, gender expression or identity, lifestyle, marital status, national origin, partnership status, political affiliation or beliefs, pregnancy status, race, religion, sex, sexual orientation as defined by RCW 49.60.040, social or economic status, veteran status, and, to the extent permitted by law, alienage or citizenship status, or any other legally protected status.
- d. Without another clearly articulated nexus to an RCW defined gross misdemeanor or felony crime, ALPR cameras shall not be used to target or track the movement of vehicles traveling to or from healthcare facilities, including hospitals, clinics, mental health providers, reproductive health care centers, or other protected healthcare as described in RCW 7.115. This restriction applies irrespective of the vehicle's origin, destination, or the medical services sought by the individuals.
- e. Cannot be used for non-criminal surveillance or location tracking unrelated to the authorized purposes listed in this policy.
- f. Investigating misdemeanor crimes.
- g. Employees may not use ALPR cameras for non-work-related purposes or otherwise operate the ALPR cameras outside their legitimate law enforcement duties.
- h. ALPR operators must recognize that the data collected from the ALPR device and the content of referenced hotlists consists of information that may or may not be accurate. As part of an inquiry, vehicle and subject information should be verified from law enforcement information sources to confirm the vehicle or subject's identity 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 image of the license plate in question.

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- i. In no case shall the Mukilteo Police Department ALPR system be used for any purpose other than legitimate law enforcement or public safety. ALPR camera users will enter the case number and a reason for the search.

339.6 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Mukilteo 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 or designee and processed in accordance with applicable law.
- b. All downloaded ALPR data shall be accessible only through a 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 legitimate law enforcement purposes only, such as when the data relates to a specific criminal investigation or department-related civil or administrative action.
- d. Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes, excluding immigration investigations in accordance with applicable law.
- e. ALPR camera system audits should be conducted on a periodic basis, but no less than once a year. A report on the audit will be forwarded to the chief of police, or designee, for review.

When using ALPR systems, officers will not target any person based on their actual or perceived race, color, religion, creed, sex, gender, gender identity, sexual orientation, age, national origin, ethnicity, disability, veteran status, marital status, partnership status, pregnancy status, political affiliation or beliefs, and, to the extent permitted by law, alienage or citizenship status.

339.7 ALPR SYSTEM AUDITS

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

- a. The name of the law enforcement user;

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- b. The name of the agency employing the user;
- c. The date and time of access;
- d. The specific data accessed;
- e. A case number or incident number associated with the investigative effort generating the ALPR data query.

The ALPR Administrators shall conduct documented audits of ALPR Detection Browsing Inquiries conducted by ALPR Operators to ensure compliance with this policy. This audit should occur twice a year.

339.8 DATA COLLECTION AND RETENTION

- a. All Flock Safety camera data uploaded to the Mukilteo Police Department's digital evidence management server shall be stored according to the Washington State Law Enforcement Records Retention Schedule. Data and images will 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 Flock Safety Camera data shall be processed in accordance with applicable law and court rules.
 - b. Flock Safety stores data (data hosting) and ensures proper maintenance and security of data. Flock 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 can be uploaded by police employees to its digital evidence storage.
 - Exceptions;
 - i. 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.
 - ii. 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.
- b. Images that are considered evidence will be stored in accordance with the department evidence procedures and shall be stored according to the Property and Evidence policy.

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- c. All non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law and the Records Maintenance and Release policy.

339.9 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.