

Automated License Plate Readers

467.1 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.

467.2 DEFINITIONS

ALPR Data: 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. "Automated license plate reader data" does not include audio or video recordings generated by an in-car or body-worn camera, unless such recordings are converted into a computer-readable license plate characters or associated metadata, or are indexed, made searchable, or analyzed by license plate number, individual, vehicle, biometric identifier, or other unique identifier for the purpose of identifying, tracking or reconstructing an individual's or vehicle location.

Audit Trail Data: All forms of data collected or generated by an automated license plate reader system that identify how and when 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.

Automated license plate reader system (ALPR): A system, software, or computer algorithm, whether used independently or in combination with one or more mobile or fixed automated cameras, that is used to convert images of license plates into computer-readable data.

Detection: The Flock Safety camera system identifies and captures images of vehicle license plates as they pass through the camera's field of view. This process includes the automated recognition and recording 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.

Flock Safety Camera Administrators: The Chief shall designate sworn personnel to serve as the Department's Flock Safety Camera Administrators. The Flock Safety Camera Administrators are responsible for the management of the Flock Safety Camera system/equipment, and are responsible for system training, deployments, audits, etc.

Flock Safety Camera Users: Authorized Department members (users) who may utilize the ALPR Camera system/equipment. Users may consist of sworn and non-sworn personnel. Prior to using an ALPR system, operators must complete department authorized training.

Hit: Alert from the ALPR system that a scanned license plate number may be in a custom hot list or other law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing/endangered person, criminal domestic violence investigation, or terrorist-related activity.

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Hot List: Data in any of the following databases maintained by either a federal or Washington State agency: The department of licensing, the state criminal justice information system, the federal bureau of investigation kidnappings and missing persons list, the national center for missing and exploited children list, and the Washington missing persons list; or (ii) License plate numbers or vehicle characteristics that have been entered into a state or local automated license plate reader system database or entered in order to perform a search, upon an officer's determination that the license plate numbers or vehicle characteristics are relevant and material to an investigation pursuant to this policy.

467.3 ADMINISTRATION

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administrative Sergeant. The Administrative Sergeant will assign members under their command to administer the day-to-day operation of the ALPR.

No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

467.4 OPERATIONS

Reasonable suspicion or probable cause is not required before using an ALPR. Use of an ALPR is restricted to the following purposes:

- (a) A comparison of ALPR data with data from databases maintained by the Washington Department of Licensing, the state criminal justice information system, the Federal Bureau of Investigation kidnappings and missing persons list, the National Center for Missing and Exploited Children list, and the Washington missing persons list.
- (b) A comparison of ALPR data with data from a state or local government ALPR database if the officer performing the search documents that the license plate number or vehicle characteristics are relevant and material to an investigation of a vehicle that is stolen, associated with a missing or endangered person, registered to a person with an outstanding felony or gross misdemeanor warrant, or was involved in the commission of a felony or gross misdemeanor.
- (c) Enforcing parking restrictions.
- (d) Identifying vehicles in a database for impoundment or immobilization under a local ordinance, provided the database includes only license plates of vehicles subject to that ordinance.

A positive match from an ALPR alone does not constitute reasonable suspicion to stop a vehicle. Before conducting a traffic stop, officers shall either:

- Develop reasonable suspicion for the stop independent from the ALPR match.
- Immediately confirm visually that the license plate on the vehicle matches the image of the license plate displayed on the ALPR and confirm by other means that the license plate number appears in one of the databases described in this section.

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467.4.1 PROHIBITED USE OF THE ALPR SYSTEM

Members shall not use or allow others to use the ALPR equipment or data for any unauthorized purpose, including:

- (a) Investigating or enforcing federal immigration matters.
- (b) Assisting with out-of-state investigations regarding protected health care services under chapter 7.115 RCW (e.g., abortion services).
- (c) Tracking or otherwise monitoring activity protected by the state and federal constitutions (e.g., free speech, assembly, protest).
- (d) Collecting ALPR data from facilities that provide health care or conduct immigration matters as defined by RCW 19.154.020, elementary and secondary schools, places of worship, courts, or food banks.

The Normandy Park Police Department shall not sell, lease, rent, or purchase ALPR data or audit trail data.

467.5 DATA COLLECTION AND RETENTION

The Administrative 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 Flock Safety camera data downloaded to the Normandy Park Police Department's server shall be stored according to the

All stored ALPR data shall not be retained for more than 21 days unless it is:

- (a) Retained pursuant to a warrant issued by a court in a felony or gross misdemeanor case.
- (b) Retained as permitted by court order in civil or criminal cases.
- (c) Reasonable to believe it will become evidence in a criminal or civil action or is subject to a discovery request, subpoena, or other lawful action to produce records. In those circumstances, the applicable data should be downloaded onto portable media and booked into evidence. Images and videos that are considered evidence will be stored in accordance with department policies and procedures.
- (d) Retained for the purpose of parking enforcement, provided that the data is deleted within 12 hours of the final disposition of the enforcement case.

When no longer needed, ALPR data shall be deleted according to the established records retention schedule. See attachment: Washington State Law Enforcement Records Retention Schedule.pdf,

467.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Normandy Park Police Department will observe the following safeguards regarding access to and use of stored data:

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- (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.
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data only for lawful purposes.
- (c) ALPR system audits shall be conducted annually at a minimum and include a review of all access to and use of the ALPR system and the department's compliance with the data retention, purging, and sharing requirements of this policy.
 - 1. Data elements used to query the ALPR and retained as audit trail data shall be used solely for auditing purposes and may not be searched, analyzed, compiled, or indexed for investigative purposes.
 - 2. Audit trail data shall be retained for two years..

467.7 ALPR SYSTEM AUDITS

Audit Trail Data:

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:
 - i. 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;
 - ii. The date and time the automated license plate reader data or the automated license plate reader system was accessed or searched;
 - iii. Data elements used to query the automated license plate reader system;
 - iv. Specific purpose for accessing or querying the automated license plate reader system, including the offense type for any criminal investigation;
 - v. The associated call for service or case number;
 - vi. 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
- C. Any audit trail data generated by or made available through a third-party vendor providing automated license plate reader system services. The Normandy Park 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:

An internal audit will occur 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.

467.8 POLICY

The policy of the Normandy Park 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.

467.9 RELEASING ALPR DATA

The ALPR data may be disclosed, shared, or accessed by other law enforcement or prosecutorial agencies only as required in a judicial proceeding 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 Administrative 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.