

Automated License Plate Readers

425.1 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.

425.2 POLICY

The Sedro-Woolley Police Department utilizes ALPR technology to support authorized law enforcement and public safety purposes of local, state and federal agencies and to gather and analyze ALPR data to enable the rapid identification and location of vehicles of legitimate interest to law enforcement. ALPR units are deployed at fixed locations, where they collect 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 within Washington State law. ALPR systems capture a contextual photo of the vehicle, an image of the license plate, the geographic coordinates of where the image was captured, and the date and time of the recording. The ALPR system does 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.

425.3 DEFINITIONS

Agency: Includes all state agencies and all local agencies.

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 sworn personnel to serve as the Department's ALPR Administrators. The ALPR Administrators serve as the Officers-In-Charge of the ALPR system/equipment, and are responsible for system training, deployments, audits, etc.

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.

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

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photographs vehicles and license plates that come into range of the device. The ALPR device captures images of a vehicle's rear license plate, transforms that image into alphanumeric characters, compares the plate number to official local, state, and federal database records, and delivers alerts to authorized law enforcement users when a license plate of interest has been detected.

ALPR Data: 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. "Automated license plate reader data" does not include audio or video recordings generated by a dashboard or body worn camera, unless such recordings are converted into 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's location.

Automated license plate reader system: 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. An automated license plate reader system excludes automated school bus safety cameras, speed safety camera systems, and automated traffic safety camera systems, as defined in RCW 46.63.210, that do not interface or interact with an automated license plate reader system for the purposes other than those authorized under RCW 46.63.180, 46.63.200, or 46.63.220 through 46.63.260. An automated license plate reader system excludes photo toll system cameras authorized under RCW 47.56.795 or 47.46.105.

Court Order, Warrant, or Subpoena: A court order as defined in RCW 43.17.420.

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

Facilities: includes only the building or buildings used for the purposes and any immediately adjacent parking lots that are primarily or exclusively used for the purpose described in SB 6002, section 3(4)(a).

Hot List: A list of license plates associated with vehicles of interest compiled from one or more databases including but not limited to NCIC, WACIC, Local BOLO's etc. Vehicles of interest may include, but are not limited to, vehicles reported stolen, displaying stolen license plates, linked to missing and/or wanted persons, or otherwise flagged by law enforcement agencies.

Hit: Alert from the ALPR system 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 protection order violation, or terrorist-related activity.

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Immigration Matter: Any proceeding, filing, or action affecting the nonimmigrant, immigrant, or citizenship status of any person arising under immigration and naturalization law, executive order, or presidential proclamation, or pursuant to any action of the United States citizenship and immigration services, the United States department of labor, the United States department of state, the United States department of justice, the United States department of homeland security, the board of immigration appeals, or any other entity or agency having jurisdiction over immigration law.

Law Enforcement Agency: Has the same meaning as in RCW 10.116.010.

Local Agency: includes every county, city, town, municipal corporation, quasi-municipal corporation, special purpose district, local housing authorities, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency including their respective employees and agents.

Protected Health Care Services: Gender-affirming treatment and reproductive health care services that are lawful in the state of Washington.

State Agency: includes every state office, department, division, bureau, board, commission, or other state agency, and their respective employees and agents.

425.4 AUTHORIZED PURPOSES, COLLECTION, AND USE OF ALPR DATA

To support the mission of the Sedro-Woolley Police Department, law enforcement personnel may access, operate, or use an automated license plate reader system and its associated data ONLY FOR the following authorized purposes:

1.) Any law enforcement agency may use an automated license plate reader system for the purpose of comparing captured automated license plate reader data with:

(a) Data in any of the following databases maintained by either a federal or Washington State agency:

1. The department of licensing
2. The state criminal justice information system
3. The federal bureau of investigations kidnappings and missing persons list
4. The national center for missing and exploited children (NCMEC) list
5. The Washington missing persons list, OR

(b) 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 of a vehicle that is:

1. Stolen;
2. Associated with a missing or endangered person;

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3. Registered to an individual for whom there is an outstanding felony or gross misdemeanor warrant; OR

4. Related to or involved in a felony or gross misdemeanor.

3.) State and local agencies operating automated license plate reader systems are the legal owners of the associated automated license plate reader data collected by the system(s) that the agency operates.

425.5 DOCUMENTING SEARCH REASONS

When conducting searches using Flock Safety software, the **REASON field**, must include ALL of the following;

1. **The specific crime you are investigating**
2. **The level of crime: Felony or Gross Misdemeanor**
3. **The case number, or CAD incident number**

425.6 RESTRICTIONS ON COLLECTION OF ALPR DATA AND USE OF ALPR SYSTEMS

1.) It is unlawful for any agency, as described in RCW 43.17.425,

(a) To use an automated license plate reader system for immigration investigation or enforcement, or both, in accordance with 10.93.160, OR

(b) For any protected health care services under chapter 7.115 RCW, OR

(c) At facilities conducting:

- i. An immigration matter as defined in RCW 19.154.020
- ii. Elementary schools and Secondary schools
- iii. Places of worship
- iv. Courts, or
- v. Food banks

2.) Any agency that uses an automated license plate reader system shall register it with the office of the attorney general. The head of the agency shall certify that the system meets all requirements of state law, and that the agency has a policy and a documented training process for officers that use the system.

3.) A positive match by an automated license plate reader system alone does not constitute reasonable suspicion as grounds for a law enforcement officer to stop the vehicle. The officer 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 databases specified in this policy under the section, Authorized purposes, collection, and use of ALPR data.

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(a) Sedro-Woolley Police Department ALPR units may be used to collect data that is within state law, but may not be used for the sole purpose of monitoring individual activities protected by the First Amendment of the United States Constitution

(b) ALPR operators must recognize that the data collected from the ALPR device consists of data that may or may not be accurate, despite ongoing efforts to maximize the currency and accuracy of such data. To the greatest extent possible, vehicle and subject information will be verified from separate 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.

(c) In no case shall the Sedro-Woolley Police Department ALPR system be used for any purpose other than legitimate law enforcement or public safety purpose.

4.) An agency may obtain privately held automated license plate reader data only pursuant to a valid, court-issued, probable cause warrant.

(a) Officer must obtain a search warrant to collect ALPR data or evidence from a privately held automated license plate reader system.

425.7 ALPR DATA COLLECTION AND RETENTION

Automated license plate reader data collected by or on behalf of an agency, as authorized by state law, shall not be used or shared for any other purpose and **shall not be retained longer than 21 days**, with the following 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. ALPR data may be shared in discovery in accordance with applicable court rules.

(b) When retained for the purpose of parking enforcement

(c) When retained for traffic studies

(d) When retained for purposes of enforcing commercial vehicle systems,

(e) When retained for lawful purpose under WA State law (SB6002) for as long as such captured ALPR data is needed as evidence of specific unlawful conduct listed in WA State Law.

The ALPR vendor (Flock Safety) stores data (data hosting) and ensures proper maintenance and security of data stored in their data towers. **The vendor purges this data after thirty (21) days of storage.** However, this shall not preclude the Sedro-Woolley Police Department from maintaining any relevant vehicle data obtained from the system on its server or on portable media pursuant to valid court-order or evidence that was collected in accordance with WA State law.

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(b) Images that are considered evidence will be stored in accordance with WA State law, policy, and evidence procedures.

(c) ALPR data is NOT subject to disclosure under the public records act, chapter 42.56 RCW, except such data may be used for bona fide research as defined in RCW 42.48.010 and does not include individually identifiable information.

425.8 PROHIBITED PRACTICES

An agency that uses an automated license plate reader system shall not:

- (a) Disclose, share, or permit access to ALPR data except as required in a judicial proceeding;
- (b) Provide any other entity with direct access to the ALPR system, **except** with other State or Local Agencies authorized to collect ALPR data.
 - 1. A third-party vendor providing ALPR system services may access an ALPR system solely to the extent necessary to fulfill a specific agency-authorized purpose.
 - 2. Any agency that uses an ALPR system shall use the most recent updated version of the database; system updates shall be applied and checked every 24 hours.

An agency shall not sell, lease, rent, or purchase automated license plate reader data or audit trail data.

425.8.1 OUTSIDE AGENCY ACCESS

It is the policy of the Sedro-Woolley Police Department to ensure that all Automated License Plate Reader (ALPR) system use complies with state law and protects individual privacy. ALPR searches conducted on behalf of outside law enforcement agencies shall be limited, documented, and consistent with applicable legal standards.

Procedure:

Outside local or state law enforcement agencies that do not have direct access to Sedro-Woolley Police Department fixed ALPR systems may request a search under the following conditions:

- (a) Supervisor Coordination
 - 1. Department personnel receiving the request shall direct the requesting officer to their agency supervisor or an on-duty supervisor.
 - 2. The request must be submitted to that supervisor in writing (e.g., email) by the requesting agency.
- (b) Required Information:

The written request must include:

- 1. The specific crime being investigated
- 2. The classification of the crime (Felony or Gross Misdemeanor)

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3. The associated case or incident number

(c) Approval and Scope

1. A Sedro-Woolley Police Department supervisor must review and approve the request prior to any search being conducted.
2. Only Sedro-Woolley Police Department owned data shall be searched.

(d) Compliance

1. All searches shall comply with applicable state law and department policy, including documentation and audit requirements.

Federal Agency Requests:

- (a) ALPR data or search requests from federal agencies shall be issued only pursuant to a valid, court-issued probable cause warrant.

425.9 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Sedro-Woolley 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 Records Division and processed in accordance with applicable law.
- (b) All 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 (in compliance with policy and state law).
- (d) ALPR data should not be released to any person or agency that does not have approved access or to access the ALPR software system(s).

ALPR data may be released in certain circumstances (in compliance with state law) to any local or state agency that does not have direct access or agreements with Sedro-Woolley Police Department:

- (a) For a criminal investigation that has a nexus to the City of Sedro-Woolley,
 - (b) When required by a judicial proceeding or court order, or
 - (c) For an exigent circumstance for the safety of the community
- (e) Any release of ALPR data must first have supervisor or administrator approval.
- (f) ALPR shall not be released for civil immigration enforcement, in compliance with state law.
- (g) Any request by federal authorities for civil immigration information shall be documented.

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(h) 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, immigration status, 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.

425.10 ALPR SYSTEM AUDITS

Each agency operating or accessing an ALPR system shall maintain audit trail data documenting all access to the system. Audit trail data must be retained for two (2) years and must include, at a minimum:

- (a) A record of each action in which ALPR 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 ALPR data or ALPR system was accessed or searched;
 - 3. Data elements used to query the ALPR system;
 - 4. Specific purpose for accessing or querying the ALPR 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 ALPR system accessed.
- (b) All records of actions in which ALPR data is exported, downloaded, or shared; AND
- (c) Any audit trail generated by or made available through a third-party vendor providing ALPR system services. Each agency shall ensure that all such vendor audit trail data is downloaded or otherwise obtained and retained by the agency.
- (d) Data elements used to query the ALPR system and retained as audit trail data may be used solely for auditing purposes and may not be searched, analyzed, compiled, or indexed for investigative purposes. Data elements that contain unique identifiers must be partially redacted in any public disclosure.

Each agency shall conduct an internal audit at least once per year to review:

- (a) All access to and use of the ALPR system, as reflected in the audit trail data; AND
- (b) The agency's compliance with the data retention, purging, and sharing requirements established in State law and policy;
- (c) Patrol Operations command or designee shall conduct the audit;
- (d) Any violation of State law or policy found during an ALPR system audit will require a memorandum reported up the chain of command to the Chief's office.

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425.11 ANNUAL REPORTING AND REQUIREMENTS

An annual report shall be submitted on the agency's ALPR system practices and usage to the appropriate committees of the WA State 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 the assistance from ALPR 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 ALPR 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 ALPR 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 ALPR system.
- (h) The total annual number of ALPR system reads, searches, that yielded results, and alerts;
AND
- (i) The locations of cameras used as part of ALPR systems.

Whenever an agency modifies or repeals any policies pertaining to the use of ALPR systems, the agency shall submit notice of such action with copies of relevant policies to the attorney general within 60 days.

Agencies must publish policy on the agency website and submit a website link for those published policies with the attorney general.

425.12 TRAINING

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administration Lieutenant. The Administration Lieutenant will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data. Administrators will be responsible for the following:

- (a) Ensure proper training of operators and that training is completed prior to an operator using the system.
- (b) Ensure that all training is documented.
- (c) Authorize any requests for ALPR use or data access according to the guidelines.

The ALPR policy will be issued to all department members at least once each year for review and acknowledgement. This annual training review will ensure understanding and an acknowledgement of review.

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In addition to the annual policy training review, department personnel will be required to attend department training prior to using an ALPR system. Department personnel will receive periodic training for any necessary updates or changes to State law or policy regarding the use of ALPR systems.