

Automated License Plate Readers

704.1 PURPOSE

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 is collected by these devices and made available for law enforcement use.

704.2 POLICY

The Vancouver 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 attached to law enforcement vehicles or deployed at fixed locations, where they collect license plate information from vehicles on roadways and property.

ALPR technology license plate reads are compared against law enforcement "hot lists" – lists of vehicles associated with active law enforcement investigations; for example, related to Amber Alerts or other missing children, stolen vehicles, or stolen license plates. Users receive a hit when a vehicle license plate is on the list. The information is also retained for a fixed retention period and shall only be accessed for a legitimate law enforcement purpose pursuant to 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 image capture. 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. Department personnel 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.

704.3 DEFINITIONS

ACCESS: A Central Computerized Enforcement Service System. It is a secure, computer-controlled telecommunications network owned and operated by the Washington State Patrol (WSP) that links local, state, and national criminal justice databases for law enforcement use.

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

ALPR Administrators: The Chief shall designate the Department's ALPR Administrators. The ALPR Administrators serve as the administrators of the ALPR system/equipment, and are responsible for system training, deployments, audits, etc.

Audit Trail Data: Data collected or generated by an automated license plate reader system that

identifies 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 photographs vehicles and license plates that come into range of the device. The ALPR devices capture images of a vehicle's front or rear license plate, transform that image into alphanumeric characters, compare the license plate number to "hot lists," and deliver alerts to authorized law enforcement users when a license plate of interest has been detected.

Automated License Plate Reader Data: All data collected by automated license plate reader systems including, but not limited to, global positioning system coordinates, location, date, 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 vehicle 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 ALPR 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 purposes other than those authorized under RCW 46.63.180, RCW 46.63.200, or RCW 46.63.220 through RCW 46.63.260. An automated license plate reader system excludes photo toll system cameras authorized under RCW 47.56.795 or RCW 47.46.105.

Court Order, Warrant, or Subpoena: As defined in RCW 43.17.420.

Department: Vancouver Police Department

Detection: Data collected when an ALPR system reads a license plate that is visible from a public location. Data may include the license plate number that was read, images captured during the read such as the license plate itself and possibly the vehicle it is attached to, a description of the vehicle, and the location of the ALPR device when it captured the read.

Facilities: A building or buildings and any immediately adjacent parking lots that are primarily or exclusively used for the purpose described in SB 6002, section 3(4)(a). Facilities include locations of protected health care, as described in RCW 7.115, or at facilities conducting an immigration matter as defined in RCW 19.154.020, elementary and secondary schools, places of worship, courts, or food banks.

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 (Be On the Lookout), 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 read 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.

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: As defined in RCW 10.116.010.

Local Agency: 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: Any gender-affirming treatment and reproductive health care services that are lawful in the state of Washington as described in RCW 7.115.

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

704.4 AUTHORIZED PURPOSES, COLLECTION, AND USE OF ALPR DATA

To support the mission of the Department, law enforcement personnel with ACCESS certification may access, operate, or use an automated license plate reader system and its associated data only for the following authorized purposes:

1.) Authorized Department personnel 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 a user'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 missing children and elderly individuals or others that are vulnerable/ endangered, including those associated with AMBER, Silver, and Missing Indigenous Person Alerts;
 - 3. Registered to an individual for whom there is an outstanding felony or gross misdemeanor warrant; OR
 - 4. Related to or involved in the investigation of a felony or gross misdemeanor.

2.) The Department is the legal owner of the associated automated license plate reader data collected by the system(s) that the Department operates.

704.5 DOCUMENTING SEARCH REASONS

When conducting searches of ALPR, the reason field in the software must include all of the following:

- a) The specific crime being investigated
- b) Crime classification: Felony or Gross Misdemeanor
- c) The case number, or CAD event number

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

1.) It is unlawful for the Department to use an Automated License Plate Reader System, as described in RCW 43.17.425,

- (a) For immigration investigation or enforcement, or both, in accordance with 10.93.160, or
- (b) At facilities identified as:
 - i. A place conducting an Immigration Matter as defined in RCW 19.154.020
 - ii. A place conducting Protected Health Care Services under chapter 7.115 RCW
 - iii. Elementary schools and Secondary schools
 - iv. Places of worship
 - v. Courts, or
 - vi. Food banks

2.) 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 user 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, *704.4 Authorized purposes, collection, and use of*

ALPR data.

- 3.) Department ALPR cameras may be used to collect data that is within public view but will not be used for the sole purpose of monitoring individual or expressive activities protected by the First Amendment of the United States Constitution.
- 4.) Users 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's or subject's identity and justification for contact. Users of ALPR data must, to the fullest extent possible, visually confirm that the license plate characters generated by the ALPR readers correspond with the digital image of the license plate in question.
- 5.) Users shall not use ALPR cameras for non-work-related purposes or otherwise operate the ALPR cameras outside their legitimate law enforcement duties.
- 6.) Department personnel may obtain privately held automated license plate reader data only pursuant to a valid Court Order, Warrant, or Subpoena.

704.7 RETENTION

Automated license plate reader data collected by or on behalf of the Department, 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.

704.8 PROHIBITED PRACTICES

The Department's use of 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 Department-

authorized purpose.

2. The Department's ALPR system shall use the most recent updated version of the database; system updates shall be applied and checked every 24 hours.

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

704.9 OUTSIDE AGENCY ACCESS

It is the policy of the Department to ensure that all Automated License Plate Reader (ALPR) systems comply with state law and protects individual privacy. ALPR searches conducted on behalf of outside law enforcement agencies shall be limited, documented, consistent with applicable legal standards, and adhere to the following procedure:

Local and State Law Enforcement Agency Requests

- (a) Receipt and Approval:
 1. Department personnel receiving the request shall direct it to an on-duty supervisor.
 2. The request must be submitted in writing (e.g., email) by the requesting agency and approved prior to processing.
- (b) Required Information:
 1. Agency name
 2. Specific crime(s) being investigated
 3. Classification of the crime(s) (felony or gross misdemeanor)
 4. Associated case or incident number
- (c) Scope and Compliance
 1. Only Department-owned ALPR cameras and data shall be searched.
 2. All searches shall comply with applicable state law and department policy, including documentation and audit requirements.

Federal Law Enforcement Agency Requests

- (a) ALPR data or search requests from federal agencies shall be issued only pursuant to a valid, court-issued probable cause warrant. ALPR data shall not be released for civil immigration enforcement, in compliance with state law.

704.10 ACCOUNTABILITY AND SAFEGUARDS

All saved data associated with ALPR cameras will be encrypted and stored within the Department's digital evidence management solution abiding by CJIS standards. The information will be safeguarded and protected by clear policies and procedures that dictate when and how the data can be used. The Department will observe the following regarding access, use, and dissemination of stored data:

- (a) All non-law enforcement requests for access to stored ALPR camera data shall be

referred to the Records Division Manager 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) Personnel 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 shall not be released for civil immigration enforcement, in compliance with state law.
- (e) Any request by federal authorities for civil immigration information shall be documented.
- (f) ALPR camera data may be released to other authorized and verified law enforcement officials and agencies when the information is used for legitimate law enforcement purposes and aligns with Department policy and state and local laws.
- (g) When using ALPR systems, officers will not target any person based on their actual or perceived race, color, religion, creed, gender, gender identity, sexual orientation, age, national origin, immigration status, citizenship status, ethnicity, disability, veteran status, marital status, partnership status, pregnancy status, or political affiliation or beliefs.

704.11 ALPR SYSTEM AUDITS

The Department 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 CAD event 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.
- (c) Any audit trail generated by or made available through a third-party vendor providing ALPR system services. The Department shall ensure that all such vendor audit trail data is downloaded or otherwise obtained and retained.
- (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.

The Department ALPR Administrators shall conduct an internal audit on a periodic basis, but no less than once a year to review:

- (a) All access to and use of the ALPR system, as reflected in the audit trail data; and
- (b) The Department's compliance with the data retention, purging, and sharing requirements established in State law and policy.
- (c) Any suspected violation found during an ALPR system audit shall be reported in accordance with Department policy.

704.12 REPORTING REQUIREMENTS AND ANNUAL REPORT

The Department shall register its Automated License Plate Reader System with the Office of the Attorney General. The Chief shall certify that the system meets all requirements of state law, and that the Department has a policy and a documented training process for Department personnel that use the system.

An annual report shall be submitted on the Department's ALPR system practices and usage to the appropriate committees of the WA State legislature. The report must also be conspicuously posted on the Department'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 Department's internal audit of its ALPR system;
- (h) The total annual number of ALPR system reads and searches that yielded results and alerts; and
- (i) The locations of cameras used as part of ALPR systems.

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

The Department must publish this policy on its website and submit a website link for this published policy with the attorney general.

704.13 TRAINING

The ALPR policy will be issued to all Department personnel at least once each year for review and acknowledgement.

In addition to the annual policy training review, Department personnel will be required to complete 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.