



Date: May 17, 2016

To: City Manager for Council Action

From: Chief of Police

Subject: Approval of the Santa Clara Police Department Automated License Plate Reader Policy as required by Section 1798.90.55 of the California Civil Code

EXECUTIVE SUMMARY

Since 2008, the Police Department has utilized Automated License Plate Reader (ALPR) technology to collect and store data for law enforcement purposes. ALPR is widely recognized as an effective tool to combat criminal activity, enhance productivity, and improve officer safety. ALPR cameras mounted on police units utilize Optical Character Recognition (OCR) to capture license plate numbers, which, along with the date, time, location, and an image of the vehicle, are transmitted and stored in a secure data base. The ALPR system instantly compares captured license plate numbers against a database of stolen and wanted license plates and alerts the officer/operator in the event of a match.

On January 1, 2016, changes to the California Civil Code related to the collection and use of ALPR information became effective as a result of Senate Bill No. 34. The statutory revisions imposed specified requirements on ALPR operators and end-users. ALPR operators that access or provide access to ALPR information are now required to maintain records of access to ALPR. Additionally, ALPR operators are required to implement a usage and privacy policy with respect to the collection and use of ALPR information. Revisions to the Civil Code require that policies include the following components:

- The authorized purposes for using the ALPR system and collecting ALPR information.
- A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- Training requirements for authorized users.
- A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- The purposes of, and restrictions on, the sharing of ALPR information with other persons.
- The title of the official custodian responsible for implementing and overseeing the ALPR operation.
- A description of the reasonable measures that will be used to ensure the accuracy of ALPR information and to correct data errors.
- The length of time ALPR information will be retained, and the process the ALPR operator will utilize to determine if and when to destroy retained ALPR information.

In coordination with the City Attorney's Office, the Police Department created a policy, which provides guidance to members for the capture, storage, and use of data obtained through the use of ALPR technology. The Policy is provided in Attachment 1. The ALPR data may be accessed by authorized members of the Police Department only for legitimate law

Subject: Approval of the Santa Clara Police Department Automated License Plate Reader Policy as required by Section 1798.90.55 of the California Civil Code

Page 2

enforcement purposes. The Police Department does not share ALPR data with non-law enforcement sources and does not sell data to third parties.

ADVANTAGES AND DISADVANTAGES OF ISSUE

The Police Department has created an Automated License Plate Readers (ALPR) policy in order to comply with recently passed state legislation. Section 1798.90.55 of the California Civil Code requires a public agency that operates or intends to operate an Automated License Plate Reader (ALPR) system to provide an opportunity for public comment at a regularly scheduled public meeting of the governing body of the public agency.

ECONOMIC/FISCAL IMPACT

Approval of this policy would not have an economic/fiscal impact.

RECOMMENDATION

That the Council approve the Santa Clara Police Department's Automated License Plate Reader (ALPR) policy.


Michael J. Sellers
Chief of Police

APPROVED:


Rajeev Batra
Acting City Manager

Documents Related to this Report:

- 1) *Automated License Plate Reader Policy*

Automated License Plate Readers (ALPRs)

Purpose and Scope

Automated License Plate Reader (ALPR) technology can provide automated detection of license plates from a vehicle mounted or fixed post system. Santa Clara Police Department utilizes ALPRs to gather and convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen vehicles, stolen license plates, Amber Alerts, and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction, and stolen property recovery.

This ALPR policy sets forth defined parameters for the use of ALPRs in the collection and use of data in a manner consistent with respect for individual's privacy and civil liberties.

This policy should be publicly accessible and viewable.

Training and Responsibilities

ALPR Operators shall be personnel of the Santa Clara Police Department who are been certified in the use of CLETS Criminal Justice Information and Department of Motor Vehicles Record Information and have received formal training prior to using the ALPR system. This training shall include, but not be limited to:

- Legal authorities, developments, and issues involving the use of ALPR data and technology.

- Current Police Department policy regarding appropriate use of ALPR systems.

- Technical, physical, administrative, and procedural measures to protect the security of ALPR data against unauthorized access or use.

- Practical exercises in the use of the ALPR system.

It shall be the responsibility of each ALPR Operator to ensure the download of the most recent hot list occurs on the mobile computer prior to deployment of the ALPR equipment.

Some ALPR Operators will be assigned as trainers and may assist with the training of Operators, troubleshooting problems with the ALPR system, helping their co-workers understand the value of the ALPR system, and improving the operations of the ALPR system.

ALPR Operation

Absent exigent circumstances of a life safety nature, 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.

- An ALPR shall only be used for official and legitimate law enforcement business.
- No member of this department shall operate ALPR equipment or access ALPR data without first completing department approved training.
- An ALPR may be used in conjunction with any routine patrol operation or criminal investigation, Reasonable suspicion or probable cause is not required before using an ALPR.
- While an ALPR may be used to canvass license plates around any crime scene, particular attention should be given to utilizing ALPR equipped vehicles to canvass areas around homicides, shootings, abductions, and other major crime scenes. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspects and suspect vehicles.
- If practical, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert. The officer must also to the fullest extent possible, visually confirm the plate characters match those generated by the ALPR.
- No ALPR operator may access CLETS data unless otherwise authorized to do so and has a need and right to know.

ALPR Data Collection and Retention

All data images gathered by an ALPR are for the official use of the Santa Clara Police Department and because such data may contain confidential CLETS information, it is not open to public review. ALPR information gathered and retained by the department, may be used and shared with prosecutors or others only as permitted by law.

ALPR data should be stored for minimum of one year (Government Code 34090.6), and thereafter may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances, the applicable data, should be either downloaded from the server onto portable media and booked into evidence or marked so that it will not be purged automatically without review.

Custodian of Records

The Santa Clara Police Department shall retain control and ownership of the information collected with ALPR and shall be the official custodian of records. To the extent permitted by law, requests for information under the California Public Records Act or Freedom of Information Act or similar applicable laws will be directed to the Police Department Records Manager.

Accountability and Safeguards

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

- All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Manager and processed in accordance with applicable law.
- All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password protected system capable of documenting all access of information by name, date and time.
- 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 relate to a specific criminal investigation or department related civil or administrative action.
- Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- ALPR system audits should be conducted on a regular basis.
- In the event the security of the server or data is breached and the possibility exists that an individual's personal information may have been accessed or exposed beyond the scope of law enforcement, upon discovery of the breach, the affected individuals will be noticed of the breach and any necessary instruction or direction will be provided.