

Automated License Plate Readers (ALPRs) Usage and Privacy Policy

463.1 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.

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Orange County Sheriff-Coroner Department to link data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security advisories and bulletins, electronic surveillance, suspect interdiction, and stolen property recovery. It is the intent of the Department to ensure that the access and use of ALPR data is consistent with respect for individuals' privacy and civil liberties.

463.2 ADMINISTRATION

All installation and maintenance of department owned/leased ALPR equipment shall be managed by the Technology Division. Data collected by Department owned/leased ALPR equipment, unless copied and booked as evidence, shall be managed by the ALPR provider. The Patrol Operations Command shall oversee this policy in compliance with the requirements of Civil Code Section 1798.90.5 et seq.

463.3 OPERATIONS

Use of an ALPR is restricted to the purposes outlined in this policy. Sworn Department Members are authorized to operate ALPR equipment and access ALPR data, provided they have first received Department approved training. Department Members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

1. An ALPR shall only be used for official law enforcement business.
2. 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.
3. While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR equipped cars to canvass areas around homicides, shootings, and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
4. No Member of this Department shall operate ALPR equipment or access ALPR data without first completing Department-approved training.

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5. No ALPR operator may access Department, state, or federal data unless otherwise authorized to do so.
6. The user shall verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.
7. Department members shall access ALPR only from an approved Department workstation, MDC, or Department-issued mobile device.

463.4 DATA COLLECTION AND RETENTION

All ALPR data is hosted or otherwise provided using an outside company's system (such as those contracts originated by the Department, LE contract partners, businesses, etc.). All ALPR data is the sole responsibility of that company (service provider).

All ALPR data related to a criminal action shall be copied to disc format, submitted into evidence and the existence of the disc shall be documented in the related case report number. Any time a Member reasonably believes ALPR data may be beneficial in a non-criminal matter (i.e. a civil action involving the Department), the Member should request a DR number for an information report, copy the ALPR data to disc format and submit it into evidence under the associated report number.

For any ALPR data copied to disc format and booked as evidence, all Department evidence booking, handling, storage and retention requirements shall be followed.

463.5 ACCOUNTABILITY

All data shall be closely safeguarded and protected by both procedural and technological means. Each Member is responsible for safeguarding their personal login and password. The Orange County Sheriff-Coroner Department shall observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

1. All ALPR data shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, time, and purpose (Case #) (Civil Code § 1798.90.52).
2. Members 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. Users shall verify ALPR responses through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.
3. ALPR system audits shall be conducted on a regular basis to ensure the security of the information accessed or used is in compliance with all applicable privacy laws. Audits shall be conducted by the Patrol Operations Command.

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463.6 RELEASING ALPR DATA

The release of ALPR data which has not been copied to disc format and booked into evidence will be governed by the agreement with the service provider. Any release of ALPR data must be authorized by the terms of the agreement. If release is authorized by the agreement, Members may share ALPR data only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

1. The agency makes a written request for the ALPR data that includes:
 - (a) The name of the agency.
 - (b) The name of the person requesting the information.
 - (c) The intended purpose of obtaining the information.
2. The request is reviewed by the authorized designee within the Records & Property Division and approved before the request is fulfilled.
3. The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial public agencies shall be processed at the direction of the Records & Property Division.

The release of ALPR data which has been copied to disc format and booked into evidence will be in accordance with Policy 802.

463.7 TRAINING

The training sergeant or manager shall ensure that Members receive Department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).