# **ONAMIA** POLICE DEPARTMENT
# Policy: Effective 07/27/2015

## AUTOMATED LICENSE PLATE READERS (ALPR)

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 (Minn. Stat. 626.8472)

Definitions:

(a) Automated License Plate Reader (ALPR): A device that uses infrared camera's to scan license plate data of moving and stationary vehicles. This data is then compared to a downloaded "hotlist" to identify license plates associated with certain unlawful acts.

(b) Hotlist: A downloadable list of stolen vehicles and license plates, suspended, revoked or cancelled licenses and registrations as well as any other unlawful activity information. This information is provided by the Minnesota Department of Public Safety's Driver and Vehicle Services (DVS) Division. Natural Crime information Center (NCIC), and the Bureau of Criminal Apprehension (BCA).

(c) Alert: An alert is generated when the Automated License Plate Reader identifies license plates that have the possibility of matching information on the hotlist.

## ADMINISTRATION

The ALPR Technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plate. It is used by the Onamia Police Department to convert data associated with the vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

## OPERATIONS

Use of an ALPR is restricted to the purpose outlined below. Office members shall not use, or allow other to use the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Resonable suspicion or probable cause is not necessary before using an ALPR.

(c) 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 or other major incidents.

(d) No member of the this Police Department shall operate ALPR equipment or access ALPR data without first completing office-approved training.

(e) No ALPR operator may access confidential office, state or federal data unless authorized to do so.

(f) If practicable, The Officer should verify an ALPR response through the Minnesota Justice Information Services **(MNJIS)** and National Law Enforcement Telecommunications system (NLETS) databases before taking enforcement action that is based soley on an ALPR Alert.

LIMITATIONS OF THE ALPR

(a) Because the ALPR is not connected to a "real time database , but rather a downloadable file, the data on the ALPR may be outdated. As such, it is imperative for Officer's to independently confirm all alerts prior to initiating a traffic stop.

1. The hotlist is a scheduled task on the ALPR, set up on the server to load twice daily. Officer's should upload the latest hotlist prior to use of the device.

(b) The ALRP may generate a false positive alert in certain instances, such as if another state's license plate number matches the numbers of a MN license plate on the hotlist.

## PROCEDURES

(a) Receiving an Alert

1. When the ALPR detects a hotlist entry, an audible alert and visual notification will be generated.
2. An Alert shall not be used on its own as responsible suspicion or probable cause for a traffic stop or enforcement contact. Contact with the vehicle and occupants may only be made after the alert is confirmed by matching both the vehicle and driver/occupant information with the hotlist

description and verifying information through the appropriate means such as the Communication Center, MDC, CJIS, originating agency, etc.

(b) Daily Use Log

1. Complete a LPR Daily use log to detail the number of plate reads, alerts, stops, arrests, and citations as a result of the ALPR. Also delineate the equipment problems or significant arrests generated from an ALPR in the notes section of the log. Officer's will submit their daily use logs to Glenn Lepine with Sheriff's Office Records Division.

RESTRICTIONS, NOTIFICATIONS AND AUDITS

The Onamia Police Department will observe the following guidelines regarding ALPR use (Minn Stat. 13.824):

(a) Data Collected by an ALPR will be limited to:
   1. License Plate numbers
   2. Date, time and location of data captured.
   3. Pictures of license plates, vehicles and areas surrounding the vehicle captured.

(b) ALPR data may only be matched with the MN license plate data file, unless additional sources are needed for an active criminal investigation.

(c) ALPR's shall not be used to monitor or track an individual unless done so under a search warrant or because of exigent circumstances.

(d) The BCA shall be notified within 10 days of an installation or use and of any fixed location of an ALPR.

The Mille Lacs County Sheriff's Office Chief Deputy 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 office procedures.

ALPR Data not related to an active criminal investigation must be destroyed no later than 60 days from the date of collection which the Mille Lacs County Sheriff's Office handles all record retention for the Onamia Police Department. There are two exceptions to destroying the data and they are:

(a) Exculpatory Evidence-Data must be retained until a criminal matter is resolved if a written request is made from a person who is the subject of a criminal investigation asserting that ALPR data may be used as exculpatory evidence.

(b) Address Confidentiality Program-Data related to participant of the Address Confidentiality Program must be destroyed upon the written request of the

participant. ALRP Data already collected at the time of the request shall be destroyed upon the written request of the participant. ALPR data already collected at the time of the request shall be destroyed and future related ALPR data must be destroyed at the time of collection. Destruction can be deferred if it relates to an active criminal investigation.

All other ALPR Data should be retained in accordance with the established records retention schedule which is handled by the Mille Lacs County Sheriff's Office.

SAFE AT HOME PROGRAM

Safe at Home is a statewide address confidentiality program administered by the Office of the MN Secretary of State and governed by MN Statutes Chapter SB and MN Rules Chapter 8290.

It was designated in collaboration with local victim service providers and Law Enforcement. This program became effective September 1st of 2007 and is designed to help survivors of domestic violence, sexual assaults, stalking or others who fear for their safety to maintain a confidential address.

The intent of Safe at Home is to allow its participants to go about their lives, interacting with public and private entities, without leaving traces of where they can be typically located such as their residential address or school address, or an employment address, in an attempt to keep their aggressor from locating them.

Because program participants use PO BOX addresses assigned to them, Safe at home provides a mail forwarding service. Safe at Home participants First Class Mail to them at their actual physical address. The actual physical address remains under security with the Safe at Home office. In addition to being the participants agent to receive mail, the Office of the MN Secretary of State is a participant's agent to receive service of process.

Any request for public data with regards to a vehicle registration captured on an ALPR that is duly designed as a safe at home registrant, those dated requests should be reviewed closely to ensure that safe at Home data is NOT being disclosed.

LOG OF USE

A public Log of ALPR use will be maintained by Onamia Police Officers that includes the following:

(a) Specific times of day that the ALPR collected data
(b) The aggregate number of vehicles or license plate on which data are collected for each period of active use and a list of State and federal public data bases with which the data were compared.
(c) For each period of active use, the number of vehicles or license plates related to:
    1. A vehicle or license plate that has been stolen
    2. A warrant for the arrest of the owner of the vehicle
    3. An owner with a suspended, revoked or cancelled driver's license or similar category.
    4. Active investigation data

The City of Onamia does not have any Stationary or Fixed Location ALPR locations.

ACCOUNTABILITY

All saved data will be closely safeguarded and protected by both procedural and technological means. The Onamia Police Department and its officers will observe the following safeguards regarding access to and use of stored data (Minn Stat. 13.824 and MN Stat. 13.05)

(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 for legitimate LE purposes only, such as when the data relates to a specific criminal investigation or office-related civil or administrative action.
(c) Biennial audits and reports shall be completed pursuant to MN Stat. 13.824 Subd. 6.
(d) Breaches of personal data are addressed as set forth in the Protected Information Policy (MN Stat. 13.055)
(e) All queries and responses, and all actions, in which data are entered, updated, accessed, shared or disseminated, must be recorded in a data audit trail.
(f) Any member who violates Minn Stat 13.09 through the unauthorized acquisition or use of ALPR Data will face discipline and possible criminal prosecution (Minn Stat. 626.8472)

POLICY

The Policy of the Onamia Police Department is to utilize ALPR Technology to Capture and store digital license plate data and images while recognizing and establishing privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this Office. Because such data may contain confidential information, it is not open to public review.

RELEASING ALPR DATA

The ALPR data may be shared only with other LE or prosecutorial agencies for official Law Enforcement purposes or as otherwise permitted by law, using the following procedures (Minn Stat. 13.824)

(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
   4. A record of the factual basis for the access and any associated case number (ICR #) complaint or incident that is the basis for the access.
   5. **A** statement that the request is authorized by the head of the requesting Law Enforcement Agency or his/her designees.

(b) The request is reviewed by the Chief of Police or the authorized designee and approved before the request is fulfilled.
   (1) The release must be based on a reasonable suspicion that the data is pertinent to an active criminal investigation.

(c) The approved request is retained on file.

Request for ALPR Data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.