Automated License Plate Readers (ALPRs)

425.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to Rainbow City Police Department members and third-party contractors or vendors hired or otherwise operating at the direction of the Rainbow City Police Department in the use of Automated License Plate Reader (ALPR) systems and ALPR data, the use of any database to compare data obtained by the license plate scanner, the retention of data obtained, the sharing of the data with other law enforcement agencies, and the training requirements for operators of ALPR systems.

This policy was developed to ensure compliance with Alabama Administrative Code, Chapter 265-X-6, *License Plate Recognition Systems for Law Enforcement*, effective March 17, 2022.

425.2 POLICY

It is the policy of the Rainbow City Police Department to operate ALPR systems and to use ALPR data only in a lawful manner to serve the public interest, preserve civil liberties, and support this agency's criminal investigative and public safety responsibilities.

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

425.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Rainbow City Police Department to convert data associated with 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.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Detective Sergeant. The Detective Sergeant will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

425.4 OPERATIONS

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

a. An ALPR shall only be used for official law enforcement business (Ala. Admin. Code r. 265-X-6-.04).

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b. 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.
c. While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped vehicles 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.
d. No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training (Ala. Admin. Code r. 265-X-6-.08).
e. No ALPR operator may access confidential department, state or federal data unless authorized to do so.
f. If practicable, the officer should verify an ALPR response through the appropriate official law enforcement database before taking enforcement action that is based solely on an ALPR alert.

425.5 USE OF ALPR SYSTEMS AND DATA

Members and vendors shall:

a. Only use data collected by ALPR systems for criminal justice or public safety purposes.
b. Not share ALPR data with any entity for a non-criminal justice or non-public safety purpose.
c. Not sell ALPR data with any entity for any reason.

Members may share ALPR data with another criminal justice agency for criminal justice or public safety purposes.

- Alabama Administrative Code, Chapter 265-X-6-.02(3), defines "criminal justice or public safety purpose" as, "legal actions by criminal justice agencies related to criminal investigations or protecting the public from criminal or natural threats."

425.6 DATA COLLECTION AND RETENTION

The Detective Sergeant is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data (Ala. Admin. Code r. 265-X-6-.08). Data will be transferred from vehicles to the designated storage in accordance with department procedures (Ala. Admin. Code r. 265-X-6-.03).

All stored ALPR data and access log entries shall be retained for no more than five years. Thereafter, ALPR data shall 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 discovery request or other lawful action to produce records. In those circumstances, the applicable data should be downloaded onto portable media and booked into evidence.

Notice shall be sent to the Alabama Law Enforcement Agency (ALEA) when data is retained beyond the retention period (Ala. Admin. Code r. 265-X-6-.06).

425.6.1 STATE REGISTRY

The Detective Sergeant shall establish procedures to ensure that collected ALPR data is timely submitted to the State ALPR Registry as required by Ala. Admin. Code r. 265-X-6-.05.

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425.7 ACCOUNTABILITY

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

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 law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

c. ALPR system audits should be conducted on a regular basis.

425.7.1 ACCESS LOGS

The Detective Sergeant is responsible for the creation of access logs to document access to ALPR data by department members and authorized criminal justice agencies as required by Ala. Admin. Code r. 265-X-6-.04.

425.8 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures (Ala. Admin. Code r. 265-X-6-.04; Ala. Admin. Code r. 265-X-6-.08):

a. The agency makes a 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. The date and time the data was accessed.
b. The request is reviewed by the Detective Sergeant or the authorized designee and approved before the request is fulfilled.
c. The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies should be reviewed by the Chief of Police or the authorized designee, who should work with the Custodian of Records so that only records related to criminal justice or public safety purposes are released (see the Records Maintenance and Release Policy).

425.8.1 DISSEMINATION LOGS

The Detective Sergeant should create dissemination logs to track shared ALPR data as specified by Ala. Admin. Code r. 265-X-6-.04.

425.9 THIRD-PARTY VENDORS/CONTRACTORS

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Members involved with hiring, contracting, or otherwise retaining a third-party contractor or vendor to provide ALPR-related services shall ensure the vendor has agreed to and submitted an ALEA CJIS Contractor/Vendor CJI Access Security Agreement prior allowing the vendor/contractor to capture ALPR data.

425.10 TRAINING

Members shall be trained on the requirements of this policy and Alabama Administrative Code, Chapter 265-X-6, prior to operating or accessing any ALPR system.

425.11 POLICY AVAILABILITY

This policy should be published on the department website (Ala. Admin. Code r. 265-X-6-.08).

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