

Automated License Plate Readers (ALPR)-Post Mandate

424.1 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 (Minn. Stat. § 626.8472).

424.2 POLICY

The policy of the Prior Lake Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

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.

424.3 DEFINITIONS

Alert: AN indication (either visual and/or audible) from the ALPR that the plate read, matches a license plate listed in the Minnesota License Plate Data File or the Manual Hot List.

Automated License Plate Reader (ALPR): Per Minn Stat. 13.824, Automated License Plate Reader means electronic device mounted on a law enforcement vehicle or positioned in a stationary location that is capable of recording data on, or taking a photograph of, a vehicle or its license plate and comparing the collected data and photographs to existing law enforcement databases for investigative purposes. Automated license plate reader includes a device that is owned or operated by a person who is not a government entity to the extent that data collected by the reader are shared with a law enforcement agency.

Be on the Lookout (BOLO): A determination by a law enforcement agency that there is a legitimate and specific law enforcement reason related to an active criminal investigation to identify or locate a particular vehicle.

Manual Hot List: A compilation of license plates or partial license plates for which a BOLO situation exists and that information is programmed by a user into the ALPR system so that an officer will receive an alert if the ALPR reads a license plate that matches a license plate included on the list.

Manual Hot Plate Entry: A determination by a law enforcement agency that there is a legitimate and specific law enforcement reason related to an active criminal investigation to identify or locate a particular vehicle.

Minnesota License Plate Data File: A data file provided by the Minnesota Department of Public Safety, Bureau of Criminal Apprehension that contains FBI and Minnesota license plate related Hot File data on stolen and felony vehicles, wanted persons and attempt to locate. The FBI Hot File records represent all 50 states, the District of Columbia, certain United States Territories,

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and Canada. The file also contains license plate related data on Minnesota Driver and Vehicle Services registered vehicles where an operator's license was withdrawn (suspended, cancelled, disqualified or revoked) This file contains no live data.

NCIC Hot List: A data file provided by the FBI that contains Hot File data from all 50 states, the District of Columbia, certain US Territories, and Canada.

Read: The process by which the ALPR focuses on, photographs, and converts a picture of a license plate to digital text that comes within range of the ALPR that then may be compared against the Minnesota License Plate Data File or Manual Hot List.

Real-Time Criminal Justice Information Services (CJIS): A query of the CJIS system that includes the most up to date data available at the time of the query. CJIS includes any system to process, store, or transmit criminal justice information.

424.4 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Prior Lake 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 and other investigative purposes.

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

424.5 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.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable 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 and other major incidents.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access confidential department, state or federal data unless authorized to do so.

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- (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 solely upon an ALPR alert.
- (g) Any problems with the ALPR system should be immediately reported to the ALPR administrator or a supervisor.

424.5.1 RESTRICTIONS, NOTIFICATIONS AND AUDITS

The Prior Lake 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 Minnesota license plate data file, unless additional sources are needed for an active criminal investigation.
- (c) ALPRs shall not be used to monitor or track an individual unless done so under a search warrant or because of exigent circumstances.
- (d) The Bureau of Criminal Apprehension shall be notified within 10 days of any installation or use and of any fixed location of an ALPR.

424.6 DATA COLLECTION AND RETENTION

The Administration Commander 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 department procedures.

ALPR data received from another agency shall be maintained securely and released in the same manner as ALPR data collected by this department (Minn. Stat. § 13.824).

ALPR data not related to an active criminal investigation must be destroyed no later than 60 days from the date of collection with the following exceptions (Minn. Stat. § 13.824):

- (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 a participant of the Address Confidentiality Program must 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.

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424.6.1 LOG OF USE

A public log of ALPR use will be maintained that includes (Minn. Stat. § 13.824):

- (a) Specific times of day that the ALPR collected data.
- (b) The aggregate number of vehicles or license plates on which data are collected for each period of active use and a list of all state and federal public databases 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 or revoked driver's license or similar category.
 4. Active investigative data.
- (d) For an ALPR at a stationary or fixed location, the location at which the ALPR actively collected data and is installed and used.

A publicly accessible list of the current and previous locations, including dates at those locations, of any fixed ALPR or other surveillance devices with ALPR capability shall be maintained. The list may be kept from the public if the data is security information as provided in Minn. Stat. § 13.37, Subd. 2.

424.7 ACCOUNTABILITY

All saved data will be closely safeguarded and protected by both procedural and technological means. The Prior Lake Police Department will observe the following safeguards regarding access to and use of stored data (Minn. Stat. § 13.824; Minn. 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 law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) Biennial audits and reports shall be completed pursuant to Minn. Stat. § 13.824, Subd. 6.
- (d) Breaches of personal data are addressed as set forth in the Protected Information Policy (Minn. 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.

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- (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).

424.8 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 (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, 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 designee.
- (b) The request is reviewed by the Administration Commander or the authorized designee and approved before the request is fulfilled.
 1. A 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
- (d) The Chief of Police or authorized designee may authorize other Minnesota law enforcement agencies direct query access granted they meet the following criteria:
 - (a) Are required to follow all Minnesota laws related to ALPR data.
 - (b) Have a policy related to ALPR access in place.
 - (c) Have appropriate audit features on their account.

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

424.9 MANUAL HOT LIST CONTENT AND USE

The ALPR is capable of alerting to license plates entered by the law enforcement agency in the ALPR system and not listed in the Minnesota License Plate Data File. Entries into the ALPR system shall comply with the following procedures and Minn. Stat. 13.824.

- (a) A license plate number or partial license plate number shall only be entered in the Prior Lake Police Department's Manual Hot List when there is a legitimate and specific law enforcement reason related to an active criminal investigation to identify or locate that particular vehicle or any person reasonably associated with that vehicle.

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(b) The Manual Hot List should be updated as frequently as practicable. A Manual Hot List entry shall be removed as soon as practicable if there is no longer a justification for the entry.

(c) If an officer receives an alert based on a Manual Hot List entry, they must follow 428.5 (f) and confirm that current legal justification exists to take action on the alert.

(d) A Manual Hot List entry may not be used as a substitute for an entry into any other databases such as Minnesota or FBI Hot Files, Nation Crime Information Center (NCIC), or Keeping Our Police Safe (KOPS) files, if appropriate.