

# NCRIC Automated License Plate Reader Policy

## 1. NORTHERN CALIFORNIA REGIONAL INTELLIGENCE CENTER

### 1.1 ABOUT

The Northern California Regional Intelligence Center (NCRIC) is a multi-jurisdiction public safety program that serves fifteen counties in Northern California, in part by enhancing cooperation among law enforcement through information sharing and technical operations support.

### 1.2 AUTOMATED LICENSE PLATE READER (ALPR) TECHNOLOGY

To support authorized law enforcement purposes, the NCRIC utilizes Automated License Plate Reader (ALPR) technology to gather and analyze vehicle data, facilitating expedient identification and location of vehicles of legitimate interest to law enforcement.

NCRIC ALPR devices are deployed at fixed locations where they observe and record license plate information from vehicles in public view, on public roadways, or public property.

In one common use of ALPR technology, license plate encounters are compared against law enforcement “hotlists” – lists of vehicles associated with active investigations, for example, related to Amber Alerts or other missing persons, stolen vehicles, or stolen license plates.

The information is also retained in secure systems for a fixed period, though it is only re-accessible by law enforcement for predicate-based querying for potential matches against the parameters specific to a legitimate law enforcement purpose. All such queries are recorded and subject to audit.

### 1.3 PURPOSE

This NCRIC Automated License Plate Reader Policy (ALPR Policy) defines a minimum set of binding guidelines to govern the use of Automated License Plate Reader Data (ALPR Data), to enable the collection and use of such data in a manner consistent with respect for individuals’ privacy and civil liberties and in accordance with all applicable law.

## 2. UTILIZATION OF ALPR DATA

### 2.1 Training

Only persons trained in the use of ALPR, including its privacy and civil liberties protections, shall be allowed access to ALPR Data or to operate NCRIC ALPR devices. Training content shall consist of:

- Legal authorities, developments, and issues involving the use of ALPR Data and technology
- Current NCRIC Policy regarding appropriate use of NCRIC ALPR systems;

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- Evolution of ALPR and related technologies, including new capabilities and associated risks;
- Technical, physical, administrative, and procedural measures to protect the security of ALPR Data against unauthorized access or use; and
- Practical exercises in the use of the NCRIC ALPR system

Training shall be updated as technological, legal, and other changes that affect the use of the NCRIC ALPR system occur.

## 2.2 Authorized Use of ALPR Data

To support the mission of the NCRIC, state and local law enforcement personnel with a need and right to know will utilize ALPR technology to:

- Locate stolen, wanted, and subject of investigation vehicles;
- Locate and apprehend individuals subject to arrest warrants or otherwise lawfully sought by law enforcement;
- Locate witnesses and victims of violent crime;
- Locate missing children and elderly individuals, including responding to Amber and Silver Alerts;
- Support local, state, federal, and tribal public safety departments in the identification of vehicles associated with targets of criminal investigations, including investigations of serial crimes;
- Protect participants at special events; and
- Protect critical infrastructure sites.

In gathering, sharing, and storing information the NCRIC complies with all applicable laws, rules, and regulations, including but not limited to, to the extent applicable, the California Values Act (Government Code Section 7284 et seq.). The NCRIC will, consistent with Section 7284.8 (b) work to ensure that databases are governed in a manner that limits the availability of information therein to the fullest extent practicable and consistent with federal and state law, to anyone or any entity for the sole purpose of immigration enforcement.

## 3. RESTRICTIONS ON COLLECTION, OPERATION, AND UTILIZATION

NCRIC ALPR devices may be used to collect data that is within public view, but may not be used for the sole purpose of monitoring individual activities protected by the First Amendment to the United States Constitution.

ALPR operators may not contact occupants of stolen, wanted, or subject-of-investigation vehicles unless the ALPR operators are sworn law enforcement officers. ALPR operators follow all applicable laws and regulations regarding equipment, protection, self-identification, and use of force when stopping vehicles or making contact.

ALPR operators must recognize that the data collected from the ALPR device, and the content of referenced hotlists, consists of data that may or may not be accurate, despite ongoing efforts to maximize the currency and accuracy of such data.

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To the greatest extent possible, vehicle and subject information will be verified from separate law enforcement information sources to confirm the vehicle or subject's identity and justification for contact.

Operators must, to the fullest extent possible, visually confirm the plate characters as interpreted by the ALPR correspond with the digital image of the license plate in question.

In no case shall any ALPR system be used for any purpose other than a legitimate law enforcement or public safety purpose.

## 4. SHARING AND COLLABORATION

The NCRIC Area of Responsibility is a highly interconnected collection of both large cities and smaller towns, where subject vehicles may rapidly pass through numerous discrete law enforcement jurisdictions. In following the NCRIC mission of facilitating multi-jurisdiction collaboration, the NCRIC actively supports multi-agency sharing, integration, and access of ALPR data, within the state of California.

### 4.1 Receipt of External Information

NCRIC may receive or have access to ALPR data from ALPR devices it does not own or control. This includes shared information from other law enforcement agencies, as well as non-law-enforcement entities parking, tolling, private security, or other sources. However, the NCRIC will not share any ALPR data to any organization other than California state or local law enforcement.

The originating agency retains control and ownership as the official custodian of its records.

It is the responsibility of the originating source to follow all applicable laws with respect to the proper collection, creation, storage, security, and destruction of its records.

### 4.2 Sharing and Dissemination of ALPR Data

In following all applicable laws, including California Senate Bill 34, California Senate Bill 54, and recent guidance from the California Attorney General, NCRIC may only share, disseminate, or provide access to ALPR information to California state or local law enforcement agencies.

The NCRIC will not share, disseminate, or sell any law enforcement data to law enforcement agencies outside California, federal law enforcement, any private entities or individuals, or any organization whatsoever for purposes related to immigration enforcement.

These limitations are equally applicable to ALPR data from NCRIC's ALPR devices as well as ALPR data from other sources that have elected to share their information with the NCRIC.

The NCRIC assumes no responsibility or liability for the acts or omissions of other agencies.

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## 5. DATA QUALITY AND ACCURACY

The NCRIC will take reasonable measures to ensure the accuracy of ALPR Data including maintenance of its ALPR devices.

Users of ALPR Data must acknowledge the possibility of inaccurate recognition of the license plate characters by the technology, also known as a “misread”, and should visually confirm the interpreted characters against the original imagery.

The NCRIC does not create hotlists as a normal course of business, but may use hotlists from other agencies, and may share those hotlists with other agencies as well. The NCRIC will make reasonable effort to ensure the contents of the hotlist are accurate and current. However, users of hotlists must acknowledge the possibility of hotlist inaccuracy, such as when a stolen vehicle is recovered but the recovery is not reported to law enforcement.

Users of ALPR data must confirm justification for any enforcement action from an additional source outside the ALPR system.

The NCRIC also acknowledges that ALPR units may inadvertently capture information contrary to the collection guidelines set forth in this policy. Appropriate remediation will be taken such as repair of equipment, position and alignment of cameras, or personnel training.

## 6. RETENTION OF ALPR DATA

The NCRIC supports a maximum retention period of 365 days for ALPR data. However, other factors may supersede this, resulting in a shorter retention period, such as the laws or regulations imposed by a particular city, or the technology vendor providing the data and hosting. In a conflict, the shortest retention period prevails.

As of the current version of this policy, the NCRIC’s chosen ALPR technology vendor imposes a 30 day maximum retention period.

Any ALPR records found to be pertinent to an active investigation may be exported out of the ALPR system, prior to expiration, and are then subject to the retention rules of the associated investigation.

## 7. OVERSIGHT

### 7.1 AUDIT OF SEARCH ACTIVITY

Access to, and use of, ALPR Data is logged for audit purposes. Audit reports will be structured in a format that is understandable and useful and will contain, at a minimum the:

- name of the law enforcement user;
- agency employing the user;

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- date and time of access;
- license plate queried, regardless of any discovered matching results; and
- valid case number associated with the investigative effort generating the ALPR data query.

Audit reports will be provided quarterly and on request to supervisory personnel at the NCRIC and partner agencies.

In addition, no less frequently than every 12 months, the NCRIC will audit a sampling of ALPR system utilization from the prior 12 month period to verify proper use in accordance with the above authorized uses. Any discovered intentional misconduct will lead to further investigation, termination of system access, and notification of the user's parent agency for appropriate recourse. In addition, the auditing data will be used to identify systemic issues, inadvertent misuse, and requirements for policy changes, training enhancements, or additional oversight mechanisms.

These ALPR audits shall be conducted by a senior NCRIC official other than the person assigned to manage the NCRIC ALPR function. Audit results shall then be reported to the Director of the NCRIC.

## 7.2 System Management and Accountability

The NCRIC shall assign a senior officer who will have responsibility, and be accountable, for managing the ALPR Data collected and ensuring that the privacy and civil liberties protection and other provisions of this ALPR Policy are carried out. This individual shall also be responsible for managing a process for maintaining the most current and accurate hotlists available from NCRIC law enforcement sources. This individual shall also have the responsibility for the security of any ALPR Data which is maintained by the NCRIC. It is the personal responsibility of all individuals with access to ALPR Data to take reasonable measures to protect the privacy and civil liberties of individuals, as well as the security and confidentiality of ALPR Data.

## 7.3 Policy Revisions

NCRIC ALPR Policies will be reviewed, and updated as necessary, no less frequently than every 12 months, based on changes in technology, law, and other relevant considerations.

The most current version of the ALPR Policy may be obtained from the NCRIC website at <https://ncric.ca.gov/>