

# 339

## Automated License Plate Readers

### Mukilteo Police Department Policy

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#### 339.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the procedures for the appropriate and authorized use of Automated License Plate Readers (ALPR) and the data that are collected by these devices and made available for law enforcement use.

The Mukilteo Police Department utilizes ALPR technology to support authorized law enforcement and public safety purposes.

#### 339.2 DEFINITIONS

**Automated License Plate Reader (ALPR):** A system consisting of a camera and related equipment that, automatically and without direct human control, locates and focuses on and photographs vehicles and license plates that come into range of the device. ALPR devices capture images of a vehicle's rear license plate and transform that image into alphanumeric characters. ALPRs can compare the license plate number to official local, state, and federal database records and deliver alerts to authorized law enforcement users when a license plate of interest has been detected.

**ALPR Operator:** Authorized Department members (users) who may utilize the ALPR system/ equipment. ALPR Operators may consist of sworn and non-sworn personnel.

**ALPR Administrators:** The Chief shall designate personnel to serve as the Department's ALPR Administrators. The ALPR Administrators are responsible for system training, deployments, audits, and system maintenance.

**Hot List:** - A list of license plates associated with vehicles of interest. Vehicles of interest may include, but are not limited to, reported stolen, displaying stolen license plates, linked to missing and/or wanted persons, or otherwise flagged by law enforcement agencies.

**Detection:** Data obtained by an ALPR of an image (such as a license plate) within public view and was read by the device, including potential images (such as the plate and description of the vehicle on which it was displayed). Data will also include information regarding the location of the ALPR system at the time of the ALPR's read.

**Hit - Alert** from the ALPR system that a scanned license plate number may be on a hot list or in a law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violence protective order violation, or terrorist-related activity.

#### 339.3 POLICY

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ALPR systems are commonly utilized in parking, toll, speed, and red-light violation enforcement and criminal investigations. The Mukilteo Police Department uses ALPR systems and data to enable the rapid identification and location of vehicles of legitimate interest to law enforcement.

ALPR units can be attached to law enforcement vehicles and/or deployed at fixed locations, collecting license plate information from vehicles on public roadways and public property.

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 children, stolen vehicles, or stolen license plates. Officers receive a hit when a vehicle license plate is on the list. The information is also retained for a fixed retention period, though it is only re-accessible by law enforcement given a legitimate law enforcement purpose as listed below.

ALPR systems capture a contextual photo of the vehicle, an image of the rear license plate, the geographic coordinates of where the image was captured, and the date and time of the recording. Mukilteo Police Department ALPRs do not identify any individual or access any person's personal information through its analysis of license plate characters. The data captured by the ALPR unit itself is entirely anonymous. Officers can only identify the registered owner of a vehicle by querying a separate, secure state government database of vehicle license plate records, which is restricted, controlled, and audited.

#### 339.4 AUTHORIZED PURPOSES, COLLECTION, AND USE OF ALPR DATA

To support the mission of the Mukilteo Police Department, law enforcement personnel with a need and right to know will utilize ALPR technology to:

- a. An ALPR shall only be used for official and legitimate law enforcement business.
- b. While an ALPR may be used to canvass license plates around any crime scene. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- c. No member of this department shall operate ALPR equipment, or access ALPR data, without first completing department-approved training.
- d. 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.

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- e. Locate stolen vehicles, wanted vehicles, and vehicles that are the subject(s) of an investigation;
- f. Locate and apprehend individuals subject to arrest warrants or otherwise lawfully sought by law enforcement;
- g. Locate witnesses and victims of violent crimes;
- h. Locate missing children and elderly individuals, including responding to Amber and Silver Alerts;
- i. Support local, state, federal, and tribal public safety departments in the identification of vehicles associated with targets of Washington State criminal investigations, including investigations of serial crimes. Out of state Agency requests will be approved after a review of requesting agencies purpose, involved crime and policy considerations. Information shall not be shared when the requesting agency is using the information for immigration investigations, abortions or gender affirming care;
- j. Protect participants at special events;
- k. Protect critical infrastructure sites.
- l. Supervisors may permit ALPR Operators to create Custom Hot Lists, as needed, and restrict the sharing of such lists based on Department needs.

### 339.5 RESTRICTIONS ON COLLECTION OF DATA AND SYSTEM USE

- a. Mukilteo Police Department ALPR units 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 of the United States Constitution.
- b. ALPR operators must recognize that the data collected from the ALPR device and the content of referenced hotlists consists of information that may or may not be accurate. As part of an inquiry, vehicle and subject information should be verified from law enforcement information sources to confirm the vehicle or subject's identity and justification for contact. Users of ALPR Data must, to the fullest extent possible, visually confirm the plate characters generated by the ALPR readers correspond with the digital image of the license plate in question.

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- c. In no case shall the Mukilteo Police Department ALPR system be used for any purpose other than legitimate law enforcement or public safety.

#### 339.6 ACCOUNTABILITY AND SAFEGUARDS

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

- a. All non-law enforcement requests for access to stored ALPR data shall be referred to the Support Services Manager or designee and processed in accordance with applicable law.
- b. All downloaded ALPR data shall be accessible only through a login/passwordprotected system capable of documenting all access of information by name, date and time.
- c. Persons 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 relates to a specific criminal investigation or department-related civil or administrative action.
- d. Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes, excluding immigration investigations in accordance with applicable law.
- e. ALPR systems related to criminal investigations shall be audited every six months.
- f. When using ALPR systems, officers will not target any person based on their actual or perceived race, color, religion, creed, sex, gender, gender identity, sexual orientation, age, national origin, ethnicity, disability, veteran status, marital status, partnership status, pregnancy status, political affiliation or beliefs, and, to the extent permitted by law, alienage or citizenship status.

#### 339.7 ALPR SYSTEM AUDITS

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

- a. The name of the law enforcement user;
- b. The name of the agency employing the user;
- c. The date and time of access;

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- d. The specific data accessed;
- e. A case number or incident number associated with the investigative effort generating the ALPR data query.

The ALPR Administrators shall conduct documented audits of ALPR Detection Browsing Inquiries conducted by ALPR Operators to ensure compliance with this policy. This audit should occur twice a year.

#### 339.8 DATA COLLECTION AND RETENTION

- a. The ALPR vendor (Flock Safety) stores data (data hosting) and ensures proper maintenance and security of data stored in their data towers. The vendor purges this data after thirty (30) days of storage. However, this shall not preclude the Mukilteo Police Department from maintaining any relevant vehicle data obtained from the system on its server or on portable media.
- b. Images that are considered evidence will be stored in accordance with the department evidence procedures and shall be stored according to the Property and Evidence policy.
- c. All non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law and the Records Maintenance and Release policy.
- d. All ALPR data downloaded to the server shall be stored according to the Washington State Law Enforcement Records Retention Schedule and thereafter may 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 lawful action to produce records. In such circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.