



CRYSTAL POLICE DEPARTMENT

Department Policy Manual

TITLE: Automated License Plate Reader Use
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PURPOSE & SCOPE

The Crystal Police Department uses Automated License Plate Readers (ALPR) to reduce the number of stolen autos in the city and increase the rate of recovery of stolen automobiles. ALPR information may also aid in the investigation of criminal activity, and as a traffic enforcement device. It is expected that all use of ALPR systems and data will conform to state and federal law.

Any employee who uses the ALPR system must be trained in its proper use, and will ensure that any government data accessed during its use is done in accordance with policy and state statutes.

DEFINITIONS

HOT LIST – ALPR database, including the data entered in the ALPR system regarding stolen and/or wanted vehicles, revoked, suspended, or cancelled driver's licenses of registered owners, and lists of active wants/warrants for registered owners. Data collected by an automated license plate reader may only be matched with data in the Minnesota license plate data file, provided that a law enforcement agency may use additional sources of data for matching if the additional data relate to an active criminal investigation.

ALPR DATA – defined as all electronic records retained by the ALPR system during the course of its operation. This is limited to photos of the license plates and/or vehicles or plates read (and their immediate surroundings) by the ALPR system, the dates, times, and locations of said reads.

ALPR HIT – defined as a read of license plate information by the ALPR system in which the system believes a match exists between the plate viewed and a record in the hot list.

POLICY

The ALPR system shall only be operated by officers once they receive proper training on the use of the equipment, software, and data policies related to ALPR.

The ALPR system and its data are to be considered restricted to official use only. The ALPR is only to be used in the course and scope of official duties. Access to the ALPR data stored as part of the data retention section of this policy is to be accessed only by authorized personnel.

Minnesota Hot List information is retrieved by the ALPR server and updated on a schedule set by the MN BCA, who provide the data for the Crystal Police Department. The Hot List data which is retrieved and parsed by the ALPR server will be updated by the selected ALPR vendor services.

PROCEDURES

Officers may log into the ALPR system at the start of their shift with their individualized username and password. Officers operating an ALPR system may elect to log out of the system, and thus render the system off line, as necessary.

Operators intending to act on a “hit” from the ALPR system shall verify:

- That the ALPR “read” of the license plate is accurate (i.e. that the ALPR system has read the letters and/or numbers of the license plate correctly);
- That the issuing state of the plate indicated by the ALPR matches the hit; and
- That the circumstance that triggered the alert is still current (for example, that the vehicle is still listed as stolen). This is to be accomplished by checking with the appropriate live database (e.g. NCIC) by radio or MDC to see if the hit is still valid.
- When reviewing hits for KOPS alerts, wanted individuals, or other violations involving a known person, the officer shall confirm to the best of their ability, that the person who the hit is based on is suspected to be in the vehicle in question.
- If an ALPR operator received a hot list hit based not on the status of the vehicle, but rather on the status of the registered owner (i.e. license status or warrant), the officer shall be cognizant that the driver of the vehicle may not be the registered owner.

Officers shall remember that a hit alone is not probable cause for arrest.

ALPR SYSTEM SEARCHES

Searches of data collected by automated license plate readers may be conducted by police department employees after receiving training, and only for a legitimate, specified, and documented law enforcement purpose. Each search must be based on a reasonable suspicion that the data are pertinent to an active criminal investigation and must include a record of the factual basis for the access and any associated case number, complaint, or incident that is the basis for the access.

It is understood that during the course of policework, while attempting to apprehend criminal suspects, and during active investigations of fresh crimes, an ALPR data search may need to be done before a case number is available. In other cases, a case number may not be available because an officer is receiving info of a freshly stolen vehicle (not entered in NCIC), a fresh crime involving a suspect vehicle, or a pursuit in a neighboring jurisdiction that has the potential to enter the city. In addition, a case number of another agency may not be readily available due to the lack of computer aided dispatch interoperability or information received via radio or crime alert only.

In situations where a case number is not readily available, the searching employee shall enter and offense type, the number “0” in the case field, and describe the reason for the search in the “reason” field. The reason should explain the basis for the search, and a brief description of the incident, location, and jurisdiction of the original offense.

MANUAL HOT LIST

ALPR systems feature the ability for a user to manually enter or flag a license plate in an officer-created hot list. MN Stat. 13.824 states the following in part: *Automated license plate readers must not be used to*

monitor or track and individual who is the subject of an active criminal investigation unless authorized by a warrant issued upon probable cause, or exigent circumstances justify the use without obtaining a warrant.

Users shall not create a manual hot list entry unless they have first been granted a tracking search warrant, or exigent circumstances exist. Examples of exigent circumstances include those emergency situations where there is probable cause to believe there is an imminent threat to life, property, or that evidence is about to be destroyed or a suspect will flee. Examples of these situations include, but are not limited to: Kidnapping, fresh flee in a motor vehicle, fresh stolen motor vehicle, fresh crime of violence with an associated vehicle.

If an officer receives an alert based on a manual hot list entry, they must confirm that current legal justification exists to act on the alert.

If a user creates a manual hot list entry, the user must ensure the entry is removed in a timely fashion coinciding with the expiration of a search warrant, or the expiration of any exigent circumstance that prompted the entry. Timely removal of such hot list entry is compulsory as to avoid any potential unlawful detention of a citizen.

A manual hot list entry shall not be used as a substitute for an entry into regular criminal justice databases such as FBI Hot Files, NCIC, or KOPS. In such cases of exigency, a manual hot list entry shall be removed once the appropriate entry has been made in criminal justice database(s).

AUDITS

Biennial audits of the ALPR system and its data are required by MN State Statute §13.824. These audits will be completed at the direction of the Chief of Police or their designee, and will be reported to the parties listed in the statute.

DATA RETENTION & DATA SHARING

ALPR data will be retained on a secure data storage system with access restricted to authorized users. ALPR data is classified a private, with specified exceptions explained in MN State Statute §13.82.

Retained data will be limited to:

- License plate numbers
- Date, time, location data on vehicles
- Pictures of license plates, vehicles, and areas surrounding vehicles

ALPR data that does not contain a valid hit may be retained for 60 days MN State Statute §13.824. ALPR hit data believed to be valid by the operator will be retained for 60 days.

ALPR data that has been determined to be pertinent to a criminal investigation may be retained for longer periods as part of that case pursuant to department evidentiary policies and procedures.

Access to ALPR data is restricted to department personnel, in furtherance of a criminal justice purpose. ALPR data may be shared with other law enforcement agencies for legitimate criminal justice purposes or with other parties via a court order.

Outside agencies who request ALPR data must act in compliance with Minnesota State Statute §13.824 when handling data.

PENALTIES FOR MISUSE

Any member who willfully violates Minn. Statute §13.824 through the unauthorized acquisition or use of ALPR data may face discipline up to and including termination of employment as well as potential criminal prosecution (MN Statute 626.8472).