

FRIDLEY POLICE

# GENERAL ORDER

SUBJECT: <b>Automated License Plate Reader</b>	DATE OF ISSUE	NUMBER:
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## I. PURPOSE

Automated license plate reader technology (ALPR) may be used to support a wide range of public safety activities including revoked/suspended/canceled driver interdiction, stolen vehicle recovery, enforcement of traffic regulations, apprehension of individuals subject to an outstanding warrant, locate missing and endangered persons, and criminal and terrorist investigations/interdiction. ALPR devices enable police officers to recognize and take immediate action against vehicles and persons who are subject to investigative detention or arrest. The data collected by ALPRs can also provide investigative leads to identify known vehicles, to gather data about known suspect vehicles, and to locate potential suspects, witnesses, or victims in the vicinity of a crime.

The purpose of this policy is to provide guidance for the collection, storage, and use of data obtained using ALPR technology.

## II. POLICY

The policy of the Fridley 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. Any use of an ALPR system by the Fridley Police Department shall comply with MSS § 13.824 and any other applicable statutes.

## III. REFERENCES

Minnesota Statute § 13.37                      General Nonpublic Data

Minnesota Statute § 13.824                  Automated License Plate Readers

## IV. DEFINITIONS

### Automated License Plate Reader

Per MSS § 13.824, Automated License Plate Reader means an 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.

### Stored Data

All information captured by an ALPR and stored in the device's memory or in a separate storage device or system. This includes the recorded image of a license plate which has been read, optical character recognition data, a contextual photo of the vehicle, GPS data, ALPR device data, timestamp, and hotlist information. This term refers to both alert data and non-alert data.

### Alert Data

Information captured by an ALPR relating to a license plate that matches the license plate on a BOLO or Hotlist.

### 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 attempts to locate. The FBI Hot File records represent all 50 states, the District of Columbia, certain United States Territories, 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, canceled, disqualified, or revoked). This file contains no live data.

## Read

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

## Designated Supervisor

A superior officer assigned to oversee and administer, or assist in overseeing and administering, the use of the ALPR devices and/or stored ALPR data. There may be more than one designated supervisor. The Public Safety Director will assign the Designated Supervisor(s).

## Historical ALPR Data

The process of accessing and reviewing stored ALPR data to gather information about known vehicles, to identify unknown vehicles and/or to identify vehicles in the area of a crime scene.

## **V. PROCEDURE**

### A. 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.

1. An ALPR shall only be used for official law enforcement business.
2. 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 the ALPR.
3. 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 around homicides, shootings, and other major incidents.
4. No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
5. No ALPR operator may access confidential department, state, or federal data unless authorized to do so.

6. When an officer receives an alert on the ALPR, the system will notify the officer visually and/or audibly to a match. The officer shall then verify the information is current, by running the information through the real-time Criminal Justice Information Services data system prior to taking action.
7. Any problems with the ALPR system should be immediately reported to the ALPR administrator or a supervisor.

#### B. BOLO/Hotlists Content and Use

1. A license plate number or partial license plate number shall only be included in a Fridley Police Department generated BOLO list when there is a legitimate and specific law enforcement reason to identify or locate that particular vehicle or any person reasonably believed to be associated with that vehicle.
2. BOLO/hotlists may be downloaded in batch from other databases including but not limited to those provided by the MN Department of Public Safety.
3. BOLO/hotlists shall be updated as frequently as practicable and not less than daily.
4. A license plate number or partial license plate number shall only be entered in the Fridley Police Department Manual Hot List when there is 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.
5. If an Officer receives an alert based on a Manual Hot List entry, they must follow Procedure Section V.6 and confirm that current legal justification exists to take action on the alert.
6. A Manual Hot List entry may not be used as a substitute for an entry into any other databases such as Minnesota of FBI Hot Files, Nation Crime Information Center (NCIC), or Keeping Our Police Safe (KOPS) files, if appropriate.

#### C. Restrictions, Notifications, and Audits

1. The Fridley Police Department will observe the following guidelines regarding ALPR use (Minnesota Statute § 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 Minnesota Bureau of Criminal Apprehension shall be notified within ten (10) days of any installation or use and of any fixed location of an ALPR.

## 2. Log of Use Required

- a. A public log of the use of an ALPR shall be maintained by the Fridley Police Department, which contains:
  - 1) Specific times of day that the reader actively collected data
  - 2) 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 databases with which the data were compared, unless the existence of the database itself is not public
  - 3) For each period of active use, the number of vehicles or license plates in each of the following categories where the data identify a vehicle or license plate that:
    - i. Has been stolen
    - ii. Alerts to a warrant for the arrest of the owner of the vehicle
    - iii. Alerts to an owner with a suspended or revoked driver's license or similar category
    - iv. Contains active investigative data

- 4) For a reader at a stationary or fixed location, the location at which the reader actively collected data and is installed and used
- 5) A list of the current and previous locations, including dates at those locations, of any fixed stationary ALPRs or other surveillance devices with ALPR capability used by the Fridley Police Department
- 6) The list must be accessible to the public, unless the data is security information as defined by MSS § 13.37, Subd. 2.

### 3. Biennial Audit

- a. An independent biennial audit of ALPR data shall be conducted to ensure:
  - 1) Whether data currently in the records are classified
  - 2) How the data are used
  - 3) Whether the data are destroyed as required by MSS § 13.824 Subd. 3
  - 4) Compliance with authorization to access requirements specified by MSS § 13.824 Subd. 7
- b. The results of the audit are public
- c. A report summarizing the results of each audit shall be provided to the commissioner of administration, to the chairs and ranking minority members of the committees of the house of representatives and the senate with jurisdiction over data practices and public safety issues, and to the Legislative Commission on Data Practices and Personal Data Privacy no later than 30 days following completion of the audit.

## **VI. DATA COLLECTION AND RETENTION**

- A. The Support Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. All ALPR stored data shall be kept in a secure data storage system with access restricted to authorized persons.

- B. The Department's ALPR data record keeping system shall document the date, time, authorized user, requester, and the reason code for historical searches used to gather information about known vehicles.
- C. ALPR data shall be retained in accordance with State of Minnesota data retention schedules, after which, the data shall be purged from the data storage system. ALPR data not associated with an active criminal investigation shall be destroyed no later than 60 days from the date of collection.

## **VII. ACCESS AND USE OF STORED ALPR DATA**

- A. Only users authorized by the Public Safety Director or their designee may access stored ALPR data.
- B. An authorized user may access stored ALPR data in a historical query only as part of an active investigation or for another legitimate law enforcement business purpose.
- C. Once ALPR stored data has been identified as of evidentiary value, the ALPR data shall be copied to an investigative file.

## **VIII. RELEASING ALPR DATA**

The ALPR data may be shared with other law enforcement or prosecutorial authorities for official law enforcement purposes or as otherwise permitted by law, using the following procedures in accordance with Minnesota Statute § 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 making the request
  - 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
- B. The request shall be reviewed by the Support Division Commander, or another person authorized by the Public Safety Director or their designee
  - 1. A release must, at a minimum, be on a reasonable suspicion that the data is pertinent to an active criminal investigation
- C. The approved request shall be retained on file