

## **Policy 128 Automated License Plate Recognition System (ALPR)**

**Effective Date: November 18<sup>th</sup>, 2022**

### **Section 1 Purpose**

The purpose of this policy is to provide guidance on the access, storage and review of the Automated License Plate Recognition System (ALPR) and the use of data collected by the reader as well as the required system audits in accordance with Minn. Stat. 13.824.

### **Section 2 Policy:**

The Wayzata Police Department recognizes the use of the ALPR as an effective tool to identify vehicles and vehicle owners who are associate with criminal activity and missing and endangered persons.

### **Section 3 Definitions:**

Minnesota State Statute 13.824 defines an ALPR as 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. The law enforcement database is updated by the Minnesota Bureau of Criminal Apprehension (BCA) twice daily. 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.

### **Section 4 Operator's Responsibilities:**

- A. Use of LPR system shall adhere to department policy 128.
- B. Only officers trained in the proper use of the ALPR may operate it with their own unique login.
- C. When an officer receives a "Hit" on the ALPR, the system will alert the officer visually and audibly to the match. The officer must acknowledge that the ALPR read the license plate correctly and verify the "Hit" is current by running the information through the state real-time data system via MDC or dispatch.
- D. Prior to taking enforcement action, the officer shall verify that the vehicle description matches that given for the "Hit" vehicle. When a "Hit" is based on the status of the registered owner (i.e., license status, want or warrant) the officer shall also verify that the driver of the vehicle reasonably fits the physical descriptors given for the subject of the "Hit".

- E. Proper department procedures and safe police tactics should be followed when initiating a stop or investigation into a "Hit" vehicle.
- F. Any issues/problems with the ALPR system should be reported immediately to the ALPR administrator or a supervisor.
- G. Any member who willfully violates Minn. Statute 13.09 through the unauthorized acquisition or use of ALPR data may face discipline up to and including termination of employment as well as possible criminal prosecution. (MN Statute 626.8472).

## **Section 5**

### **Data Collected by an ALPR Must be Limited to the Following:**

- A. License plate numbers
- B. Date, time and location data on vehicles
- C. Pictures of license plates, vehicles and areas surrounding the vehicles
- D. Collection of any data not authorized above is prohibited
- E. 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. A central state repository of automated license plate reader data is prohibited unless explicitly authorized by law.
- F. Automated license plate readers must not be used to monitor or track an 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.

the criminal charge or complaint is resolved or dismissed.

- C. Destruction of data is required upon written request from a program participant of "Data Protection for Victims of Violence." ALPR data related to the program participant must be destroyed at the time of collection or upon receipt of the request, whichever occurs later, unless the data is classified as active criminal investigative data.

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6. Automated license plate readers must not be used to monitor or track an 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.

#### **Data Storage:**

1. Data collected by an ALPR that are not related to an active criminal investigation must be destroyed no later than 60 days from the date of collection. This allows a sufficient time frame for retrieving data relevant to a violation or criminal investigation.
2. Preservation of data is required upon receipt of a written request from an individual who is the subject of a pending criminal charge or complaint, along with the case or complaint number and statement that the data may be used as exculpatory evidence. This data, otherwise subject to destruction after 60 days, must be preserved until the criminal charge or complaint is resolved or dismissed.

**Section 7****Authorization to Access Data Shall be Permitted by the Following:**

- A. The Wayzata Police Department's written procedure ensures that law enforcement personnel have access to ALPR data if authorized in writing by the Chief of Police, or his/her designee. This access to data collected by an ALPR must be for a legitimate, specified and documented law enforcement purpose.
- B. Access to this ALPR data must be based on a reasonable suspicion that the data is 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.
- C. The ability of authorized individuals to enter, update or access ALPR data must be limited through the use of role-based access that corresponds to the official duties or training level of the individual and the statutory authorization that grants access for that purpose. All queries, responses and all actions in which data is entered, updated, accessed, shared or disseminated must be recorded in a data audit trail or log.

**Section 8****Sharing of Information Among Law Enforcement Agencies:**

- A. Historical data records date, time, license plate number, GPS location, squad and camera information for each read. Historical data is only searchable for legitimate law enforcement purposes, outlined in above paragraph section 6.
- B. Outside law enforcement requests for historical data shall be routed to the Chief of Police or his/her designee.
- C. ALPR data is classified as private, with specific exceptions per Minn. Stat. 13.821.
- D. If data collected by an ALPR are shared with another law enforcement agency under this subdivision, the agency that received the data must comply with all data classification, destruction and security requirements.
- E. ALPR data that are not related to an active criminal investigation may not be shared with, disseminated to, sold to or traded with any other individual or entity unless explicitly authorized by state statute.

**Section 9 Log of Use**

- A. Log of use is required to record specific times of day the reader actively collected data.
- B. Log of use is required to record 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.
- C. Log of use is required to record the number of vehicles or license plates where data identifies a vehicle or license plate that has been stolen, a warrant for the arrest of the owner of the vehicle or an owner with a suspended or revoked driver's license or similar category, or are active investigative data.
- D. Log of use is required to record an ALPR at a stationary or fixed location, the location at which the ALPR actively collected data and is installed and used.
- E. A list of the current and previous locations, including dates at those locations, of any fixed ALPR or other surveillance device with ALPR capability, must be maintained. This list must be accessible to the public, unless it is determined that the data is security information.

**Section 10 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 Wayzata 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.
- B. Manual Hot List entries may only be made or edited by an ALPR administrator or supervisor.



- C. A Manual Hot List entry shall be removed as soon as practicable if there is no longer a justification for the entry.
- D. If an officer receives an alert based on a Manual Hot List entry, they must follow section 3 and confirm that current legal justification exists to take action on the alert.
- E. 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.



**Section 11      Biennial Audit**

- A. It is required that records showing the date and time ALPR data was collected and the applicable classification of the data be maintained. An independent biennial audit of the records is required to determine whether data currently in the records is classified, how the data is used, whether they are destroyed as required and to verify compliance with the law.
- B. A report summarizing the results of each audit must be provided to the Commissioner of Administration, to the chair and ranking minority member 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.

**Section 11      Data Requests:**

Wayzata Police Department ALPR data that has been collected is classified as private unless access is permitted by law. Citizens can contact the Wayzata Police Department Records Department to obtain ALPR data on their registered vehicles. This request is reviewed by the Records Manager to ensure that it is consistent with the ALPR Statute 13.824 and Minnesota Data Practices Act, Minnesota Statutes, Chapter 13.

**Section 13      Notification to the Bureau of Criminal Apprehension:**

Within 10 days of the installation or current use of an ALPR, or the integration of ALPR technology into another surveillance device, the Minnesota Bureau of Criminal Apprehension must be notified of that installation, or use and any fixed location of a stationary ALPR.