Automated License Plate Readers (ALPRs)

425.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

ALPR systems used by the Department do not capture facial images, perform facial recognition, or collect biometric identifiers. ALPR technology only records license plate information and associated metadata such as date, time, and location.

425.2 POLICY

The policy of the DeWitt 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.

ALPR data shall not be used to investigate, track, or monitor individuals or groups based on race, ethnicity, gender, gender identity, sexual orientation, religion, immigration status, political affiliation, or any other protected class.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

ALPR technology shall not be used for civil enforcement, revenue generation, parking enforcement, or any non-criminal investigative purpose.

425.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the DeWitt Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administration Division Commander. The Administration Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

425.4 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.

(a) An ALPR shall only be used for official law enforcement business.

(b) ALPR technology shall not be used to track an individual's movements or create pattern-of-life analyses unless directly related to a documented criminal investigation.

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(c) An 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.

(d) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped vehicles to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(e) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(f) No ALPR operator may access confidential department, state or federal data unless authorized to do so.

(g) Prior to a tour of duty, members using an ALPR shall ensure that an upload of hot list data from the eJusticeNY Integrated Justice Portal has been performed for that day.

(h) If practicable, the officer should verify an ALPR response through the eJusticeNY Integrated Justice Portal before taking enforcement action that is based solely on an ALPR alert.

425.5 DATA COLLECTION AND RETENTION

The Administration Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data.

All stored ALPR data secured during an investigation should be retained in accordance with the established records retention schedule (LGS-1). Thereafter, ALPR data should 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 discovery request or other lawful action to produce records. In those circumstances, the applicable data should be downloaded onto portable media and booked into evidence, or printed and added to the case file.

Flock, the departments, and the ALPR platform automatically delete stored data after 30 days.

Bulk or indiscriminate requests for ALPR data shall not be honored. Only specific, articulable, case-related requests will be processed.

425.6 ACCOUNTABILITY AND SAFEGUARDS

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

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

(b) Members 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

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relate to a specific criminal investigation or department-related civil or administrative action.

(c) ALPR system audits shall be conducted at least quarterly, including review of user activity logs, access justification, and retention compliance.

(d) Unauthorized access, misuse, or improper dissemination of ALPR data shall result in disciplinary action up to and including termination, consistent with Department policy and applicable law.

425.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(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 requesting.
3. The intended purpose of obtaining the information.

Requests for ALPR data from non-law-enforcement or non-prosecutorial agencies will be processed in accordance with the Records Maintenance and Release Policy.

The DeWitt Police Department does **not** provide ALPR data to federal immigration agencies such as ICE or CBP, nor to agencies without a direct criminal investigative purpose.

ALPR data may only be shared with law enforcement agencies **within New York State**, except where legally mandated by court order or direct approval of the Chief of Police.

ALPR data shall not be sold, transferred, or provided to private companies, insurance carriers, data brokers, or any non-governmental entity unless required by law.

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