

ST. CLOUD POLICE DEPARTMENT
Law Enforcement
Policies and Procedures

Subject: Automated License Plate Readers	Policy Number: 305
Issue Date: 02-02-15	Revision Date: 02-02-15; 08-05-15
Approval Authority - Title and Signature: Wm. Blair Anderson, Chief of Police	
Reviewed By: Tom Gjemse, Sergeant	Reviewed Date: 02-02-15; 08-05-15

POLICY

It is the policy of the St. Cloud Police Department to utilize and operate automated license plate reader technology (ALPR). ALPR technology, also known as License Plate Recognition (LPR), provides automated detection of license plates.

PROCEDURE

ALPR's are used by law enforcement 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. ALPR's may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

A. Definitions:

1. Automated License Plate Reader (ALPR): A device that uses infrared cameras to scan license plate data of moving and stationary vehicles. This data is then compared to a downloaded "hotlist" to identify license plates associated with certain unlawful acts.
2. Hotlist: A downloadable list of stolen vehicles and license plates, suspended or revoked licenses and registrations as well as any other unlawful activity information. This information is provided by the Minnesota Department of Public Safety's Driver and Vehicle Services (DVS) Division, National Crime Information Center (NCIC), and the Bureau of Criminal Apprehension (BCA).
3. Alert: An alert is generated when the Automated License Plate Reader identifies license plates that have the possibility of matching information on the hotlist.

B. Administration of ALPR data:

The Chief of Police or his/her designee will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

C. ALPR Operation:

Use of an ALPR is restricted to the purposes outlines below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

1. No member of this Department shall operate ALPR equipment or access ALPR data without first completing Department approved training.
2. An ALPR shall only be used for official and legitimate law enforcement business.
3. An ALPR may be used in conjunction with any patrol operation or official Department investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.
4. ALPR's will be primarily used to identify possible stolen plates and vehicles, suspended or revoked license holders and vehicle registrations; however, license plate information may be entered in manually in situations such as violent felonies, attempt to locate(ATL) information and Amber Alerts. A supervisor must be notified of any manual entry and the reason manual entry was done.

5. An alert, in and of itself, does not constitute probable cause or reasonable suspicion to initiate a traffic stop. All alerts must be confirmed by the Officer and reasonable suspicion or probable cause must be established prior to conducting a traffic stop.
6. 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 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.
7. If practical, the Officer should verify an ALPR response through the Minnesota Justice Information Services (MNJIS) and National Law Enforcement Telecommunications System (NLETS) databases before taking enforcement action that is based solely upon an ALPR alert.
8. No ALPR operator may access MNJIS or NLETS data unless otherwise authorized to do so. ALPR operators must obtain clearance through the Bureau of Criminal Apprehension (BCA) prior to operating ALPR equipment or accessing ALPR data.
9. Use of the ALPR is restricted to the purposes identified in this policy. No Officer may use, or authorize use of the equipment or hotlist data for any other reason.

D. Limitations of the ALPR:

1. Because the ALPR is not connected to a “real time” database, but rather a downloadable file, the data on the ALPR may be outdated. As such, it is imperative for Officers to independently confirm all alerts prior to initiating a traffic stop.
2. The hotlist is a scheduled task on the ALPR, set up on the server to load twice daily. Officers should upload the latest hotlist prior to use of the device.
3. The ALPR may generate a false-positive alert in certain instances, such as if another state’s license plate number matches the numbers of a Minnesota license plate on the hotlist.

E. Procedures:

1. Receiving an alert
 - a. When the ALPR detects a hotlist entry, an audible alert and visual notification will be generated.
 - b. An alert shall not be based on its own as reasonable suspicion or probable cause for a traffic stop or enforcement contact. Contact with the vehicle and/or occupants may only be made after the alert is confirmed by matching both the vehicle and driver/occupant information with the hotlist description and verifying information through appropriate means such as the Communications Center, DVS, CJIS, originating agency, etc.
2. Daily Use Log – Complete a LPR daily Log to detail the number of plate reads, alerts, stops, arrests and citations issued as a result of the ALPR. Also document any equipment problems or significant arrests generated from an ALPR in the notes section. Officers will submit their daily logs to a supervisor designated by the Chief of Police.

F. ALPR Data Collection and Retention

The St. Cloud Police Department has partnered with the Mille Lacs County Sheriff’s Department in a collaborative program to facilitate information sharing in Central Minnesota. As a part of this agreement, Mille Lacs County will maintain the database controlling the collection and retention of all data obtained by ALPR devices. Mille Lacs County has a policy in place (policy 459) which deals with and governs the use, collection and retention of this data.

The Administration Chief Deputy of Mille Lacs County Sheriff’s Department and the St. Cloud Police Department’s designee are responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with office procedures.

ALPR data not related to an active criminal investigation must be destroyed no later than 60 days from the date of collection with the following exceptions (Minn. Stat. § 13.824):

1. Exculpatory evidence - Data must be retained until a criminal matter is resolved if a written request is made from a person who is the subject of a criminal investigation asserting that ALPR data may be used as exculpatory evidence.
2. Address Confidentiality Program - Data related to a participant of the Address Confidentiality Program must be destroyed upon the written request of the participant. ALPR data already collected at the time of the request shall be destroyed and future related ALPR data must be destroyed at the time of collection. Destruction can be deferred if it relates to an active criminal investigation.

All other ALPR data should be retained in accordance with the established records retention schedule.

G. Log of Use

A public log of ALPR use will be maintained that includes (Minn. Stat. § 13.824):

1. Specific times of day that the ALPR 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 public databases with which the data were compared.
3. For each period of active use, the number of vehicles or license plates related to:
 - a. A vehicle or license plate that has been stolen.
 - b. A warrant for the arrest of the owner of the vehicle.
 - c. An owner with a suspended or revoked driver's license or similar category.
 - d. Active investigative data.
4. For an ALPR at a stationary or fixed location, the location at which the ALPR actively collected data and is installed and used.

A publicly accessible list of the current and previous locations, including dates at those locations, of any fixed ALPR or other surveillance devices with ALPR capability shall be maintained. The list may be kept from the public if the data is security information as provided in Minn. Stat. § 13.37, Subd. 2.

H. Accountability

All saved data will be closely safeguarded and protected by both procedural and technological means. The Mille Lacs County Sheriff's Office and the St. Cloud Police Department will observe the following safeguards regarding access to and use of stored data (Minn. Stat. § 13.824; Minn. Stat. § 13.05):

1. 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.
2. 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 relate to a specific criminal investigation or office-related civil or administrative action.
3. Biennial audits and reports shall be completed pursuant to Minn. Stat. § 13.824, Subd. 6.
4. Breaches of personal data are addressed as set forth in the Protected Information Policy (Minn. Stat. § 13.055).
5. All queries and responses, and all actions, in which data are entered, updated, accessed, shared or disseminated, must be recorded in a data audit trail.
6. Any member who violates Minn. Stat. § 13.09 through the unauthorized acquisition or use of

ALPR data will face discipline and possible criminal prosecution (Minn. Stat. § 626.8472).

I. 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 (Minn. Stat. § 13.824):

1. The agency makes a written request for the ALPR data that includes:
 - a. The name of the agency.
 - b. The name of the person requesting.
 - c. The intended purpose of obtaining the information.
 - d. A record of the factual basis for the access and any associated case number, complaint or incident that is the basis for the access.
 - e. A statement that the request is authorized by the head of the requesting law enforcement agency or his/her designee.
2. The request is reviewed by the Administration Chief Deputy of Mille Lacs County Sheriff's Department and the authorized designee of the St. Cloud Police Department and approved before the request is fulfilled.
 - a. A release must be based on a reasonable suspicion that the data is pertinent to an active criminal investigation.
3. The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.