

Automated License Plate Readers (ALPR)

(b) All non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law and this policy.

(c) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes. Absent a court order, the Department may only share access to ALPR data with agencies whose ALPR policies align with this policy's intent and in compliance with Civil Code § 1798.90.5 et seq.

(d) ALPR system audits shall be conducted regularly.

462.11 ALPR DATA AUDITS AND ANNUAL REPORTING

It is the responsibility of the ALPR Administrator to ensure that an audit is conducted of ALPR detection browsing inquiries at least once during each calendar year. The Department will audit a sampling of the ALPR system utilization from the prior 12-month period to verify proper use in accordance with the above-authorized uses. The audit shall randomly select at least ten detection browsing inquiries conducted by Department employees during the preceding 12-month period and determine if each inquiry meets the requirements established in this policy.

The audit shall be documented in the form of an internal Department memorandum to the Office of the Chief of Police. The memorandum shall include any data errors or policy violations found so that such errors can be corrected and violations addressed. Additionally, the memorandum shall include an evaluation of the system's efficacy, including relevant crime statistics and/or data to help the community assess whether use of the technology is beneficial. After the review by the Office of the Chief of Police, the memorandum and any associated documentation shall be filed and retained according to the City of Alameda's retention policies.

Beginning on January 1, 2024, or the next closest regular scheduled City Council meeting, and annually on or about the same date thereafter. The Office of the Chief of Police will prepare an annual report for submission to City Council. The annual report will include, at a minimum:

- 1) A summary of the audit memorandum including any corrective action taken, not to include any confidential disciplinary information prohibited by law from disclosure.
- 2) The number of fixed ALPR cameras.
- 3) The number of mobile ALPR cameras.
- 4) (ALPRs) The number of scanned license plates.
- 5) The number of hotlist hits or alerts.
- 6) The number of search queries and the justification for such queries.
- 7) The number of investigative leads generated by use of ALPR data.
- 8) The number of witnesses located by use of ALPR data.
- 9) The number of stolen vehicles recovered by use of ALPR data.
- 10) The number of suspects apprehended by use of ALPR data.

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- 11) A list of Authorized Agencies that accessed or received ALPR data.
- 12) The approved and unapproved ALPR data requests from third parties referenced in the section below.
- 13) Total costs for maintenance, upgrades, licensing, and training.

462.12 RELEASING ALPR DATA

The Department shares the following data with the recipients, provided they have both a "right to know" and a "need to know." A "right to know" is the legal authority to receive information pursuant to a court order, statutory law, case law, or being a sworn member of a law enforcement agency conducting an active criminal/administrative investigation.

A "need to know" is a compelling reason to request information such as direct involvement in an investigation. 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 and this policy. Absent exigent circumstances, all other agencies that have not been authorized by the Office of the Chief of Police, the following procedures shall apply.

Personnel shall ask that the requesting agency to complete 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) The request is reviewed by the on-duty watch commander or the authorized designee and approved before the request is fulfilled.
- (e) The approved request is retained on file.

The Chief of Police or the authorized designee will consider the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq) before approving the release of ALPR data. The Alameda Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for the purpose of federal immigration enforcement. These federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP). No facial recognition software will be incorporated into the ALPR software.

462.13 TRAINING

The Training Manager should ensure that members receive Department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53). (ALPRs) Training shall include, but not be limited to, this policy, relevant statutory and case law, and local ordinances and policies. An attestation that this policy has been reviewed shall be documented in all ALPR Operator's training records.