

WILLMAR POLICE DEPARTMENT

GENERAL DIRECTIVE: 0014

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Application: All Sworn Officers & CSOs

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SUBJECT: AUTOMATED LICENSE PLATE READERS (ALPR)

PURPOSE

The purpose of this Directive is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology (Minn. Stat. § 626.8472).

POLICY

The policy of the Willmar 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.

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.

ADMINISTRATION

ALPR technology, also known as Automated License Plate Reader (ALPR), allows for the automated detection of license plates. It is used by the Willmar 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.

The installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Chief of Police, Captain or a designee. They will administer the day-to-day operations of the ALPR equipment and its data.

PROCEDURE

Use of 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.

- ALPR shall only be used for official law enforcement business.

- ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not necessary before querying ALPR data.
- While 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.
- No member of this department shall operate ALPR equipment or access ALPR data without first completing department approved training.
- No ALPR operator may access confidential department, state or federal data unless authorized to do so.
- If practicable, 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.

Restrictions, Notifications and Audits

The Willmar Police Department will observe the following guidelines regarding ALPR use (Minn. Stat. § 13.824):

- Data collected by an ALPR will be limited to:
 - License plate numbers.
 - Date, time and location of data captured.
 - Pictures of license plates, vehicles and areas surrounding the vehicle captured.
- All data collected by an Automated License Plate Reader is private data on individuals or nonpublic data unless the data is public under section 13.82, subdivision 2, 3, or 6, or is active criminal investigative data under section 13.82, subdivision 7.
- ALPR data may only be matched with the Minnesota license plate data file, unless additional sources are needed for an active criminal investigation.
- ALPR shall not be used to monitor or track an individual unless done so under a search warrant or because of exigent circumstances.
- The Bureau of Criminal Apprehension shall be notified within ten (10) days of any installation or use and of any fixed location of an ALPR.

DATA COLLECTION AND RETENTION

The Chief of Police, Captain or designee is 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 department procedures.

ALPR data received from another agency shall be maintained securely and released in the same manner as ALPR data collected by this department (Minn. Stat. § 13.824).

ALPR data not related to an active criminal investigation must be destroyed in accordance with the State-mandated retention schedule (Minn. Stat. § 13.824):

- 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.
- 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.

Log of Use

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

- Specific times of day that the ALPR collected data.
- 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.
- For each period of active use, the number of vehicles or license plates related to:
 - A vehicle or license plate that has been stolen.
 - A warrant for the arrest of the owner of the vehicle.
 - An owner with a suspended or revoked driver's license or similar category.
 - Active investigative data.
- For an ALPR at a stationary or fixed location, the location of 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, or 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.

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):

- The agency makes a written request for the ALPR data that includes:
 - The name of the agency.
 - The name of the person requesting.
 - The intended purpose of obtaining the information.
 - A record of the factual basis for the access and any associated case number, complaint or incident that is the basis for the access.
- All requests will be directed to the Chief of Police, Captain or designee.
- 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 Records Maintenance and Release Policy.

ACCOUNTABILITY

All saved data will be closely safeguarded and protected by both procedural and technological means. The Willmar Police Department will observe the following safeguards regarding access to and use of stored data (Minn. Stat. § 13.824; Minn. Stat. § 13.05):

- 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.
- 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 relates to a specific criminal investigation or department-related civil or administrative action.
- Biennial audits and reports shall be completed pursuant to Minn. Stat. § 13.824, Subd. 6.
- Breaches of personal data are addressed as set forth in the Protected Information Policy (Minn. Stat. § 13.055).
- All queries and responses, and all actions, in which data is entered, updated, accessed, shared or disseminated, must be recorded in a data audit trail.
- Any employee 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).

It is the responsibility of each employee to be familiar with and adhere to this directive. It is the responsibility of all supervisors to ensure this directive is followed. Failure to adhere to this directive may result in disciplinary action up to and including termination.

BY ORDER OF THE CHIEF OF POLICE

James E. Felt

MJA/sae