

**HERMANTOWN POLICE DEPARTMENT  
GENERAL ORDER**

<b>SUBJECT:</b>  <b>Automated License Plate Readers (ALPR)</b>	<b>NUMBER: G.O. 232.00</b>
	<b>EFFECTIVE DATE: 04/23/2016</b>
	<b>AMENDED DATE:</b>
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**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 (Minn. Stat. § 626.8472).

**DEFINITIONS**

- a. 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.
- b. 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).
- c. Alert: An alert is generated when the Automated License Plate Reader identifies license plates that have the possibility of matching information on the hotlist.

**ADMINISTRATION**

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Hermantown 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 Chief of Police. The Chief of Police will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

## **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.

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

An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.

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.

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.

ALPR operators must have successfully completed approved Minnesota Justice Information Services (MNJIS) and National Law Enforcement Telecommunications System (NLETS) database access training and obtain clearance through the Bureau of Criminal Apprehension prior to operating ALPR equipment or accessing ALPR data.

## **LIMITATIONS OF THE ALPR**

- a. 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.
  1. 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.
- b. 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.

## **PROCEDURES**

- a. Receiving an Alert
  1. When the ALPR detects a hotlist entry, an audible alert and visual notification will be generated.
  2. An alert shall not be used on its own as reasonable suspicion or probable cause for a traffic stop or enforcement contact. Contact with the vehicle and 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, MDC, CJIS, originating agency, etc.

b. Daily Use Log

1. Complete an LPR Daily Use Log to detail the number of plate reads, alerts, stops, arrests and citations issued as a result of the ALPR. Also delineate any equipment problems or significant arrests generated from an ALPT in the notes section. Officers will submit their Daily Use Logs to the Chief of Police or their designee.

## **RESTRICTIONS, NOTIFICATIONS AND AUDITS**

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

Data collected by an ALPR will be limited to:

1. License plate numbers.
2. Date, time and location of data captured.
3. Pictures of license plates, vehicles and areas surrounding the vehicle captured.

ALPR data may only be matched with the Minnesota license plate data file, unless additional sources are needed for an active criminal investigation.

ALPRs 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 10 days of any installation or use and of any fixed location of an ALPR.

## **DATA COLLECTION AND RETENTION**

The Patrol Commander 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 no later than 60 days from the date of collection with the following exceptions (Minn. Stat. § 13.824):

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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.

### **TEMPORARY CLASSIFICATION OF ALPR DATA AS PRIVATE OR NONPUBLIC DATA**

As per the Minnesota Commissioner of Administration, as of March 18, 2013, and through August 1, 2015, the following data collected by ALPRs is temporarily classified as private or nonpublic data:

- a. License plate numbers
- b. Date, time, and location data on vehicles
- c. Pictures of license plates, vehicles, and areas surrounding the vehicles

### **SAFE AT HOME PROGRAM**

Safe at Home is a statewide address confidentiality program administered by the Office of the Minnesota Secretary of State and governed by Minnesota Statutes Chapter 5B, and Minnesota Rules Chapter 8290.

It was designed in collaboration with local victim service providers and law enforcement. This program became effective September 1, 2007, and is designed to help survivors of domestic violence, sexual assault, stalking, or others who fear for their safety maintain a confidential address.

The intent of Safe at Home is to allow its participants to go about their lives, interacting with public and private entities, without leaving traces of where they can typically be located, such as their residential address, a school address, or an employment address, in an attempt to keep their aggressor from locating them.

Because program participants use a PO Box address assigned to them, Safe at Home provides a mail forwarding service. Safe at Home forwards a participant's First Class Mail to them at their actual physical address. The actual physical address remains under security with the Safe at Home office. In addition to being the participant's agent to receive mail, the Office of the Minnesota Secretary of State is a participant's agent to receive service of process.

Any request for public data with regards to a vehicle registration captured on an ALPR that is duly designated as a Safe at Home registrant, those data requests should be reviewed closely to ensure that Safe at Home data is not being disclosed.

## **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:

1. A vehicle or license plate that has been stolen.
2. A warrant for the arrest of the owner of the vehicle.
3. An owner with a suspended or revoked driver's license or similar category.
4. Active investigative data.

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.

## **ACCOUNTABILITY**

All saved data will be closely safeguarded and protected by both procedural and technological means. The Hermantown 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 relate 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 are entered, updated, accessed, shared or disseminated, must be recorded in a data audit trail.

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).

## **POLICY**

The policy of the Hermantown 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.

## **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.

A statement that the request is authorized by the head of the requesting law enforcement agency or his/her designee.

The request is reviewed by the Patrol Commander or the authorized designee and approved before the request is fulfilled.

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A release must be based on a reasonable suspicion that the data is pertinent to an active criminal investigation.

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.

BY AUTHORITY OF:

JAMES M. CRACE  
Chief of Police