Automated License Plate Readers (ALPRs)

426.1 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.

426.2 POLICY
The policy of the Hardin 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.

426.3 ADMINISTRATION
The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Hardin Police Department to convert data associated with vehicle license plates for official law enforcement purposes (§ 46-5-117, MCA).

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

426.3.1 ALPR ADMINISTRATOR
The Administration Chief of Police should be responsible for developing written guidelines and procedures to comply with the requirements of § 46-5-117, MCA. This includes, but is not limited to:

(a) The usage of any database to compare data obtained by the ALPR system.

(b) Working with the Custodian of Records on the retention of ALPR data.

(c) Guidelines on sharing of data with another law enforcement agency.

(d) Training requirements for authorized users.

(e) Ensuring there is supervisory oversight of the ALPR system.

(f) A description of how the ALPR system will be accessed and monitored to ensure the security of the information and compliance with applicable privacy laws.

(g) A description of how to obtain data from ALPR systems not operated by the Department.

(h) Any other subject related to the ALPR system used by the Department.

The Administration Chief of Police should ensure that a yearly report is prepared regarding the ALPR system use and effectiveness and that the report is forwarded to the Chief of Police (§ 46-5-117, MCA).

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426.4 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) 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.

(c) 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.

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

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

(f) A positive match by the ALPR alone does not constitute reasonable suspicion for an officer to stop a vehicle. The officer must develop independent reasonable suspicion for the stop or immediately confirm visually that the license plate on a vehicle matches the image of the license plate displayed on the ALPR and confirm by other means that the license plate number meets one of the criteria specified above (§ 46-5-117, MCA).

(g) The ALPR system shall be updated from databases used by the Department every 24 hours or as soon as practicable once an update becomes available (§ 46-5-117, MCA).

426.4.1 LIMITATIONS ON USE

A license plate reader shall only be used to scan, detect and identify a license plate number for the following purposes (§ 46-5-117, MCA):

(a) Locating a stolen vehicle.

(b) Locating a wanted, missing or endangered person.

(c) Alerting to a vehicle that is registered to a person against whom there is an outstanding warrant.

(d) Detecting commercial trucking violations.

(e) Assisting in the investigation of a specific criminal investigative surveillance.

(f) Assisting in the investigation of a homicide, shooting or other major crime or incident.

(g) Making a record of license plates in the vicinity of a recent crime that may be connected to that crime.

426.5   DATA COLLECTION AND RETENTION

The Administration Chief of Police 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.

All stored ALPR data should be retained in accordance with the established records retention schedule and § 46-5-118, MCA. 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.

Outside agency requests to preserve ALPR data beyond its standard retention period must comply with the provisions in § 46-5-118, MCA.

426.6   ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Hardin 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 relate to a specific criminal investigation or department-related civil or administrative action.

(c)   ALPR system audits should be conducted on a regular basis.

(d)   The Department shall permanently maintain a record of users who access ALPR data, and shall keep system maintenance and calibration schedules and records on file (§ 46-5-117, MCA).

426.7   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.

(b)   The request is reviewed by the Administration Chief of Police or the authorized designee and approved before the request is fulfilled.

(c)   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.

426.8 TRAINING
The Training Manager should ensure that members who will use the ALPR system or access ALPR data, as well as those having supervisory oversight of those members, receive training appropriate to their responsibilities prior to such use or access (§ 46-5-117, MCA).