

## Automated License Plate Readers (ALPR)

### 462.1 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 (Minn. Stat. § 626.8472).

### 462.2 ADMINISTRATION

ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Airport 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 LPR equipment, as well as LPR data retention and access, shall be managed by the Administrative Division Manager of the department. They will administer the day-to-day operations of the LPR equipment and its data.

### 462.3 POLICY

The policy of the Airport Police Department is to utilize LPR 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 LPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

### 462.4 OPERATIONS

Use of LPR 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) LPR shall only be used for official law enforcement business.
- (b) LPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is necessary before querying LPR data.
- (c) While LPR may be used to canvass license plates around any crime scene, particular consideration should be given to using LPR-equipped cars to canvass areas around homicides, shootings and other major incidents.
- (d) No member of this department shall operate LPR equipment or access LPR data without first completing department approved training.
- (e) No LPR operator may access confidential department, state or federal data unless authorized to do so.

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- (f) If practicable, the officer should verify an LPR 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 LPR alert.

### 462.4.1 RESTRICTIONS, NOTIFICATIONS AND AUDITS

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

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

### 462.5 DATA COLLECTION AND RETENTION

The Administration Division Manager is responsible for ensuring systems and processes are in place for the proper collection and retention of LPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

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

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

- (a) 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 LPR data may be used as exculpatory evidence.
- (b) Address Confidentiality Program - Data related to a participant of the Address Confidentiality Program must be destroyed upon the written request of the participant. LPR data already collected at the time of the request shall be destroyed and future related LPR data must be destroyed at the time of collection. Destruction can be deferred if it relates to an active criminal investigation.

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

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#### 462.5.1 LOG OF USE

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

- (a) Specific times of day that the LPR collected data.
- (b) 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.
- (c) 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.
- (d) For an LPR at a stationary or fixed location, the location at which the LPR 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 LPR or other surveillance devices with LPR 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.

#### **462.6 ACCOUNTABILITY**

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

- (a) All LPR 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 LPR 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) Biennial audits and reports shall be completed pursuant to Minn. Stat. § 13.824, Subd. 6.
- (d) Breaches of personal data are addressed as set forth in the Protected Information Policy (Minn. Stat. § 13.055).
- (e) 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.

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- (f) Any member who violates Minn. Stat. § 13.09 through the unauthorized acquisition or use of LPR data will face discipline and possible criminal prosecution (Minn. Stat. § 626.8472).

### **462.7 RELEASING LPR DATA**

The LPR 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):

- (a) The agency makes a written request for the LPR 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.
- (b) The approved request is retained on file.

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