

Automated License Plate Readers (ALPRs)

423.1 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 the automated license plate reader (ALPR) technology (Utah Code 41-6a-2003).

423.2 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department personnel 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 and legitimate law enforcement business (Utah Code 41-6a-2003).
- (b) An ALPR may be used in conjunction with any routine patrol operation or official 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) If practicable, the officer should verify an ALPR response through the appropriate law enforcement database before taking enforcement action that is based solely upon an ALPR alert.
- (f) No ALPR operator may access confidential department, state, or federal data unless otherwise authorized to do so.

423.2.1 LIMITATIONS ON USE

ALPR data shall only be used for the following official law enforcement business (Utah Code 41-6a-2003):

- (a) As part of an active criminal investigation
- (b) To apprehend an individual with an outstanding warrant
- (c) To locate a missing or endangered person
- (d) To locate a stolen vehicle

423.3 DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Orem Police Department and because such data may contain confidential information, it is not open to public review. ALPR

Orem Police Department

Orem Police Department Policy Manual

Automated License Plate Readers (ALPRs)

information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law (Utah Code 41-6a-2004).

The Administration Division 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.

The Administration Division Commander or the authorized designee shall take steps to have all ALPR data that is not reasonably related to official law enforcement business purged in an unrecoverable manner as soon as practicable. In no event shall this data be maintained longer than nine months unless it is subject to a warrant, preservation request, or disclosure order (Utah Code 41-6a-2004). Data that will not be purged should be downloaded from the server onto portable media and booked into evidence.

423.3.1 NON-GOVERNMENTAL AGENCY ALPR

ALPR data captured by a non-governmental agency device may only be obtained pursuant to a warrant or a court order (Utah Code 41-6a-2005).

423.4 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Orem 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 server 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) The number of ALPR data searches conducted by members as well as the crime type and incident numbers associated with each search shall be recorded and preserved for at least five years (Utah Code 41-6a-2005).
- (d) ALPR system audits should be conducted on a regular basis.

423.5 POLICY

The policy of the Orem 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.

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Orem Police Department

Orem Police Department Policy Manual

Automated License Plate Readers (ALPRs)

423.6 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 Division Commander 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.

423.7 PUBLIC ACCESS

This policy and any special use permits obtained for stationary ALPRs shall be published on the City website or on the Utah Public Notice Website if the Department does not have access to a City website (Utah Code 41-6a-2003; Utah Code 72-1-212).