

Automated License Plate Readers (ALPRs)

1000.1 COUNCIL APPROVAL

On June 17, 2025, the Davis City Council, in accordance with the Surveillance Technology Ordinance, adopted the following ALPR Use Policy (26.07.030 Davis Municipal Code).

1000.2 PURPOSE

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. Department Members shall adhere to the requirements in this policy.

1000.3 POLICY

The policy of the Davis 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 (CLETS) information, it is not open to public review.

The Davis Police Department does not permit the sharing of ALPR data gathered by the City for federal immigration enforcement, pursuant to the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq) – these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP).

1000.4 DEFINITIONS

- (a) **Automated License Plate Reader (ALPR):** A fixed or mobile device that uses cameras and computer technology to compare digital images to lists of known information of interest during criminal investigations and as part of a comprehensive parking management system, including electronic vehicle chalking to enforce time limit parking restrictions and electronic parking permit management.
- (b) **ALPR Operator:** Trained Department members who may utilize the ALPR system/equipment. ALPR operators may be assigned to any position within the Department, and the ALPR Administrator may order the deployment of the ALPR systems for use in various efforts.
- (c) **ALPR Administrator:** The Police Chief or thier designee serves as the Department's ALPR Administrator.
- (d) **Hot List:** A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, NCIC, CA DMV, Local BOLOs, etc.
- (e) **Vehicles of Interest:** Including, but not limited to vehicles that are reported as _ stolen, display stolen license plates or tags; vehicles linked to missing and/or wanted persons; vehicles flagged by the Department of Motor Vehicle Administration or law enforcement agencies and parking management, including electronic vehicle chalking to enforce time limit parking restrictions and electronic parking permit management.

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- (f) **Detection:** Data obtained by an ALPR of an image (such as a license plate) within public view that was read by the device, including potential images (such as the plate and description of the vehicle on which it was displayed), and information regarding the location of the ALPR system at the time of the ALPR's read.
- (g) **Hit Alert:** Notification from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order or terrorist-related activity.

1000.5 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Davis 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, suspect apprehension and stolen property recovery. ALPR technology is also used as part of a comprehensive parking management system, including electronic vehicle chalking to enforce time limit parking restrictions and electronic parking permit management.

1000.5.1 ALPR ADMINISTRATOR

The Police Chief, or their designee, shall be responsible for compliance with the requirements of Civil Code § 1798.90.5 et seq. This includes but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53; Civil Code § 1798.90.55):

- (a) Only properly trained sworn officers, crime analysts, police services specialists and public safety dispatchers are allowed access to the ALPR system or to collect ALPR information. The Police Chief may authorize other City employees to access the ALPR system for necessary purposes such as Information Technology or Systems maintenance, installation assistance or updates. This access may extend to CJIS approved vendors.
- (b) Ensuring that training requirements are identified and completed for authorized users.
- (c) Ensuring that when an authorized user leaves the employment of the Davis Police Department, that user's account shall be disabled.
- (d) ALPR system monitoring to ensure the security of the information and compliance with applicable privacy laws.
- (e) Ensuring procedures are followed for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (f) Working with the Custodian of Records and vendor on the retention and destruction of ALPR data.
- (g) Ensure this policy and related procedures are conspicuously posted on the City's website.

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- (h) Ensuring a written contract with any ALPR system operator or third-party vendor hosting any ALPR information that the Department collects and provides to third-party vendors to host. Any such contract must contain provisions that any ALPR system operator or third party that hosts ALPR information comply with all applicable laws regarding the collection, storage, use, access, sharing and retention of any ALPR information.

1000.6 PROCEDURE

An ALPR shall only be used for official law enforcement business. 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 (Civil Code § 1798.90.51; Civil Code § 1798.90.53; Civil Code § 1798.90.55).

- (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 to support criminal investigations. Reasonable suspicion or probable cause is not required before using an ALPR database.
- (c) Partial license plates and unique vehicle descriptions reported during crimes may 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 feasible, the officer shall verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert. Once an alert is received, the operator shall confirm that the observed license plate from the system matches the license plate of the observed vehicle. Before any law enforcement action is taken in response to an ALPR alert, the alert will be verified through a CLETS inquiry via in-car computer or through Dispatch.
- (f) Members will not take any police action that restricts the freedom of any individual based solely on an ALPR alert unless it has been validated. Because the ALPR alert may relate to a vehicle and may not relate to the person operating the vehicle, officers are reminded that they need to have reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle. (For example, if a vehicle is entered into the system because of its association with a wanted individual, Officers should attempt to visually match the driver to the description of the wanted subject prior to making the stop or should have another legal basis for making the stop.)
- (g) The Police Chief may authorize other City employees to access the non-confidential data from the ALPR system to study parking patterns as part of a comprehensive parking management plan or to assist with traffic engineering.
- (h) Hot Lists. Designation of hot lists to be utilized by the ALPR system shall be made by the ALPR Administrator or their designee. Hot Lists shall be obtained or compiled from sources as may be consistent with the purposes of the ALPR system set forth in this Policy. Hotlists utilized by the Department's ALPR system may be updated by agency sources more frequently than the Department may be uploading them, and thus, the

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Department's ALPR system will not have access to real-time data. Occasionally, errors in the ALPR system's reading of a license plate may occur. Therefore, an alert alone shall not be a basis for police action (other than following the vehicle of interest). Prior to initiation of a stop of a vehicle or other intervention based on an alert, Department members shall undertake the following:

1. Verification of status on a Hot List: An officer must receive confirmation from a Davis Police Department Public Safety Dispatcher or other Department computer device that the license plate or vehicle is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).
2. Visual verification of license plate number: Officers shall visually verify that the license plate of interest matches identically with the image of the license plate number captured (read) by the ALPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors before proceeding. Department members alerted to the fact that an observed motor vehicle's license plate is entered as a hot plate (hit) in a specific BOLO (be on the lookout) list are required to make a reasonable effort to confirm that a wanted person is actually in the vehicle and/or that a reasonable basis exists before a Department member would have a lawful basis to stop the vehicle.
3. Department members will clear all stops from hot list alerts by indicating the positive ALPR hit, i.e., with an arrest or other enforcement action. If it is not obvious in the text of the call as to the correlation between the ALPR hit and the arrest, then the Department member shall update the Public Safety Dispatcher and original member and/or a crime analyst inputting the vehicle in the hot list (hit).
4. General Hot Lists (SVS, SFR, and SLR) will be automatically downloaded into the ALPR system a minimum of once a day, with the most current data overwriting the old data.
5. All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting Department member within the appropriate general offense report. As such, specific Hot Lists shall be approved by the ALPR Administrator.
6. All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting Department member within the appropriate general offense report. As such, specific Hot Lists shall be approved by the ALPR Administrator (or their designee) before initial entry within the ALPR system. The updating of such a list within the ALPR system shall thereafter be accomplished pursuant to the approval of the Department member's immediate supervisor. The hits from these data sources should be viewed as informational, created solely to bring the officer's attention to specific vehicles that have been associated with criminal activity.

All Hot Plates and suspect information entered into the ALPR system will contain the following information at a minimum:

- Entering Department member's name

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- Related case number
- Short synopsis describing the nature of the originating incident

Login/Log-Out Procedure: To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be fully audited.

Permitted/Impermissible Uses: The ALPR system and all data collected are the property of the Davis Police Department. Department members may only access and use the ALPR system for official and legitimate California law enforcement purposes consistent with this Policy. The following uses of the ALPR system are expressly prohibited:

- Invasion of Privacy:** Except when done pursuant to a court order such as a search warrant, it is a violation of this Policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).
- Harassment or Intimidation:** It is a violation of this Policy to use the ALPR system to harass and/or intimidate any individual or group.
- Use Based on a Protected Characteristic:** It is a violation of this Policy to use the LPR system or associated scan files or hot lists solely because of a person's or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.
- Personal Use:** It is a violation of this Policy to use the ALPR system or associated scan files or hot lists for any personal purpose.
- Reproductive Rights:** ALPR data shall not be used to target individuals based on their reproductive health choices or to surveil individuals seeking reproductive healthcare services. Members shall not use ALPR data to identify, track, or monitor individuals associated with reproductive health facilities, clinics, or services. ALPR data shall not be shared with out-of-state law enforcement agencies (Civil Code § 1798.90.55).
- Federal Immigration Enforcement:** Members shall not share, disclose, or provide access to any ALPR data with federal immigration enforcement agencies, including Immigration and Customs Enforcement (ICE) or Border Patrol agents. Requests for ALPR data from these agencies will be denied, and members must refer such inquiries to a designated supervisor (Government Code 7284.6; Civil Code § 1798.90.55).
- First Amendment Rights:** This Policy prohibits the use of the ALPR system, associated scan files, or hot lists to infringe upon First Amendment rights.

No ALPR operator may access California Law Enforcement Telecommunications System (CLETS) data unless otherwise authorized to do so. If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action based solely on an ALPR alert.

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1000.7 DATA COLLECTION AND RETENTION

The Deputy Director of Police Services is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from devices to the designated storage in accordance with Department procedures. Evidentiary hit data or other related ALPR data shall be treated in the same manner as other evidence. Data shall be accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements.

All ALPR data downloaded to the ALPR server should be stored for no longer than one year and in accordance with the established records retention schedule. 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.

The ALPR vendor will store the data (data hosting) and ensure proper maintenance and security of data stored in their data center. The ALPR vendor will purge data at the end of the one year of storage. However, this will not preclude the Department from maintaining any relevant vehicle data obtained from the system after that period pursuant to the established City of Davis retention schedule mentioned above or outlined elsewhere. Relevant vehicle data are scans corresponding to the vehicle of interest on a hot list. The ALPR vendor and Department shall ensure that the necessary data is captured and stored to accurately report the relevant data required in the Annual Surveillance Technology report. Once the City Council approves the Annual Surveillance Technology report, all said data may be purged as long as it doesn't violate the City Retention guidelines.

Restrictions on Use of Vendor Data: Information gathered or collected and records retained by the Davis Police Department ALPR system will not be sold, accessed, or used for any purpose other than legitimate California law enforcement or public safety purposes.

1000.8 ACCOUNTABILITY

All saved data will be safeguarded and protected by procedural and technological means. The Davis Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) Non-law enforcement requests for access to stored ALPR data shall be processed according to the Release of Records/Public Records Act Policy in accordance with applicable law.
- (b) All ALPR data downloaded to any workstation or server shall be accessible only through a login/password-protected system.
- (c) Davis Police Department members approved to access ALPR data under these guidelines are permitted to access the data for legitimate California law enforcement purposes only, such as when the data relates to a specific criminal investigation or Department-related civil or administrative action.
- (d) Aggregated ALPR data not related to specific criminal investigations shall not be released to any local or State entity without the consent of the Police Chief

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(i.e., Permissible use could include the Public Works Engineering & Transportation Department's request for non-confidential (anonymized) data for the volume of vehicular traffic associated with specific events, roads or intersections).

- (e) The Professional Standards Lieutenant will conduct ALPR system audits regularly, at least annually.
- (f) ALPR data may be released to other authorized and verified California law enforcement officials and agencies for legitimate law enforcement purposes (Civil Code § 1798.90.53).
- (g) Every ALPR Detection Browsing Inquiry must be documented by either the associated Davis Police Department case number or incident number, and/or a reason for the inquiry.
- (h) Any member who negligently engages in an impermissible use of the ALPR system or associated scan files or hot lists may be subject to criminal prosecution and/or administrative sanctions, up to and including termination.

1000.9 ALPR DATA DETECTION BROWSING AUDITS

The Professional Standards Lieutenant or the Chief's designee is responsible for ensuring that an audit of ALPR detection browsing inquiries is conducted at least annually. The Department will audit a sampling of the ALPR system utilization from the prior 12-month period to verify proper use in accordance with the above-authorized uses. The audit shall randomly select at least five detection browsing inquiries conducted by Department employees during the preceding 12-month period and determine if each inquiry meets the requirements established in policy.

The audit shall be documented in an internal Department memorandum to the Police Chief. After the Police Chief reviews the memorandum and any associated documentation, the Professional Standards Lieutenant shall file and retain it. This audit should be shared in the Surveillance Technology report.

1000.10 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.

- (a) The release of ALPR data to any third party will be processed in a manner consistent with applicable Departmental policy, law and current discovery requests. When criminal charges are being sought, all related data will be provided to the District Attorney's Office.
- (b) The digitally recorded ALPR data is the property of the Davis Police Department. Dissemination outside the agency is strictly prohibited without specific authorization of the Police Chief or their designee.

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- (c) ALPR data is subject to the provisions of the Davis Police Department's Immigration Policy (423) and may not be shared with federal immigration enforcement officials.

1000.11 TRAINING

The Training Coordinator shall ensure that members receive Department-approved training to be authorized to use or access the ALPR system. Training shall include the following topics at minimum.

1. Overview of ALPR technology.
2. Legal framework and compliance requirements.
3. Ethical considerations.
4. Data analysis and interpretation.
5. Reporting and accountability.