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| East Haven Police Department  | Type of Directive: Policies & Procedures | | No. 402.2 |
| | Subject/Title: Automated License Plate Readers (ALPR) | | Issue Date: July 29, 2014 |
| | Issuing Authority: Honorable Board of Police Commissioners | | Effective Date: September 1, 2014 |
| | References/Attachments: N/A | | Review Date: Annually |
| | | Rescinds: 402.1 | Amends: N/A |

I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department regarding the proper use of Automated License Plate Readers (ALPR) by members of the East Haven Police Department.

II. POLICY

- A. It shall be the policy of the East Haven Police Department that all members of the department shall abide by the guidelines and procedures set forth within this directive when using ALPRs to scan, detect, and identify vehicles or persons of interest.
- B. Violations of this policy shall result in discipline for the violator. Violations include Invasion of Privacy; Harassment/Intimidation; Use Based on a Protected Characteristic; and Personal Use: First Amendment Rights. These acts are defined in this directive.

III. DEFINITIONS

- A. Alert: "Alert" shall mean a visual and /or auditory notice or alarm that is triggered when the ALPR receives a potential hit on a license plate.
- B. Alert Data: "Alert data" shall mean information captured by an ALPR relating to a license plate that matches the license plate on a hot list.
- C. ALPR: "ALPR" shall mean automated license plate reader.

- D. ALPR Data: “ALPR data” shall mean scan files, alert data, and any other documents or other data generated by or through utilization of the ALPR system.
- E. ALPR System: “ALPR system” shall mean the ALPR camera and all associated equipment and databases.
- F. Hit: “Hit” shall mean a read matched to a license plate that has previously been registered on an agency’s vehicle plates hot list, such as those associated with vehicles that have been stolen or that are unregistered or uninsured, vehicles wanted for specific crimes, vehicles associated with, or that may assist with the identification of, suspects involved in criminal activity, and vehicles associated with parking scofflaws.
- G. Hot List: “Hot list” shall mean data bases containing lists of license plate numbers of interest.
- H. Non-Encounter Alert: “Non-Encounter Alert” shall indicate to officers “Do not stop the vehicle based on this information alone. Only observe and report pertinent information to the requesting agency.
- I. OCR: “OCR” shall mean optical character recognition.
- J. Read: “Read” shall mean digital images of license plates and associated metadata (e.g., date, time, and geographic coordinates associated with the vehicle image capture) that are captured by the ALPR system.
- K. Scan File: “Scan file” shall mean data obtained by an ALPR of license plates that were read by the device, including potential images of the plate and vehicle on which it was displayed, and information regarding the location of the police cruiser at the time of the ALPR read.

IV. GENERAL GUIDELINES AND CONSIDERATIONS

- A. An ALPR system is a computer-based system that utilizes special cameras to capture license plate information. The ALPR system captures an infrared image of a license plate and converts it to a text file using Optical Character Recognition (“OCR”) technology. The text is compared to various hot lists generated by various law enforcement agencies, including the National Crime Information Center (“NCIC”) and the East Haven Police Department, and generates an alert when there is a hit. The ALPR system will identify a license plate and /or a motor vehicle. The ALPR system will not identify the person operating the motor vehicle. The Department may, as a separate step and for legitimate law enforcement purposes as set forth in this directive, undertake to identify the owner of a vehicle in the event the ALPR system generates an alert, such as by running the license plate number through the database of the Connecticut Department of Motor Vehicles (“DMV”).
- B. The ALPR system shall be restricted to legitimate law enforcement uses for the purpose of furthering legitimate law enforcement goals and enhancing public safety. Such uses and goals include, but are not limited to, providing information to officers that will assist

in on-going criminal investigations, crime prevention, crime detection, the apprehension of wanted persons, ensuring the safety of vulnerable individuals through the recovery of missing and endangered persons, and improving the quality of life in our community through the identification and removal of stolen, unregistered, and uninsured motor vehicles, and enforcement of parking rules and regulations.

- C. The Department shall utilize hot lists that further the above-specified goals of the ALPR system where there is a legitimate and specific law enforcement reason for identifying a vehicle or a person reasonably believed to be associated with that vehicle, such as: persons who are subject to an outstanding arrest warrant; missing persons; AMBER Alerts; stolen vehicles; vehicles that are reasonably believed to be involved in the commission of a crime; vehicles that are registered to or are reasonably believed to be operated by persons who do not have a valid operator's license or who are on the revoked or suspended list; vehicles with expired registrations; persons who are subject to a restraining order, or who are subject to any other duly issued order restricting their movements; persons wanted by a law enforcement agency who are of interest in a specific investigation, whether or not such persons are themselves suspected of criminal activity; and persons who are on any watch list issued by a State or federal agency responsible for homeland security when information has been received concerning a specific individual or individuals who pose a potential public safety risk to the Town of East Haven.

V. PROCEDURES

- A. Management: The Police Chief will designate a Commanding Officer who will be responsible for the administration and general oversight of the day-to-day operation and management of the ALPR system, and for all tasks ancillary to its operation and management. The shift commander or other supervisor will determine assignments and usage of the ALPR equipped vehicles. The designated Commanding Officer may assign non-sworn personnel to perform certain functions related to the operation and management of the ALPR system, including but not limited to, inventory, service, and maintenance work (e.g., members of the IT Unit, vendors, etc.).
1. The designated Commanding Officer will make arrangements with the Internal Affairs Officer to perform periodic audits of the ALPR system to ensure that it is being used in compliance with this directive, and the security procedures are being observed.
 2. These periodic audits also will include field inspections, review of audit trails generated by the system and storage of the data. Retention of data will be determined by this policy.
- B. Operations: Personnel shall adhere to the following operational procedures.
1. Installation and Functioning: The ALPR cameras will be mounted on a marked cruiser. The cruiser will engage in either directed patrol or random patrol depending on the assignment given. The ALPR equipment will passively read the license plates of moving or parked motor vehicles using ALPR optical character recognition technology and compare them against various hot lists uploaded or created by the Police Department. Scanned data files collected by the ALPR, on an ongoing

basis, will be automatically uploaded from the ALPR in the cruiser to the department's ALPR server. The ALPR system will not have sound recording capability.

2. Hot Lists: Designation of hot lists to be utilized by the ALPR system shall be approved and authorized by the designated Commanding Officer. Hot lists shall be obtained or compiled from sources as may be consistent with the purposes of the ALPR system as set forth within this directive, which may include (but are not limited to) the following:
 - a. COLLECT/NCIC Stolen Vehicle files, as available.
 - b. COLLECT/NCIC Stolen plates and Stolen Canadian plates, as available.
 - c. COLLECT/NCIC Wanted persons, as available.
 - d. COLLECT/NCIC Missing or Endangered person files, as available.
 - e. COLLECT/NCIC Supervised Release (Parole/Probation), as available.
 - f. COLLECT/NCIC Nationwide Domestic Violence Protection Orders/Restraining Orders, as available.
 - g. NCIC Violent Gang and Terrorist Organization File, as available.
 - h. COLLECT/NCIC Sexual Offender.
 - i. DMV Records of Suspended/Revoked/Uninsured Motor Vehicle Registrations.
 - j. COLLECT Hit and Run File, as available.
 - k. Information relative to vehicles that are the subject of a criminal investigation.
 - l. Department-generated hot list(s) or manual entries of license plate numbers to existing hot list(s) created for purposes consistent with this directive.
 - m. The Department shall regularly upload hot lists utilized by the ALPR system so that these hot lists remain reasonably current.
3. Regular Operation: Officers who are assigned to police cruisers that are equipped with the ALPR system are expected to use the equipment as part of their duty assignment when possible and in accordance with the guidelines that have been established within this directive. Officers are expected to notify their respective supervisors if they discover that the equipment is not working properly so that arrangements can be made to have the equipment repaired.

- C. Authorized Usage/Police Action: Only sworn officers trained in its use and who have been instructed on this directive may operate the ALPR system or access or use stored ALPR data.
1. Permitted Uses: The ALPR system is the property of the East Haven Police Department. Department personnel may only access and use the ALPR system and may access, use, release, and/or disseminate hot list and scan file data only in accordance with official and legitimate law enforcement purposes and consistent with this directive.
 2. Impermissible Uses: The following uses of the ALPR system are specifically prohibited.
 - a. Invasion of Privacy: Except when done pursuant to a court order, it is a violation of this directive 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).
 - b. Harassment/Intimidation: It is a violation of this directive to use the ALPR system or associated scan files or hot lists to harass and/or intimidate any individual or group.
 - c. Use Based on a Protected Characteristic: It is a violation of this directive to use the ALPR system or associated scan files or hot lists solely because of a person's race, gender, ethnicity, sexual orientation, disability or other classification protected by law.
 - d. Personal Use: It is a violation of this directive to use the ALPR system or associated scan files or hot lists for any personal purpose.
 - e. First Amendment Rights: It is a violation of this directive to use the ALPR system or associated scan files or hot lists for the purpose of infringing upon First Amendment rights.
 3. Required Steps Preliminary to Police Action: Hotlists utilized by the department's ALPR system may be updated by agency sources more frequently than the department may be uploading them, and the department's ALPR system will not have access to real time data. Further, there may be errors in the ALPR's "read" of a license plate. Therefore, an alert alone shall not be a basis for police action (other than following the vehicle of interest). Prior to the initiation of a motor vehicle stop or other intervention based on an alert, an officer shall undertake the following:
 - a. Verification of current status on the hot list: An officer must receive confirmation, from COLLECT/NCIC or other department computer device that the license plate is still stolen, wanted, or otherwise an interest before proceeding with any enforcement action.

- b. Visual verification of the license plate number: Officers shall visually verify that the license plate on the vehicle matches identically with the image of the license plate number captured by the ALPR reader, including both the alphanumeric characters of the license plate and the state of issue, before proceeding with any enforcement action.
 4. Motor Vehicle Stops: All motor vehicle stops must be constitutionally valid and otherwise comply with Department Policy and Procedures on Stops. To assist with implementation of these obligations and in furtherance of the purposes of the ALPR system, the following requirements apply to traffic stops.
 - a. Completion of Preliminary Steps to Police Action: Officers are expected to have completed the verification process as described in the preceding section prior to engaging in a motor vehicle stop, unless the stop is predicated by some other legitimate reason independent of the ALPR system.
 - b. Non-encounter alerts: In the event that an alert is designated as a non- encounter alert, the officer shall follow any instructions included in the alert (e.g., notifying any applicable law enforcement or homeland security agency). In these situations, officers should consider the appropriateness of completing a Field Interview/Observation form.
 - c. Persons of Interest: With regard to cases in which an alert may indicate a person of interest (such as a wanted person), officers are reminded that in some cases, the driver or occupant of the vehicle may not be the person with whom the license plate is associated (since vehicles may be loaned, e.g.). Officers should bear this in mind upon contact with individuals in a vehicle and positively identify the occupants before taking enforcement action.
 - d. Independent reason for traffic stop: An officer may stop a vehicle when he/she has an independent reason for doing so, such as would be the case involving an unrelated traffic violation.
 - e. Appropriate police action: Nothing in this directive shall restrict or prohibit an officer from taking appropriate police action based on facts or reasons obtained independently from ALPR operation.
 5. Use in Connection with Serious Crimes/Incidents: The ALPR should be considered to conduct license plate canvasses in the immediate wake of any homicide, shooting, robbery, kidnapping, sexual assault or AMBER ALERT and or other major crime or incident. Registration plates or partial plates potentially associated with any such major crimes or incidents should be entered into the ALPR and compared against the scan file. Conversely, registration plate numbers may be used for exculpatory purposes (e.g., to corroborate a registrant's alibi).
 6. Mutual Aid Requests: A Commanding Officer may approve a mutual aid request for use of the ALPR for purposes that are consistent with this directive, as may be appropriate under the circumstances and as resources permit. Commanding Officers

are encouraged to provide mutual aid to other communities when they become aware of a serious incident, as to which they reasonably believe the ALPR may be considered to be useful.

- D. Security/Authorized Stored Data Access/Confidentiality: ALPR data shall be kept in a secure data storage system with access restricted to authorized persons only.
1. Scan Files: Access to scan files will be secured and controlled by a login password-accessible system. Officers may only access data stored in the ALPR server based upon a reasonable belief that the scan file data may be related or useful as part of a specific official action or investigation. Requests for ALPR server data access must be in writing and be expressly authorized by the Police Chief, or designee(s), in advance of such access. Scan file data will be considered confidential information to the extent permitted by law.
 2. Hot lists: Security of the hot list data will be the responsibility of the officer using the ALPR or accessing the data. Hot list data will be considered confidential information to the extent permitted by law.
 3. Designated personnel trained in the use of the ALPR software shall have access to ALPR data to conduct analysis of said data in order to comply with legitimate law enforcement requests.
- E. Retention: Scanned data will be retained for a period of thirty-six (36) months, unless it has been deemed to be of evidentiary value, information in connection with an ongoing investigation, subject to a court order, or being retained in accordance with some other lawful purpose.
- F. Program Oversight/Evaluation/Audit Review: For purposes of ensuring that the ALPR system is being used in accordance with the directive, the following inspectional, audit, and review processes will be routinely carried out:
1. Designated, trained personnel shall check equipment on a regular basis to ensure functionality and camera alignment. Any equipment that falls outside expected functionality shall be removed from service until deficiencies have been corrected. Officers shall not attempt to modify or change the ALPR equipment or software unless authorized to do so.
 2. Damage or other malfunctions to the equipment will be reported through the appropriate chain of command to a Commanding Officer.
 3. All successful uses of the ALPR will be recorded as part of the statistical data captured for motor vehicle stops in LEAS. The designated Commanding Officer will compile statistics of these uses and provide monthly updates on such uses to the Department's command staff.
 4. The Professional Standards Officer will conduct, review and retain audits of the ALPR system usage. Audits shall be completed on a semi-annual basis and shall determine the Department's adherence to this directive and the procedures it

- establishes, as well as the maintenance and completeness of records contemplated by this directive. At the completion of this audit, a full report on the outcome shall be forwarded to the Police Chief. Audit reports shall be considered to be public record to the extent consistent with the Public Records Law. Audits shall include, but not be limited to, review of the following:
- a. Records of ALPR usage, including vehicles of interest added to a hot list.
 - b. Records of sharing of ALPR data to other agencies or in response to any official request will be maintained by the Records Supervisor.
 - c. Records of reproduction of scan files pursuant to this directive.
 - d. Hot lists entries shall be checked to ensure entries made are in compliance with this directive.
5. Any officer becoming aware of a possible violation of this directive, including but not limited to the unauthorized access, use, release and/or dissemination of ALPR data, shall refer them to the Internal Affairs Officer.
- G. Requests for Reproduction of Scan Files: Reproduction of the data being maintained in the ALPR system will be in accordance with one of the following conditions or circumstances:
1. Authority to Request/Permissible Requests: Sworn department personnel are authorized to make a request to the Records Room Supervisor for a reproduction of scan files. Requests for reproduction may be made only for legitimate law enforcement purposes, as part of normal procedures for investigations and the handling of evidence or in furtherance of the purposes for the ALPR system stated in this directive.
 2. Prompt Request: All requests to reproduce a scan files shall be made promptly and as soon as possible to ensure that needed data is available. Notice shall be given to the Police Chief at the earliest opportunity after such reproduction and disclosure to a third party. Any such request should always be vetted through the department's Legal Advisor prior to its release.
 3. Reproduction Responsibility/Evidence: The department's Record Room Supervisor shall be responsible for making reproductions of scan files in accordance with Connecticut F.O.I.A. laws.
 4. Reproduction Request Procedures:
 - a. Authorized Department Requests: By submitting a completed request to the Records Division Supervisor. The Chief of Police or his designee may authorize disclosure of a copy of scan files to any federal, state, or municipal law enforcement agency in connection with an open investigation.

- b. Court-Related Requests (e.g., Prosecutors, Defense Attorneys, Judges): A request will be filed to the Records Division Supervisor, who will provide the requesting party with a copy of the scan files.
- c. Subpoena: Requests for scan data will be fulfilled in order to comply with subpoenas issued.
- d. Public Records Requests for Scan Files: Scan files will be released in accordance with Connecticut F.O.I.A. laws.
- e. Notification of Request for Scan Files: Anytime a request is made for the reproduction of scan files for use outside of the department, all such requests will be forwarded to the department's Legal Advisor for determining the appropriateness of the request and what is legally permitted for release to a third party.