



Surveillance Use Policy

Automated License Plate Recognition (ALPR)
San Diego Police Department

PURPOSE

Automated License Plate Recognition (ALPR) technology (ALPR) is a component of the San Diego Police Department's crime-fighting strategy that involves the identification of vehicles associated with suspects, witnesses, or victims. ALPR enhances the Department's ability to focus its investigative resources, deter the occurrence of crime, and enhance public safety.

USE

ALPR systems have shown to be ~~proven to be~~ very effective tools in combating crime. The Department recognizes the importance of balancing public safety benefits with privacy and accountability. Accordingly, ~~The~~ the operation of and access to ALPR data shall be for official-legitimate law enforcement purposes only. ~~The~~

Legitimate law enforcement purposes of ALPR systems include, but are not limited to:

- ~~Locating vehicles that are stolen, wanted, under investigation, or associated with suspects, witnesses, or victims of a violent crime. Locating stolen vehicles, wanted vehicles, or vehicles subject to investigation and,~~
~~Locating vehicles belonging to suspects, witnesses, and victims of a violent crime.~~
- Enhancing coordinated responses to critical incidents and public threats (e.g., active shooter, terrorism events).
- Safeguarding community members by locating at-risk missing persons, including through Amber, Silver, and Feather Alerts.

~~The San Diego Police Department will also use ALPR systems to enhance and coordinate responses to active critical incidents and public threats (e.g., active shooter, terrorist incident), safeguard the lives of community members by using this technology to locate at-risk missing persons (including responding to Amber, Silver, and Feather Alerts) and to protect assets and resources of the City of San Diego.~~

The Department will not integrate additional technologies, such as facial recognition or gunshot detection, into ALPRs. ~~Any additional technologies, such as facial recognition or gunshot detection, will not be used in conjunction with ALPRs.~~

When the ALPR system alerts a user that a vehicle is wanted, stolen, or of interest to law enforcement, the user must: ~~When alerted via ALPR that a vehicle is wanted, stolen, or of interest to law enforcement, the user must:~~

- Visually confirm that the ALPR system read the plate properly and that the state of origin is consistent with the alert. ~~Visually ensure the plate was read properly and that the state of origin is consistent with the alert.~~
- Confirm the alert status of the license plate information via the NCIC database. Access the database ~~This can be accessed~~ through a secure device (e.g., vehicle laptop, cellular phone,



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desktop computer, etc.) or ~~by requesting~~ the check through dispatch.

The following uses of ALPRs shall be expressly prohibited:

- To invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.
- To be used in a discriminatory manner and to target protected individual characteristics, including race, color, ethnicity, religion, national origin, age, disability, gender (to include gender identity and gender expression), lifestyle, sexual orientation, or similar personal characteristics, in accordance with Department Policy 9.33.
- To harass, intimidate, or discriminate against any individual or group.
- To violate any Constitutional rights, federal, state, or local laws (e.g., [SB 34](#), California Values Act, ~~FACE Act~~ [AB 1242](#), etc.)
- To be utilized for any personal purpose.
- To investigate parking violations and conduct traffic enforcement.
- To indiscriminately view video without investigative or administrative need.

Per Department Policy 1.01, all Department members shall comply with all Department Policies and Procedures and are subject to investigation and potential discipline for violations thereof.

Department procedures associated with the use of ALPR are:

- DP 1.49 Body Worn Camera/Evidence.com
- DP 1.51 Automated License Plate Recognition (ALPR)
- DP 3.02 Property Evidence
- DP 3.33 Smart Streetlights

DATA COLLECTION

The San Diego Police Department will utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public. ~~The Department considers~~ [a](#) All data and images downloaded from the ALPR and retained as evidence ~~by the Department are considered to be~~ investigative records and are for official use only.

It is a violation of this policy to use ALPR technology to capture images and data of vehicles and license plates in a place where an expectation of privacy exists.

The National Crime Information Center (NCIC) is the primary database for the entry and management of wanted vehicles/persons that ALPR technology utilizes, along with Department hot plate/hotlists related to criminal investigations.



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~~The Department permits the p~~Proactive manual entry of ALPR hot plates/hot lists ~~is permitted~~ with license plate information (e.g., BOLO or AMBER alerts) in accordance with this Use Policy. ~~Department members It is the responsibility of the department member~~ who creates ~~the~~ hot plate notifications ~~are responsible for to~~ managing, editing, and deleting ~~the platethose plate entries~~ as necessary.

Any camera adjustments or movements will comply with the Transparent and Responsible Use of Surveillance Technology ("TRUST") Ordinance.

All ALPR data collection, usage, retention, and release shall be in accordance with applicable State and Federal laws, including, but not limited to, California Civil Code 1798.90.51 through 1798.90.5355, as further listed in Department Procedure 1.51.

DATA ACCESS

~~The San Diego Police Department shall designate in writing the p~~Personnel ~~who are~~ authorized to have access to the system, ~~shall be designated in writing~~, and the designation shall ensure that their access to and use of the images and data complies with federal, state, and local laws, including the TRUST Ordinance, as well as applicable Department procedures.

Personnel using ~~Automated License Plate Recognition (ALPR)~~ technology shall be specifically trained in its operation and authorized by the Chief of Police or their designee. Authorized users include personnel listed in Department Procedure 1.51. ~~The Department shall grant a~~Access ~~will also be granted to~~ supervisory staff of authorized users (i.e., sergeants, lieutenants, ~~captains~~) ~~to ensure users are complying and captains) to ensure users comply~~ with the Use Policy and Department Procedure.

Recorded data and images may be reviewed in accordance with the following criteria:

- By a Department employee conducting an official investigation.
- By members of the City Attorney's Office or Risk Management in connection with pending litigation.
- Pursuant to lawful process or by court personnel otherwise authorized to view evidence in a related case.
- ~~• The Chief of Police has the discretion to allow the viewing or release of data and images if they determine it is in the best interest of the Department.~~
- As part of Department-approved training.

Authorized users under investigation for misconduct or criminal actions related to ALPR shall have their access revoked for the duration of the investigation and shall not have access restored until they have been cleared of wrongdoing.

DATA PROTECTION



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~~The San Diego Police Department shall store i~~Images and data collected by ALPR technology and retained as evidence ~~shall be stored in~~ compliance with Department Procedure 3.02 Property Evidence. a secured law enforcement facility with multiple layers of physical security and security protection.

Encryption, firewalls, authentication, and other reasonable security measures shall be utilized to protect ALPR images and data.

All authorized users of ALPR technology shall access the system only through a login/password-protected system capable of documenting all access to information by name, date, and time.

The City's Department of Information Technology oversees the IT governance process and works with SDPD's Department of IT regarding project execution and risk assessment, selecting, and approving technology solutions. ~~For additional details related to the IT governance processes, refer to the information at the following links:~~

- ~~<https://www.sandiego.gov/sites/default/files/fy23-fy27-it-strategic-plan-sd.pdf>~~
- ~~<https://www.sandiego.gov/sites/default/files/legacy/humanresources/pdf/ar/ar9062.pdf>~~
- ~~<https://www.sandiego.gov/sites/default/files/ar9063.pdf>~~
- ~~<https://www.sandiego.gov/sites/default/files/legacy/humanresources/pdf/ar/ar9066.pdf>~~
- ~~<https://www.sandiego.gov/sites/default/files/ar9068.pdf>~~
- ~~<https://www.sandiego.gov/sites/default/files/ar9074.pdf>~~

DATA RETENTION

All ALPR images and data collected and stored on this technology platform shall be purged no later than 30 days from the date it was collected unless the data and image were determined to be evidence, downloaded, and stored pursuant to DP 3.02.

~~An assigned program administrator~~ ~~Special Projects and Legislative Affairs~~ will be responsible for conducting a monthly audit to ensure the ALPR operating system is functioning correctly and that all data and images collected by the ALPR technology are appropriately purged.

PUBLIC ACCESS

~~DP 1.51 provides information related to the release of images and data from ALPR, including their availability to members of the public via the California Public Records Act (CPRA) process and by criminal defendants utilizing the discovery process as prescribed by law. All data and images downloaded from the ALPR and retained as evidence by the Department are considered investigative records and are for official use only.~~

~~A log will be maintained by the Department to document when data and images from ALPRs were researched. The log will be provided by the system program administrator upon public request, subject to certain exceptions.~~



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~~The log will, at a minimum, record general information about the incident that was investigated, along with the name of the investigator provided with the recorded images. A log entry that would reveal an ongoing investigation or jeopardize public safety will be withheld until this information may be safely released at the direction of the Chief of Police.~~

THIRD-PARTY DATA SHARING

The San Diego Police Department only shares ALPR data with other California law enforcement agencies for legitimate law enforcement purposes, with the San Diego City Attorney or the San Diego District Attorney in connection with legal proceedings, or in response to a valid California court or judicial order, all in accordance with this Use Policy.

~~SDPD shall not: All data and images collected from ALPR technology are considered investigative records for the Department and are for official Department use only. The following limitations apply:~~

- ~~• ALPR data shall not be shared~~Share data with private entities or out-of-state or federal agencies, including out-of-state and federal law enforcement agencies, in accordance with Senate Bill 34 (Statutes of 2015, Chapter 532).
 - ~~• This includes a prohibition on voluntarily sharing ALPR images or data with Immigration and Customs Enforcement (ICE), Border Patrol, or any other law enforcement agency for the purpose of enforcement immigration laws, as required by California Government Code 7284.6 – The California Values Act.,~~
 - ~~• This also prohibits sharing ALPR images or data with any federal task forces.~~
- ~~• ALPR images and data shall never be voluntarily shared with Immigration and Customs Enforcement or, Border Patrol, or any other law enforcement agency, for the purpose of enforcing immigration laws, in accordance with California Government Code 7284.6 – The California Values Act.~~
- ~~• ALPR images and data shall never be released~~Release ALPR images or data to aid in the prosecution of an individual for providing, obtaining, or assisting in the provision or obtention of an abortion or any reproductive care, in accordance with California Penal Code 423.2, the California FACE Act and Penal Code 13778.2.
- ~~• ALPR images and data shall never be shared with any federal task forces which involve in any manner the investigation or prosecution of federal crimes for conduct that is permitted under California law.~~
- ~~• ALPR images and data shall never be released to outside sources except the San Diego City Attorney and San Diego District Attorney in accordance with legal proceedings or of California law enforcement agencies for the express purpose of investigating crimes in accordance with this Use Policy, until the adoption of a third-party data sharing use policy by the San Diego City Council.~~



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~~• ALPR data shall not be shared with private entities or out of state or federal agencies, including out of state and federal law enforcement agencies, in accordance with Senate Bill 34 (Statutes of 2015, Chapter 532).~~

- ~~Sell ALPR data obtained or received by the San Diego Police Department shall never be sold~~SDPD.

~~Nothing in this Policy should be interpreted as limiting the use of collected data for legitimate purposes by prosecutors, judicial order, or other persons legally permitted to receive evidence under the law (See Public Access section above).~~

TRAINING

All personnel designated as system users shall receive training in the operation of ALPR technology by ~~SPLA Unit personnel~~the program administrator and subject matter experts approved by the Department.

All employees who utilize ALPR technology shall be provided a copy of this Surveillance Use Policy, along with instruction on the constitutional protections (e.g., Fourth Amendment, etc.) and case law requirements associated with its use.

~~The San Diego Police Department will provide t~~Training ~~will that~~ includes guidance on the use of ALPR technology and interaction with dispatch and patrol operations, along with a review regarding relevant policies and procedures. ~~The t~~Training should also address applicable laws related to the use of video recording equipment and privacy.

All authorized users shall also complete annual refresher training as long as they are authorized to use ALPR technology. If there is a lapse in training, ~~the SPLA Unit will revoke their access~~ will be revoked until they are in compliance.

The ~~SPLA Unit~~program administrator shall keep records of all training provided to personnel authorized to use ALPR.

AUDITING AND OVERSIGHT

~~The program administration shall maintain a~~A list of personnel who are authorized to have access to the system ~~shall be maintained by the SPLA Unit program administrator~~. The authorization document shall ensure that their access to and use of the ALPR technology comply with federal, state, and local laws, the TRUST Ordinance, and applicable Department policies and procedures.

A log shall be maintained that records when access to ALPR images and data is requested, whether the request is internal or external to the San Diego Police Department. This shall include the date, time, data record accessed, staff member involved, case or event number, and purpose of the request. The log shall be available for presentation for all required internal and external audits, the annual report,



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and internal investigations. ~~Oversight will be maintained by the SPLA Unit.~~ The program administrator will maintain oversight.

The program administrator, who holds a supervisory rank, will conduct ALPR system audits. ~~ALPR system audits are conducted by the program administrator, who holds a supervisory rank.~~

Audits include:

- Confirming compliance with state and local laws, including compliance with the Department's Use Policy
- Confirming that equipment is functioning properly
- Confirming data is not being retained beyond the established retention period
- Confirming users have current training and authorization to use the system
- Confirming that each search has a listed case number or incident number
- Confirming that complete case numbers and incident numbers are being used, and

During each audit, the system administrator shall check for case numbers that do not belong to the San Diego Police Department. Other California law enforcement agencies may provide case numbers upon request for a search or from outside agency wanted flyers. ~~The audit is also checking for case numbers that do not belong to the San Diego Police Department. Case numbers can be provided by other agencies upon request for a search or from outside agency wanted flyers.~~ When this occurs, the system administrator conducting the audit shall verify the validity of the search.

Subject to the provisions of this policy, the Chief of Police or their designee has the discretion to prohibit the review of any data and images by Department employees if it is in the best interest of the Department or the City of San Diego.

PUBLIC ACCESS

DP 1.51 provides information related to the release of images and data from ALPR, including their availability to members of the public via the California Public Records Act (CPRA) process and by criminal defendants utilizing the discovery process as prescribed by law. The San Diego Police Department considers all data and images downloaded from the ALPR and retained as evidence to be investigative records and are for official use only.

Upon public request, the system program administrator will provide all publicly disclosable information from the log described in the Auditing and Oversight section, subject to certain exceptions.

MAINTENANCE

The San Diego Police Department shall maintain robust security procedures and practices, as noted in the Data Protection section above. These protections shall be in conjunction with those provided by the vendor. The vendor shall include operational, administrative, digital information technology security features and physical safeguards to protect ALPR images and data from unauthorized access, destruction, use, modification, or disclosure.



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~~MODIFICATIONS TO THE USE POLICY~~

~~Prior to integration with other technologies, the requesting City department shall come to the City Council for public review and approval in accordance with the Transparent and Responsible Use of Surveillance Technology (TRUST) Ordinance, section 210.0103.~~

~~Any modifications to this Policy must come to the City Council for public review and approval in accordance with the TRUST Ordinance, section 210.0103.~~

DRAFT