

San Diego County Sheriff's Department – Procedure

surveillance, TKO, Buy-Bust, etc., a Sheriff's Operation Plan (SO-125) should be completed with the "service on tribal land" box checked.

It is at the discretion of the tribal liaison to determine notification of the Tribe based on existing protocols. It will be the responsibility of the tribal liaison to advise the tribal government of Sheriff's law enforcement or investigative activity, pursuant to the informal understanding developed with the tribe. This notification shall be made as soon as practicable, unless notification will compromise the collection of evidence, the execution of the warrant, the safety of the public or the safety of law enforcement personnel. Public safety and investigative integrity will always take priority over immediate notification. (12-15-15)

6.130 License Plate Recognition (LPR)

This Department Procedure establishes guidelines for Department members using License Plate Recognition Technology.

License Plate Recognition (LPR) data is collected by utilizing specially-designed cameras to randomly capture an image of a vehicle license plate and convert the plate characters into a text file using optical character recognition technology. If a match is found, the LPR user is notified. The LPR system is an objective non-discriminatory public safety tool as it is programmed to check all vehicles in the same manner. Data obtained by LPR cameras is useful in criminal investigations.

The use of LPR systems and information is restricted to official and legitimate law enforcement purposes only. Department employees shall not use, or allow others to use the LPR equipment, database or information for any unauthorized purpose.

PRIVACY AND DATA QUALITY

Access to and use of LPR data is for official law enforcement purposes only. Accessing and/or releasing data from the LPR system for non-law enforcement purposes is prohibited. LPR data access and use should comply with the P&P 7.6.

AUDITING AND ACCOUNTABILITY

Access to, and use of, LPR data is logged for audit purposes. Audit reports are structured in a format that is understandable and useful and will contain, at a minimum:

- The name and agency of the user
- The date and time of access
- The specific data queried
- The justification for the query including a relevant reference number (i.e. case #, incident #, or assigned task force #) if available at the time.

At least once during each calendar year, 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 will be the responsibility of the Agency Terminal Coordinator (ATC). Any discovered intentional misconduct will lead to further investigation, termination of system access, and notification of the user's immediate supervisor for appropriate recourse. In addition, the auditing data will be used to identify systemic issues, inadvertent misuse, and requirements policy changes, training enhancements, or additional oversight mechanisms.

PROCEDURES

- A. Authorized Purposes, Collection, and Use of LPR Data

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LPR systems have proven to be very effective tools in combating crime. LPR operation and access to LPR data shall be for official law enforcement purposes only. The LPR system is restricted to legitimate law enforcement uses for the purpose of furthering law enforcement investigations and enhancing public safety. The legitimate law enforcement purposes of LPR systems include the following:

1. Locating stolen, wanted, or subject of investigation vehicles.
2. Locating witnesses and victims of violent crime.
3. Locating missing or abducted children and at risk individuals.

B. LPR Strategies

1. LPR equipped vehicles should be deployed as frequently as possible to maximize the utilization of the system.
2. Regular operation of LPR should be considered as a force multiplying extension of a Deputy's regular patrol efforts to observe and detect vehicles of interest and specific wanted vehicles.
3. LPR may be legitimately used to collect data that is within public view, but should not be used to gather intelligence of First Amendment activities.
4. Reasonable suspicion or probable cause is not required for the operation of LPR equipment.
5. Use of LPR equipped cars to conduct license plate canvasses and grid searches is encouraged, particularly for major crimes or incidents as well as areas that are experiencing any type of crime series.

C. LPR Procedures

LPR informational data files are periodically updated with different data sources being refreshed at different intervals. Therefore, it is important that LPR users take into account the potential for lag time between last update and an alert provided by the LPR system on a vehicle of interest or wanted vehicle. Any alert provided by an LPR system is to be considered informational and advisory in nature and requires further verification before action.

When alerted that a vehicle is wanted, stolen, or of interest to law enforcement, the mobile operator should, to the fullest extent possible, take the following steps:

1. Ensure the plate was read properly and that the state of origin is consistent with the alert.
2. Confirm the alert status by either manually entering the plate via the MDCT or requesting the check through dispatch.
3. Review the alert information to determine the nature of the advisory.
4. In the event that compelling circumstances are present or situational deputy safety issues make it unsafe to confirm the status of the alert information

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prior to taking action, the operator must confirm the status of the alert information as soon as possible.

5. When action is taken on an alert vehicle, it is the responsibility of the person taking action to provide the appropriate disposition information so the system may be updated as necessary.
6. Only sworn law enforcement officers should engage in contacting occupants of stolen or wanted vehicles.
7. Any incorrect read will be corrected within the system.

LPR Data Storage, Retention and Access

LPR systems have the capacity to collect and store data relevant and necessary for authorized law enforcement purpose.

- A. As established by the ARJIS Chiefs'/Sheriff's Management Committee, LPR data will be retained for a period of one year from the time the LPR record was captured by the LPR device. If the Department determines the LPR data is relevant to an ongoing criminal investigation, the department has the responsibility to document and retain the records on the department's server or in the case file. The LPR data documented in the criminal or administrative investigation will follow the same retention period as the report.
- B. All electronic images or data gathered by LPR technology are for the exclusive use of law enforcement personnel in the discharge of official duties and are not open to the public.
- C. Law enforcement officers shall not share LPR data with commercial or private entities or individuals. Law Enforcement officers may disseminate LPR data to government entities with an authorized law enforcement or public safety purpose for access to such data.
- D. These guidelines do not limit the use of the electronic images or data for legitimate purposes by prosecutors or others legally permitted to receive evidence under the law.
- E. Only authorized Sheriff's personnel who have successfully completed CLETS training may access and use LPR data. The requirements concerning the security and confidentiality are set forth in the FBI Security Policy and the CLETS PPP.
<https://www.fbi.gov/services/cjis/cjis-security-policy-resource-center>

Official Custodian/Owner of the LPR System and Information

Data Services IT Engineer assigned to administer LPR system is responsible for implementing the provisions of this usage and privacy policy as the official custodian/owner of the LPR system and the LPR information. (8-15-2019)