

# Santa Clara County Office of the Sheriff

## Surveillance Use Policy for Automated License Plate Reader Technology

### 1. Purpose

Automated license plate readers (ALPRs) use high speed cameras ~~used~~ to photograph vehicle license plates. ~~The Sheriff's ALPRs may are PIPS ALPR Technology model SupeRex III, and shall only~~ be placed on law enforcement vehicles and/or at fixed locations. ~~For~~ for authorized law enforcement and public safety purposes, ~~ALPR Technology may be utilized as set forth in this Surveillance Use Policy,~~ to collect license plate information from vehicles on roadways ~~or,~~ on property accessible to the public, ~~or on private property. A search warrant shall be obtained when legally required.~~

### 2. Authorized and Prohibited Uses

The Sheriff's Office maintains ~~Sheriff's Office~~ PIPS ALPR Technology, which ~~may~~ shall only be attached to law enforcement vehicles or deployed at fixed locations for the following purposes:

- To locate stolen, wanted, and/or other vehicles that are the subject of investigation;
- To locate and/or apprehend individuals subject to arrest warrants or who are otherwise lawfully sought by law enforcement;
- To locate victims, witnesses, suspects, and others associated with a law enforcement investigation;
- To locate missing children, adults, and/or elderly individuals, including in response to Amber Alerts and Silver Alerts;
- To support local, state, federal, and regional public safety departments in the identification of vehicles associated with targets of criminal investigations, including investigations of serial crimes;
- To protect participants at special events;
- To protect critical infrastructure sites;
- For other law enforcement or first responder uses not prohibited by law.

Any data obtained from ALPR Technology shall be used and handled pursuant to this Surveillance Use Policy and applicable state and federal law.

All other uses not referenced above shall be prohibited. Sheriff's personnel shall not utilize ALPR Technology for personal or non-law enforcement purposes.

~~ALPR Technology and its data shall not be used for illegal purposes or in an illegal manner.~~

### 3. Data Collection

Digital images of vehicle license plates and their associated license plate numbers are shall be collected by ALPR Technology. The Technology ~~also collects~~ shall collect

the date and time that the license plate passes a digital-image site where an ALPR is located.

#### 4. Data Access

Data collected by ALPR Technology ~~is~~shall be accessible by Sheriff's personnel and partnering law enforcement agencies participating in South Bay Information Sharing System (SBISS). Agencies, including the Santa Clara County Sheriff's Office, that are participating in SBISS are subject to SBISS Policies and Procedures governing ALPR Technology. A copy of the SBISS policy shall be posted on the Santa Clara County Sheriff's Office website for public review. (For the SBISS policy in effect as of ~~April 2017~~June 2018, see:

[https://www.sccgov.org/sites/sheriff/Documents/SBISS%20ALPR%20Policies%20and%20Procedures\\_031616\(v4.0\).pdf](https://www.sccgov.org/sites/sheriff/Documents/SBISS%20ALPR%20Policies%20and%20Procedures_031616(v4.0).pdf))

#### 5. Data Protection

Data collected by ALPR Technology ~~is~~shall be stored in a secured law enforcement facility with multiple layers of physical security and security protection. Encryption, firewalls, authentication and other reasonable security measures ~~may~~shall be utilized to protect ALPR Technology data.—:

- All ALPR data downloaded to the mobile workstation or in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- Only those employees of the Sheriff's Office working in an investigative or enforcement function shall access ALPR data.
  - Sheriff's Office employees approved to access ALPR data under these guidelines shall be permitted to access the data for legitimate law enforcement purposes only, such as when data relates to specific criminal activity or an investigation.

#### 6. Data Retention

ALPR Technology data associated with a criminal investigation may be downloaded onto an electronic storage device (~~e.g., disc or flash drive~~) or printed. Downloaded, copied, and printed data shall be maintained in accordance with applicable state and federal evidentiary laws, to include retaining the data through the adjudication of a case in a recognized court of law, as well as allotment of time for an appeals process and statute of limitations. All Sheriff's Office ALPR Technology data ~~not associated with a criminal investigation or prosecution stored in the system~~ shall be purged ~~from County-owned ALPR servers~~ no later than one year ~~after~~from the date it ~~is~~was collected.

#### 7. Public Access

ALPR data shall be made public or deemed exempt from public disclosure pursuant to state or federal law. For public requests for data, the Sheriff's Office shall confer with County Counsel to determine whether the requested data is exempt from disclosure pursuant to the

California Public Records Act, or is legally required to be disclosed, and shall respond to requests in compliance with applicable law.

## 8. Third-Party Data-Sharing

Data-sharing from ALPR Technology ~~may~~shall be ~~shared with~~limited to only the following:

- Law enforcement agencies who are members of the South Bay Information Sharing System Group, who have open authorized access subject to log-in/password protection requirements;
- District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence;
- Public Defender's Office or criminal defense attorney via the District Attorney's Office in accordance with California discovery laws;
- Other law enforcement offices as part of a criminal or administrative investigation;
- Parties to civil litigation, or other third parties, in response to a ~~subpoena;~~valid Court Order.
- ~~Other third parties, pursuant to a Court Order.~~

## 9. Training

Training for the operation of ALPR Technology utilized by the Sheriff's Office shall be provided by Sheriff's Office personnel. All Sheriff's Office employees who utilize ALPR Technology shall be provided a copy of this Surveillance Use Policy.

## 10. Oversight

Sheriff's Administration shall ensure compliance with this Surveillance Use Policy.

~~Access~~All access to and use of ALPR dataData shall be logged ~~for,~~ and the Sheriff's Office shall maintain an audit trail of requested and oversight purposes-~~accessed information, including the purpose of the search. Periodic, random audits shall be conducted by the Sheriff's Office on at least an annual basis. Audits shall ensure compliance with this policy and all applicable laws.~~

Audit reports shall contain the following information:

- Date and time of access;
- Name of law enforcement agency accessing data;
- Activity executed, including any license plate numbers searched;
- Incident number associated with the investigation.

Approved as to Form and Legality

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Rob Coelho  
Office of the County Counsel