

Automated License Plate Readers (ALPRs)

424.1 PURPOSE AND SCOPE

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.

424.2 POLICY

The policy of the New Bedford 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 information, it is not open to public review.

424.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the New Bedford 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, homeland security, electronic surveillance, suspect interdiction, and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Detective Division Commander. The Detective Division Commander will assign members under their command to administer the day-to-day operation of the ALPR equipment and data.

424.4 OPERATIONS

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.

- (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 criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped vehicles to canvass areas around homicides, shootings, and other major incidents. Partial license plates reported during major crimes should 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.

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- (e) No member of this [departmentoffice] shall operate ALPR equipment or access ALPR data without first signing the [ALPR Camera and Data Use Memorandum of Understanding](#) and submitting it to the Detective Division Commander for approval.
- (f) No ALPR operator may access confidential department, commonwealth, or federal data unless authorized to do so.
- (g) If practicable, the officer should verify an ALPR response through the appropriate official law enforcement database before taking enforcement action that is based solely on an ALPR alert.

424.5 DATA COLLECTION AND RETENTION

The Detective Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All stored ALPR data should be retained 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. In those circumstances, the applicable data should be downloaded onto portable media and booked into evidence.

424.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The New Bedford Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, and time.
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.

424.7 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, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
 - 1. The name of the agency.
 - 2. The name of the person requesting.
 - 3. The intended purpose of obtaining the information.

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- (b) The request is reviewed by the Detective Division Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

The exception to these requests is data shared by permission within the ALPR vendor's software.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

Attachments

ALPR Camera and Data Use Memorandum of Understanding.pdf



New Bedford Police Department Office of the Chief of Police

871 Rockdale Avenue, New Bedford, MA 02740
Phone: 508-991-6300

Jonathan F. Mitchell
Mayor

Chief of Police

Scott A. Carola
Asst Deputy Chief

Derek J. Belong
Asst Deputy Chief

ALPR Camera and Data Use Memorandum of Understanding

The New Bedford Police Department shall authorize access to our Automated License Plate Reader (LPR) cameras and data. Please review the following memorandum of understanding and return for access.

The LPR system, and all data collected, is the property of the New Bedford Police Department. Your department personnel may only access and use the LPR system for official and legitimate law enforcement purposes, memorialized by a case number, call for service, or report number in "search reason" field, consistent with New Bedford Police policy within this memorandum.

The following uses of the ALPR system are specifically prohibited:

- A. 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 LPR 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 or Intimidation: It is a violation of this policy to use the LPR system to harass and/or intimidate any individual or group.
- C. 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.
- D. Personal Use: It is a violation of this policy to use the LPR system or associated scan files or hot lists for any personal purpose.
- E. First Amendment Rights: It is a violation of this policy to use the LPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.
- F. Anyone who engages in an impermissible use of the LPR system or associated scan files, or hot lists may be subject to criminal prosecution and civil liability along with immediate termination of department access.



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- G. The New Bedford Police Department does not permit the sharing of LPR data gathered by the town or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CPB).
- H. No third-party requests to the New Bedford Police LPR data shall be released other than to prosecutorial agencies related to criminal cases investigated by your agency. Third party requests may be forwarded to New Bedford Police Department for review.
- I. No information obtained under this agreement shall be otherwise disseminated to any non-party.

Member/User: _____

Date: _____

Det. Div. Commander/Designee: _____

Date: _____