



Chapter 4 - Patrol Operations

Section 447 - Automated License Plate Readers (ALPR)

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Automated License Plate Readers (ALPR)

447.1 PURPOSE AND SCOPE

This procedure shall be applicable to the squad(s) equipped with of Automated License Plate Reader (ALPR) technology and is intended to provide guidance on the use of the ALPR and the data collected by the system (Minn. Stat. § 626.8472).

447.1.2 POLICY

The policy of the Grand Rapids 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 office. Because such data may contain confidential information, it is not open to public review.

447.1.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Grand Rapids 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 Captains. The Captains will assign members under their command to administer the day-to-day operation of the ALPR equipment and data.

447.2 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Office 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 necessary 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 cars to canvass areas around homicides,

shootings and other major incidents.

(d) No member of this office shall operate ALPR equipment or access ALPR data without first completing office-approved training.

(e) No ALPR operator may access confidential office, state or federal data unless authorized to do so.

(f) If practicable, the officer should verify an ALPR response through the Minnesota Justice Information Services (MNJIS) and National Law Enforcement Telecommunications System (NLETS) databases before taking

enforcement action that is based solely upon an ALPR alert

447.3 RESTRICTIONS, NOTIFICATIONS AND AUDITS

The Grand Rapids Police Department will observe the following guidelines regarding ALPR use (Minn. Stat. § 13.824):

- Data collected by an ALPR will be limited to:
 1. License plate numbers.
 2. Date, time and location of data captured.
 3. Pictures of license plates, vehicles and areas surrounding the vehicle captured.
- ALPR data may only be matched with the Minnesota license plate data file, unless additional sources are needed for an active criminal investigation.
- ALPRs shall not be used to monitor or track an individual unless done so under a search warrant or because of exigent circumstances.
- The Bureau of Criminal Apprehension shall be notified within 10 days of any installation or use and of any fixed location of an ALPR.

447.4 DATA COLLECTION AND RETENTION

ALPR Data Collection and Retention

All data collected by an automated license plate reader are private data on individuals or nonpublic data unless the data are public under section 13.82, subdivision 2, 3, or 6, or are active criminal investigative data under section 13.82, subdivision 7.

The Grand Rapids Police Department Captains are 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 office procedures.

ALPR data not related to an active criminal investigation must be destroyed no later than 60 days from the date of collection with the following exceptions (Minn. Stat. § 13.824):

1. Exculpatory evidence - Data must be retained until a criminal matter is resolved if a written request is made from a person who is the subject of a criminal investigation asserting that ALPR data may be used as exculpatory evidence.
2. Address Confidentiality Program - Data related to a participant of the Address Confidentiality Program must be destroyed upon the written request of the participant. ALPR data already collected at the time of the request shall be destroyed and future related ALPR data must be destroyed at the time of collection. Destruction can be deferred if it relates to an active criminal investigation.

All other ALPR data should be retained in accordance with the established records retention schedule in AXON evidence.com.

447.5 LOG OF USE

A public log of ALPR use will be maintained that includes (Minn. Stat. § 13.824):

- Specific times of day that the ALPR collected data.
- The aggregate number of vehicles or license plates on which data are collected for each period of active use and a list of all state and federal public databases with which the data were compared.
- For each period of active use, the number of vehicles or license plates related to:
 1. A vehicle or license plate that has been stolen.
 2. A warrant for the arrest of the owner of the vehicle.
 3. An owner with a suspended or revoked driver's license or similar category.
 4. Active investigative data.
- For an ALPR at a stationary or fixed location, the location at which the ALPR actively collected data and is installed and used.

A publicly accessible list of the current and previous locations, including dates at those locations, of any fixed ALPR or other surveillance devices with ALPR capability shall be maintained. The list may be kept from the public if the data is security information as provided in Minn. Stat. § 13.37, Subd. 2.

447.6 ACCOUNTABILITY

All saved data will be closely safeguarded and protected by both procedural and technological means. The Grand Rapids Police Department will observe the following safeguards regarding access to and use of stored data (Minn. Stat. § 13.824; Minn. Stat. 13.05):

- 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.
- 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 office- related civil or administrative action.
- Biennial audits and reports shall be completed pursuant to Minn. Stat. § 824, Subd. 6.
- Breaches of personal data are addressed as set forth in the Protected Information Policy (Minn. Stat. § 13.055).
- All queries and responses, and all actions, in which data are entered, updated, accessed, shared or disseminated, must be recorded in a data audit trail.
- Any member who violates Minn. Stat. § 09 through the unauthorized acquisition or use of ALPR data will face discipline and possible criminal prosecution (Minn. Stat. 626.8472).

447.7 RELEASING ALPR DATA AMONG LAW ENFORCEMENT AGENCIES

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, if they have a legitimate, specific and

documented purpose, using the following procedures (Minn. Stat. § 13.824):

- 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.
 4. A record of the factual basis for the access and any associated case number, complaint or incident that is the basis for the access.
 5. A statement that the request is authorized by the head of the requesting law enforcement agency or his/her designee.
- The request is reviewed by a Captain or Shift Sergeant and approved before the request is fulfilled.

1. A release must be based on a reasonable suspicion that the data is pertinent to an active criminal investigation and documented.

- The approved request is retained on file.

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

447.8 NOTIFICATION TO BUREAU OF CRIMINAL APPREHENSION

Notify the Bureau of Criminal Apprehension of that installation or use and of any fixed location of a stationary automated license plate reader within ten days of the installation or current use of an automated license plate reader or the integration of automated license plate reader technology into another surveillance device.

447.9 BIENNIAL AUDIT REQUIREMENT

The Department is required to arrange for an independent, biennial audit of records to determine whether the data are properly classified, how the data is used, whether the data was destroyed pursuant to statutory guidelines, and to verify compliance with the required data access policies. A report summarizing the results of each audit must be provided to the commissioner of Administration and the Legislature within 30 days of the audit's completion