

Automated License Plate Readers (ALPRs)

422.1 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 the automated license plate reader (ALPR) technology (Utah Code 41-6a-2003).

422.2 POLICY

The policy of the Utah Motor Vehicle Enforcement Division 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 division. Because such data may contain confidential information, it is not open to public review.

422.3 ADMINISTRATION

The ALPR technology, also known as license plate recognition (LPR), allows for the automated detection of license plates. It is used by the Utah Motor Vehicle Enforcement Division 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 Administration Lieutenant. The Administration Lieutenant will assign personnel under the Administration Lieutenant's command to administer the day-to-day operation of the ALPR equipment and data.

422.3.1 SPECIAL USE PERMITS

The Administration Lieutenant or the authorized designee shall obtain required special use permits before installation of stationary ALPR equipment when applicable (Utah Code 41-6a-2003; Utah Code 72-1-212).

422.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Division personnel 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 and legitimate law enforcement business (Utah Code 41-6a-2003).
- (b) Particular consideration should be given to using ALPR-equipped vehicles to canvass areas around homicides, shootings, and other major incidents that qualify for use of an ALPR. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

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- (c) No member of this division shall operate ALPR equipment or access ALPR data without first completing division-approved training.
- (d) If practicable, the investigator should verify an ALPR response through the appropriate law enforcement database before taking enforcement action that is based solely upon an ALPR alert.
- (e) No ALPR operator may access confidential division, state, or federal data unless otherwise authorized to do so.

422.4.1 LIMITATIONS ON USE

ALPR data shall only be used for the following official law enforcement business (Utah Code 41-6a-2003):

- (a) As part of an active criminal investigation as defined by Utah Code 41-6a-2002
- (b) To apprehend an individual with an outstanding warrant
- (c) To locate a missing or endangered person
- (d) To locate a stolen vehicle

An ALPR system may be used to access the Utah Criminal Justice Information System to verify vehicle registration or insurance information, confirm vehicle identification, or identify a stolen vehicle (Utah Code 41-6a-2003).

422.5 DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Utah Motor Vehicle Enforcement Division and because such data may contain confidential information, it is not open to public review. ALPR information gathered and retained by this division may be used and shared with prosecutors or others only as permitted by law (Utah Code 41-6a-2004).

The Administration Lieutenant 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 division procedures.

The Administration Lieutenant or the authorized designee shall take steps to have all ALPR data that is not reasonably related to official law enforcement business purged in an unrecoverable manner as soon as practicable. In no event shall this data be maintained longer than nine months unless it is subject to a warrant, preservation request, or disclosure order (Utah Code 41-6a-2004). Data that will not be purged should be downloaded from the server onto portable media and booked into evidence.

422.5.1 NON-GOVERNMENTAL AGENCY ALPR

ALPR data captured by a non-governmental agency device may only be obtained pursuant to a warrant or a court order (Utah Code 41-6a-2005).

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422.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Utah Motor Vehicle Enforcement Division will observe the following safeguards regarding access to and use of stored data:

- (a) All ALPR data downloaded to the mobile workstation and server 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 division-related civil or administrative action.
- (c) The number of ALPR data searches conducted by members as well as the crime type and incident numbers associated with each search shall be recorded and preserved for at least five years (Utah Code 41-6a-2005).
- (d) ALPR system audits should be conducted on a regular basis.

422.7 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.
- (b) The request is reviewed by the Administration Lieutenant or the authorized designee and approved before the request is fulfilled.
- (c) 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.

422.8 PUBLIC ACCESS

This policy and any special use permits obtained for stationary ALPRs shall be published on the State website or on the Utah Public Notice Website if the Division does not have access to a State website (Utah Code 41-6a-2003; Utah Code 72-1-212).