Proposed Automated License Plate Readers Guidelines

The Syracuse Police Department has provided draft policy documents (LPR SPD Lexipol Draft Policy and the current Policy that governs Mobil License Plate Reader Systems - Volume 1 Article 3, Operations Section 59.00 License Plate Reader Systems) to govern the use of ALPRs. In addition to enacting those provisions, we request that the following points are also incorporated as part of the pilot:

**Explicit Acknowledgement of Civil Rights & Liberties**

The SPD policy should acknowledge that Automatic License Plate Reader (ALPR) technology is used in the City of Syracuse in a manner that protects civil rights and liberties of citizens, including the First, Fourth and Fourteenth Amendments of the US Constitution.

**Specific policies and procedures:**

**Definitions:**

1. “ALPR data” shall mean the GPS coordinates, date and time, photograph, license plate number, or any other data captured by, inferred, or derived from any automatic license plate reader system, including but not limited to make, model, color, stickers, and other automatically recognized descriptors or parameters.
2. **Data sharing: Who data can and cannot be shared with**
   1. Data collected by ALPR should be expressly classified as confidential and accessible only by law enforcement under clearly defined conditions and only through individual requests. Other legal obligations to share data, such as to the Citizens Review Board (CRB), and NYS Discovery, are still considered valid, following all their stipulations and requirements.
      1. This aligns with existing statutes in Georgia, Maine, Maryland, Nebraska, North Carolina, and others.
   2. ALPR data should be considered For Official Use Only (FOUO). The requesting agency should make a written request for information, verifying that the request is being made for a permissible law enforcement use only.
      1. The requesting agency should also verify that it will abide by the SPD LPR policy, including provisions related to the retention of records.
   3. Data should not be shared with the vendor. ALPR data or analytics must not be used by the vendor to improve or contribute to their existing products or to the development of new products (such as FlockOS in the case of Flock Safety).
   4. Absent any court order or warrant, no data should be shared with ICE / DHS/Immigration enforcement purposes.
3. **Permissible Uses of LPR Technology**
   1. The SPD and other law enforcement agencies should only be allowed to request or use ALPR data for specific law enforcement purposes:
      1. Attempting to identify vehicle owner(s) or occupant(s) when such individual(s): A) has committed a criminal offense or are under active investigation for allegedly committing a criminal offense, or B) is suspected missing, or a victim or witness to a crime under active investigation.
      2. Attempting to locate a vehicle that is involved with/identified by make/model/or plate number as a part of a criminal investigation.
   2. A potential violation of immigration laws or immigration status alone is not sufficient to warrant sharing/use of this data.
4. **How long data can be retained for**
   1. Data of high sensitivity should not be retained indefinitely. A review of policies of data retention by ALPR at the state level show data retention schedules ranging from as little as 3 minutes (New Hampshire, 2007) to as much as 3 years (Colorado, 2015). These retention policies add the possibility to keep specific data points for longer if they are connected to law enforcement purposes.
      1. For routine data storage, the default length of time should be 7-30 Days.
      2. In the event of a felony where ALPR Data would assist the SPD in the investigation, they may make a Preservation Request to extend the data retention period of a specific geographic zone to 21-45 days.
         1. An operator of an automatic license plate reader system, upon the request of a governmental entity or a defendant in a criminal case, shall take all necessary steps to preserve ALPR data in its possession for 14 days pending the issuance of a court order under.
            1. A requesting governmental entity or defendant in a criminal case must specify in a written sworn statement:

The particular camera or cameras for which captured plate data must be preserved or the particular license plate for which captured plate data must be preserved; and

The date or dates and timeframes for which captured plate data must be preserved.

* + 1. In the event where ALPR data has been brought into Court as evidence in to assist in a Law Enforcement investigation, these guidelines allow for this data to be accessible for a longer period of time as is the procedure with other data captured by SPD.

1. **Policies addressing technological limitations on accuracy**
   1. A survey of ALPR accuracy rates should be part of the training of all officers and officials who use and have access to the technology.
      1. There should, therefore, be a clear procedure for confirming ALPR readings as part of traffic stops to avoid unwarranted detainment.
      2. Plates should be confirmed visually before a stop if possible, and at minimum they should be confirmed as soon as the officer exits the patrol vehicle.
2. **Reporting and audits**
   1. The Syracuse Police Department will post its Automatic License Plate Reader system use policy and privacy policy on its publicly available website.
   2. The Syracuse Police Department will report at the end of the pilot period on its ALPR practices and usage to the Mayor’s office and the Syracuse Surveillance Technology Working Group. The report will also be conspicuously posted on the Syracuse Police Department’s website and in the Surveillance Technology Working Group website. The report shall include:
      1. The locations and specifications of all cameras used for the Automatic License Plate Reader system
      2. The number of license plates scanned
      3. The names of the lists against which captured plate data were checked, and the number of confirmed matches and the number of matches that upon further investigation did not correlate to an alert
      4. The number of matches that resulted in arrest and prosecution
      5. The number of manually-entered license plate numbers, broken down by reason justifying the entry, and the number of confirmed matches and the number of matches that upon further investigation did not correlate to an alert
      6. Any changes to the Automatic License Plate Reader system or to the use or privacy policy.
      7. Data on accuracy, including date and time, for each instance of a false match, that is, an instance where a license plate was detected or matched incorrectly (for such false matches, the data should note when and how the error was detected).