

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors **DATE:** April 18, 2016

FROM: General Manager

SUBJECT: E & O Agenda Item #5-B: Test Deployment of Automated License Plate Reader (ALPR) Technology

Beginning in 2011, the BART Police Department began looking at Automated License Plate Reader (ALPR) technology as a law enforcement tool for automated detection of license plates. ALPR technology converts data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicle, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, suspect interdiction, stolen property recover, and parking fee collection and enforcement. ALPR technology can be deployed in fixed positions or mounted on vehicles, and is widely used by law enforcement and private entities in the Bay Area.

In 2013, the BART Police Department identified funding for a pilot program through California Proposition 1B Security Funds and purchased ALPR equipment for the project. This pilot program utilizes fixed ALPR technology at the MacArthur Station parking structure and the installation was completed in late 2015.

While the ALPR equipment for this pilot project was being installed, Senate Bill 34, Automated License Plate Recognition Systems: Use of Data (Jerry Hill, D-San Mateo), passed through the state legislature and was approved by the Governor. Senate Bill 34 (SB-34) emphasizes transparency, policy, and procedure in the use of ALPR technology. This includes:

- Publicly viewable policy;
- Data security and reporting measures; and
- An opportunity for the public to comment before implementation of the technology

The BART Police Department Bulletin, Test Deployment of Automated License Plate Readers, included with this memorandum, details the Department's policy for use of ALPRs. This policy complies with the requirements of SB-34 and will be posted to the BART Police Department website before implementation of the program.

This policy also complies with the requirements of the Northern California Regional Intelligence Center (NCRIC), with which the BART Police Department is a member agency and part of the NCRIC Data Sharing Partnership, allowing for the exchange of gathered ALPR data.

Please contact Deputy Chief Ben Fairow at (510) 464-7054, if you have questions or need additional information.


Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



**BART POLICE DEPARTMENT
KENTON W. RAINEY, CHIEF OF POLICE**

**BULLETIN NO.
DATE OF ISSUE:**

TEST DEPLOYMENT OF AUTOMATED LICENSE PLATE READERS

The Department is conducting a test of fixed Automated License Plate Reader (ALPR) technology at selected locations in the District. These tests will involve fixed units, located at entrances and exits of parking lots and/or garages and is expected to assist in the suppression and investigation of crime, thereby enhancing public safety in the BART System. A formal policy will be issued in the event ALPR technology is adopted for long-term use by the Department.

PURPOSE AND SCOPE

ALPR technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Bay Area Rapid Transit 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. ALPRs may also be used to gather information related to active warrants, homeland security, suspect interdiction, stolen property recovery, and parking fee collection and enforcement.

ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Support Services Deputy Chief of Police. The Support Services Deputy Chief of Police will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department 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.
- b) An ALPR may be used in conjunction with any criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- c) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- d) No ALPR operator may access California Law Enforcement Telecommunications System (CLETS) data unless otherwise authorized to do so.
- e) If practicable, the officer should verify an ALPR response through CLETS before taking enforcement action that is based solely on an ALPR alert.

ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Bay Area Rapid Transit Police Department and because such data may contain confidential CLETS information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law. All ALPR data collected by the Department is electronically transmitted to the Northern California Regional Intelligence Center (NCRIC).

All ALPR data will be stored for a minimum of one year (Government Code § 34090.6), and thereafter 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 lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

ACCOUNTABILITY AND SAFEGUARDS

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

- a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Supervisor and processed in accordance with applicable law related to public records requests.
- b) All ALPR data downloaded to NCRIC shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- c) Persons 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.
- d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- e) ALPR system audits should be conducted on a regular basis.

Kenton W. Rainey
Chief of Police

KWR:bhf