

	SAN MARCOS POLICE DEPARTMENT	
	Policy 5.4 Automated License Plate Readers	
	Effective Date: June 24, 2022	Replaces:
	Approved:  _____ Chief of Police	
	Reference:	

I. POLICY

The San Marcos Police Department has been authorized by the San Marcos City Council to utilize Automated License Plate Readers (ALPR) to assist in providing safety to the residents of San Marcos, Texas and surrounding communities. This policy establishes the use of ALPR technology.

II. PURPOSE

The primary purpose of the San Marcos Police Department ALPR system is to provide a tool for use by Patrol and Criminal Investigations personnel. This tool assists in the detection and apprehension of vehicles and/or persons traveling through the jurisdiction of the San Marcos Police Department in a vehicle that has license plates that have been entered either into the National Crime Index Computer or on the SMPD ALPR Hotlist. The ALPR system can also be utilized by SMPD Detectives to assist in the development of leads that can eventually identify suspects who have committed crimes within the city and surrounding communities.

III. DEFINITIONS

- A. Automated License Plate Reader (ALPR). A device that uses cameras and computer technology to compare digital images to lists of known information of interest.
- B. ALPR Operator. Department members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the Department.
- C. ALPR Administrator. The Chief of Police or their designee, serves as the ALPR Administrator for the Department.
- D. Hot List. A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, NCIC, TCIC, Local BOLO's, etc.
- E. Vehicles of Interest. Including, but not limited to vehicles which are reported as stolen; display stolen license plates or tags; vehicles linked to missing and/or wanted persons and vehicles flagged by SMPD or other law enforcement agencies.
- F. Detection. Data obtained by an ALPR of an image (such as a license plate) within public view that was read by the device, including potential images (such as the plate and description of vehicle on which it was displayed), and information regarding the location of the ALPR system at the time of the ALPR's read.
- G. Hit. Alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing person, domestic violation protective order, violent crime or terrorist-related activity.

IV. PROCEDURES

This document establishes procedures for the lawful and proper use of ALPR technology and provide for the best use of ALPR technology while at the same time protecting the rights of residents and motorists traveling on public roadways while in the City of San Marcos Area of Jurisdiction.

A. General

1. The ALPR Program will be managed by the Chief of Police or his designee to ensure that the equipment is being effectively utilized and maintained. The Chief of Police or his designees will be responsible for the determination of the locations for the placement of ALPR system equipment. Locations will be determined based on maximum captures of license plates at points of ingress and egress into the city, natural choke points where vehicle traffic must pass before entering sections of the city and/or locations based on criminal activity. The SMPD has been authorized and funded 10 ALPR systems in fixed locations.
2. Login/Log-Out Procedure. To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be fully audited.

B. Communications

The tele-communications section of the SMPD will have access for monitoring the ALPR system. All hits received will sound an alert in the Communications dispatch center. Upon receiving an alert, on-duty dispatch personnel will immediately verify the captured plate (photo) with the wanted/suspect plate number displayed as the wanted plate from either NCIC, TCIC or the SMPD Hotlist. Upon visual verification of the plate/tag the dispatcher will manually verify the wanted plate with NCIC to determine if it is still outstanding as wanted.

1. Wanted/stolen plates that are verified will result in an immediate dispatch of the district officer as a priority event with an alert tone being utilized.
2. Stolen License Plates. On all stolen license plate hits, dispatch personnel will check the stolen plate through NCIC. Should the stolen plate come back to a vehicle with the same make, model and color of the vehicle that the stolen plate is currently being displayed on; the dispatched units shall be immediately advised of that fact. Officers should be advised that the plate may be the secondary license plate and not stolen.
3. Hotlist Alerts may include specific instructions to field personnel. Those instructions will also be relayed to on-duty personnel at the time of dispatch. i.e. "stop only with probable cause and ID occupants".
4. SMPD Communications personnel shall be responsible for notification of the NCIC/TCIC information submitting jurisdiction of the recovery of wanted stolen vehicles and the status of any arrests. Notification shall be as per NCIC/TCIC protocols.

C. Sworn Officers/Detectives

Upon being notified of an ALPR notification, on duty personnel will respond to the area of the capture and look for the suspect vehicle. If the vehicle is located, proper traffic stop procedures shall be followed based upon the type of hit, officer observations and other factors present. The first officer identifying the wanted vehicle should wait for appropriate back-up before initiating a traffic stop or engaging the vehicle. Felony stops if conducted, will be properly documented. All traffic stops, felony stops, pursuits, etc. will follow SMPD Policy Guidelines.

1. An ALPR shall only be used for official law enforcement business.

2. 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.
 3. Partial license plates and unique vehicle descriptions reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
 4. Detectives may be requested to assist on any felony arrests as needed.
 5. ALPR notifications and results should be included on the Sergeant's daily briefing reports.
 6. When officers utilize ALPR data to assist in identification of a suspect or vehicle linked to criminal activity, the ALPR data shall be downloaded from the system and attached to the investigation as evidence.
- D. Supervisory Responsibilities
1. The on-duty Supervisor shall respond to all ALPR hit's that result in any use of force, to include the display of a firearm.
 2. Should a vehicle fail to stop for a marked unit with all emergency equipment activated the on-duty Supervisors shall determine if the reason for the vehicle being in the ALPR data base warrants that the pursuit be allowed to continue. When appropriate, pursuit termination devices (stop sticks) should be available and ready for use before attempting to stop any wanted violent crime ALPR suspect vehicle. The department pursuit policy shall apply should the vehicle fail to stop.

V. ALPR DATA

The SMPD ALPR system database and capture information are to be used for official law enforcement purposes only. Personnel shall only access the database for investigative/administrative purposes only and treat all data as confidential. The utilization of the ALPR system for any other reason will require the approval of the Chief of Police.

- A. Personnel will not enter any license plates into the SMPD "Hotlist" unless the vehicle is currently wanted/suspected in criminal activity. All hotlist vehicles shall include a case/cad number and reason for the vehicle being in the system. All hotlist vehicles shall have an expiration date.
- B. ALPR capture data shall be purged after 30 days unless it is evidence or necessary for an on-going case.
- C. When personnel become aware of invalid data being contained within the state NCIC/TCIC database, SMPD personnel shall notify the contributing agency and document who was notified by name and title on the CAD report.
- D. SMPD may enter into data-sharing agreements with other law enforcement agencies as determined by the Chief of Police.

VI. PERMITTED/IMPERMISSIBLE USES

- A. The ALPR system, and all data collected, is the property of the San Marcos Police Department. Department personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this Policy.
- B. The following uses of the ALPR system are specifically prohibited:
 1. Invasion of Privacy. Except when done pursuant to a court order such as a search warrant, is a violation of this Policy to utilize the ALPR 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).

2. Harassment or Intimidation. It is a violation of this Policy to use the ALPR system to harass and/or intimidate any individual or group.
 3. 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.
 4. Personal Use. It is a violation of this Policy to use the ALPR system or associated scan files or hot lists for any personal purpose.
 5. 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.
- C. Anyone who engages in an impermissible use of the ALPR system or associated scan files or hot lists may be subject to:
1. Criminal prosecution,
 2. Civil liability, and/or
 3. Administrative sanctions, up to and including termination, pursuant to and consistent with the relevant meet and confer agreement and Department policies.

VII. PRIVATELY OWNED/FUNDED ALPR SYSTEMS

The SMPD recognized that residents may want to purchase privately owned ALPR systems and link them to the SMPD network of systems. All private systems linked to the SMPD system must be approved by the Chief of Police. All data received by the SMPD shall become SMPD data and subject to all provisions of this policy. The SMPD must be provided search capabilities to any linked ALPR system. The SMPD shall not be responsible for any costs associated with a privately funded ALPR system.

- A. Privately owned ALPR systems must meet all local government right of way ordinances, rules and regulations.
- B. The SMPD will not actively monitor any privately-owned ALPR or Video system.