

# Automated License Plate Reader (ALPR) Policy and Data Usage Protocol Update

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Item 4.1

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San José Police Department

# Data Minimization and Fiscal Impact

## Reduced Retention Period

- Default retention reduced from 1 year to 30 days
- Minimal impact on investigations
- Consistent with Digital Privacy Policy principle of minimization
- Investigative data retained per evidentiary law

## Fiscal Impact

- Estimated annual savings of approximately \$142,200
- No additional costs associated with other updates

# Strengthened Privacy Safeguards

## Sensitive Location ALPR Placement Restrictions

- No placement capturing vehicles entering/exiting
  - reproductive health care facilities primarily providing abortion services
  - locations primarily used for religious observance
- Current camera placement is already compliant

## Prohibited Uses Remain in Effect

- No monitoring of constitutionally protected activity
- No data sharing for immigration enforcement
- No automated enforcement without manual review
- No sale of ALPR data

# Enhanced Oversight and Access Controls

## External Agency Access Requirements

- Crime type, case number, and justification are now required fields
- Command-level approval is required for inquiries by agencies without existing access

## System Security

- Multi-factor authentication required for all SJPD access
- Quarterly compliance audits of both internal and external access by City ITD
- SJPD has always disabled the ability for federal agencies to make requests for our data
- Flock has disabled national queries of the data from all California agencies
- Flock has integrated, and SJPD has enabled, platform-level technology to block all queries determined to be related to immigration enforcement or reproductive rights

# Transparency and Immigration Protections

## State Law Restrictions

- System access is shared only with California law enforcement agencies
- California Values Act and SB 34 prohibit sharing this information for federal immigration enforcement
- Transmittal of ALPR data for immigration enforcement is illegal
- All SJPD users of the system are trained on these restrictions
- Internal audit performed, confirming no data has been released for federal immigration purposes since Flock implemented at SJPD
- Login prompts require users to agree to these restrictions before making any query

## Transparency Enhancement

- Public portal updates to clearly reflect these legal limits

# Ongoing Evaluation and Analysis

## ALPR Strengthens Public Safety

- Supports real-time investigations of serious crimes
- Assists in locating at-risk missing persons
- Enhances coordinated response between patrol, investigations, and air support
- Has shown a positive impact on case solvability

The San José Police Department's Flock Transparency Portal provides detailed historical case examples demonstrating how ALPR is used in criminal investigations.

<https://transparency.flocksafety.com/san-jose-ca-pd>

# Recommendations

(a) Approve the following changes to the Police Department Automated License Plate Reader Data Usage Protocol:

- 1) Change the default retention period of data collected by the Automated License Plate Reader from “one year” to “30 days.”
- 2) Prohibit placing Automated License Plate Reader cameras in positions that capture data from vehicles entering or exiting any reproductive health care services facility primarily providing abortion services or any location primarily used for religious observance.
- 3) Make other technical, non-substantive, or formatting changes.

# Recommendations

- (b) Accept the report on the Police Department's Automated License Plate Reader program and approve the following changes to the Automated License Plate Reader policy:
- 1) Require additional compliance documentation from California agencies requesting access to the Police Department's Automated License Plate Reader data, including the reason justification, the crime type, and a case number.
  - 2) Require approval from a command staff officer before assisting agencies without existing access.
  - 3) Require multi-factor authentication for all access to the Automated License Plate Reader system.

# Recommendations

(c) Add the following clarification to the Police Department's public Automated License Plate Reader Transparency Portal:

“The San José Police Department only shares data with California law enforcement agencies subject to the California Values Act (Senate Bill 54, 2017)<sup>2</sup> and Automated License Plate Recognition Systems: Use of Data (Senate Bill 34, 2015).<sup>3</sup> These laws prohibit information sharing with federal immigration enforcement. Transmittal of Police Department Automated License Plate Reader data to federal agencies for immigration enforcement is illegal.”