1.0 PURPOSE

This policy establishes the authorized use and operational guidelines for Automatic License Plate Readers and the storage of their collected data. The ALPR program is a function of the Commercial Vehicle Enforcement Bureau.

2.0 POLICY

It is the policy of the Department of Public Safety to explore new technologies that advance the capabilities of the department to protect and serve the public. This policy is designed to provide guidance in the use of ALPRs and the retention, dissemination and disposition of the data they generate, while continuing to safeguard the right of privacy of the public.

3.0 APPLICABILITY

This policy applies to all DPS Commissioned personnel and Transportation Inspectors.

4.0 REFERENCES

A. CALEA 41.3.9 License Plate Recognition Systems

B. NMAC 1.21.2.507 Retention of Transportation and Trip Permits

5.0 DEFINITIONS

A. **Automated License Plate Reader (ALPR) –** Equipment used to assist law enforcement officers with the identification of commercial vehicles with a history of safety violations, regulatory violations, active stolen vehicles and vehicles known to have been used in the commission of a crime or suspected terrorist activities. The system utilizes a dual channel, color and infrared (IR) camera to read plates in conjunction with a software program installed on a mobile computer.

B. **Alert Data –** Information captured by an ALPR relating to a license plate that matches the license plate that has a BOLO on NCIC or PRISM.

C. **Authorized User –** A Commissioned Officer or Transportation Inspector who has been authorized by the Chief or designee to operate an ALPR or access and use ALPR stored data and who has successfully completed training on ALPR policy and operation.

D. **Hot List –** A compilation of databases of license plates, or partial license plates, of a vehicle or a commercial carrier for which a BOLO situation exists that is downloaded automatically from NCIC, MCMIS and PRISM into an ALPR so that the device will alert if it captures the image of a license plate that matches a license plate on the Hot List. MCMIS and PRISM databases are updated every twenty four (24) hours while the NCIC database is updated four (4) times every twenty four (24) hours.

E. **BOLO (Be on the Lookout) or BOLO Situation -** A determination by a law enforcement agency that there is a legitimate and specific law enforcement reason to identify or locate a particular vehicle, or, in the case of a post-scan BOLO, there is a legitimate and specific reason to ascertain the past location(s) of a particular vehicle.

F. Immediate Alert - An alert that occurs when a scanned license plate matches the license plate on an initial Hot List and that is reported to the officer operating the ALPR, by means of an audible alarm or by any other means, at or about the time that the subject vehicle was encountered by the ALPR and its license plate was scanned by the ALPR.

G. MCMIS (Motor Carrier Management Information System) - a database showing the safety history of motor carriers.

H. NCIC (National Crime Information Center) - an electronic clearinghouse maintained by the FBI that can be accessed by every criminal justice agency nationwide.

I. Non-Encounter Alert - An immediate alert where the officer operating the ALPR is instructed to notify the agency that put out the BOLO without initiating an investigative detention of the subject vehicle or otherwise revealing to the occupant(s) of that vehicle that its location has been detected or that it is the subject of law enforcement attention [e.g., a Violent Gang or Terrorist Organization File (VGTOF) alert].

J. Personal Identifying Information - Information that identifies one or more specific individual(s), including an individual's name, address, social security number, vehicle operator's license number or biometric records. The term includes personal identifying information that is included within the data comprising a BOLO list, as well as personal identifying information that is learned by checking a license plate scanned by an ALPR against the Department of Motor Vehicle database or any other data system that contains personal identifying information.

K. PRISM – Performance and Registration Information Systems Management, is an information system designed to identify high risk commercial vehicle carriers and flag vehicles operating under a Federal Out of Service Order.

L. Post-Scan BOLO List - A BOLO list that is compared against stored data collected by an ALPR, including scanned license plate data that has been transmitted to another device or data storage system.

M. Post-Scan BOLO Query - The process of comparing a post-scan database list against stored ALPR data.

N. Scan - The process by which an ALPR automatically focuses on, photographs, and converts to digital text the license plate of a vehicle that comes within range of the ALPR.

6.0 PROCEDURE

A. Organization

1. The Chief of the New Mexico State Police or his designee is responsible for authorizing the use of ALPRs and provide final approval for all DPS ALPR operations. ALPR units will be strategically stationed throughout the state as designated by the State Police Chief or his designee. The department operates the majority of these units as permanently mounted units at the state's ports of entry. There are a small number of mobile units that can be repositioned to areas that require specific attention. District Commanders may request and utilize this equipment during various operations.

B. Procedures and Restrictions for ALPR Deployment and Use

1. The Officer or Transportation Inspector that receives an alert will stop the vehicle in question and verify the alert through MCMIS, NCIC or PRISM. If the alert requires law enforcement, civilian Transportation Inspectors will contact a commissioned officer for assistance. If the alert is not a law enforcement (NCIC) hit, then the civilian transportation inspector will conduct an inspection and take appropriate action to address the violation. This is done through an inspection of the vehicle and driver's credentials which are verified and recorded on an official inspection form and ALPR Daily Activity Log. Commissioned law enforcement officers will follow the same path but may issue citations for obvious violations and also enforce the reason for the alert including arrest.

2. ALPRs shall be utilized to scan, detect and identify license plates which may appear in selected databases (PRISM, MCMIS and NCIC). PRISM and MCMIS are updated every 24 hours, and the NCIC database is updated four (4) times every 24 hours by the FBI. The ALPR will be operated only by personnel who have been trained by the department or the authorized manufacturer in the operation of the system. The operating officer or inspector shall inspect and test ALPR equipment when logging on at the beginning of their shift to verify the proper functioning of all equipment.

3. The ALPR equipment is the responsibility of the operating officer or Inspector and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the appropriate Zone Commander as soon as possible so that an appropriate repair can be made or a replacement unit can be procured.

4. All ALPR use will be documented on the ALPR Daily Activity Log.

5. The ALPR shall be deployed and used only to support official law enforcement, public safety missions and Commercial Vehicle Enforcement or for department approved ALPR training.

C. Approved Uses

All ALPR usage shall be authorized by a district or section commander or designee and then forwarded to the Chief or his/her designee for approval.

1. Identifying vehicles that are known to have been used by criminal offenders or are on a Department of Homeland Security Watch List.

2. The fixed ALPR units are utilized for recognition of commercial vehicles that are currently registered, properly permitted and are not reported as stolen. ALPR units further query carriers by USDOT number and verifies that the company is not operating on a Federal Out of Service Order or identified as an imminent danger to the public. The system further displays each carrier's safety rating, which aids in inspection selection of carriers. The system also checks if the carrier is properly registered and has acquired the proper permitting to enter and operate within the State of New Mexico.

3. Mobile ALPR equipped units are used primarily for NCIC purposes, such as identifying stolen vehicles or license plates as well as vehicles that may have been included in Amber and Silver Alerts.

D. Maintenance

The equipment vendor provides ALPR maintenance. Upon discovery of a maintenance discrepancy with an ALPR, the operator will immediately notify the Zone Commanders through the chain of command by IDC. The Zone Commanders will contact the vendor to arrange for maintenance on the equipment. After any maintenance is performed, a system test shall be conducted and documented on an ALPR Daily Activity Log.

E. Training Requirements

1. Initial Training – All personnel selected to operate ALPR equipment will receive initial training on system operation, procedures and right to privacy laws from the ALPR vendor or the department.

3. Annual Training – Each operating officer or transportation inspector must attend in-service training once every year to include updated industry standards and field exercises, as well as a review of current case law governing the use of ALPR systems.

F. Documentation Of Mission Reporting

All ALPR operations including training shall be documented on a ALPR Daily Activity Log at the end of the operating officer's shift and submitted through the chain of command to the District Commander or his designee. At a minimum, the original ALPR Daily Activity Log shall include the date, time, location, operating officer's name, district, license plate number(s) and state(s) and a brief summary of activity.

G. Digital Data Retention

All information used for enforcement actions captured by an ALPR and stored in the device's memory or in a separate data storage device or system is automatically transferred to a secure server. This includes the recorded image of a scanned license plate and optical character recognition data, a contextual photo (i.e., a photo of the scanned vehicle and/or occupants), global positioning system (GPS) data (when the ALPR is equipped with a GPS receiver) or other location information, and the date and time of the scan. This applies only to alert data that has been captured and stored by an ALPR or in a separate data storage device or system. No personal identifying information is retained, only vehicle information is stored. Stored information is purged every 10 days. Certain data used for taxation and revenue purposes may be stored for three years in accordance with NMAC 1.21.2.507, "Retention of Transportation and Trip Permits." Data that has evidentiary value will be downloaded and stored in accordance with OPR:17 Evidence/ Property Handling.

7.0 ATTACHMENTS

A. Department of Public Safety ALPR Daily Activity Log

8.0 APPROVAL

APPROVED BY: S/ Scott Weaver   **DATE:**   April 9, 2018
                    DPS Cabinet Secretary