

## **RESOLUTION NO. 22-253**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADOPTING AN AUTOMATIC LICENSE PLATE READERS USAGE AND PRIVACY POLICY**

**WHEREAS**, the City of Carson (“City”) intends to use Automatic License Plate Readers (“ALPRs”) in order to deter criminal activity and to aid law enforcement in its investigation and prosecution of possible crimes; and

**WHEREAS**, ALPRs provide a searchable computerized database resulting from the operation of one or more mobile or fixed cameras combined with computer algorithms to read and convert images of license plates and the characters they contain into computer-readable data; and

**WHEREAS**, California Civil Code Section 1798.90.51 requires public agencies operating ALPRs to adopt and implement a usage and privacy policy in order to ensure that the collection, use, maintenance, sharing, retention and dissemination of information collected pursuant to such system protects individual privacy and civil liberties; and

**WHEREAS**, the City has prepared an Automatic License Plate Readers Usage and Privacy Policy (“Policy”) to regulate the use, management, retention and other aspects of the City’s ALPRs and the Policy shall be made available to the public in writing and posted on the City’s website; and

**WHEREAS**, the City Council now sees fit to adopt and implement the Policy.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The recitals above are true and correct and are incorporated herein by this reference.

**SECTION 2.** The City Council hereby adopts the Automatic License Plate Readers Usage and Privacy Policy attached hereto and incorporated herein by this reference as Exhibit “A.”

**SECTION 3.** The City Council declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

**SECTION 4.** The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

**SECTION 5.** This Resolution shall take effect immediately upon its adoption.

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PASSED, APPROVED, and ADOPTED this 21<sup>st</sup> day of February, 2023.

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Lula Davis-Holmes, Mayor

ATTEST:

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Dr. Khaleah R. Bradshaw, City Clerk

APPROVED AS TO FORM:

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Sunny K. Soltani, City Attorney

## **EXHIBIT “A”**

### **City of Carson**

#### **Automatic License Plate Reader Usage and Privacy Policy**

California Civil Code Section 1798.90.51 requires public agencies operating Automatic License Plate Readers (“ALPR” or “ALPRs”) to adopt and implement a usage and privacy policy in order to ensure that the collection, use, maintenance, sharing, and dissemination of information collected pursuant to such system protects individual privacy and civil liberties. Consistent with the state law mandate, the City of Carson (“City”) has adopted this Automatic License Plate Reader Policy (“Policy”) to regulate the use, management, retention and other aspects of the City’s ALPRs, ultimately for the purpose of deterring criminal activity and to aid law enforcement in its investigation and prosecution of possible crimes. This Policy shall be made available to the public in writing and posted on the City’s website.

The City operates ALPRs which are automatic license plate recognition camera systems that collect clear vehicle plate, make, model, color and speed data that will help the City, through the Los Angeles County Sheriff’s Department (“LASD”), capture critical investigative data and protect its citizens within certain strategically placed locations within the City, including within public rights of way and entrances to City facilities. The ALPR system is a searchable computerized database resulting from the operation of one or more mobile or fixed cameras combined with computer algorithms to read and convert images of license plates and the characters they contain into computer-readable data (“ALPR Data”).

- 1. The purpose of this Policy is to set forth the procedures for use of the ALPRs and ALPR Data conducted and collected in the course and scope of LASD providing law enforcement and crime prevention services as well as establishing use and data retention policies. The City will only make the ALPR Data available to the following: (1) LASD, which provides law enforcement services for the City, in accordance with LASD’s duly adopted policy and procedures, and (2) other law enforcement or prosecutorial agencies upon request from those agencies. Authorized Purposes for Using the License Plate Cameras and Collecting Photographic License Plate Images and/or ALPR Data.**

The purpose for using ALPRs and collecting ALPR Data is to deter criminal activity and to aid law enforcement in its investigation and prosecution of possible crimes.

Any data obtained from the City’s ALPRs shall be used and handled pursuant to this Policy, LASD policy, the policies of law enforcement or prosecutorial agencies that request ALPR Data, and applicable state and federal law. All other uses not referenced above shall be prohibited. ALPR Data should under no circumstances be used for personal purposes or purposes not specifically authorized herein. Possession of ALPR Data does not negate the need to comply with other laws or regulations including the requirement to obtain a search warrant when legally required.

## **2. Persons Authorized to Access the Cameras or Collect License Plate Image/ALPR Data.**

The ALPRs are installed and maintained by an independent contractor using proprietary technology. All ALPR Data is sent directly to LASD and securely stored in a cloud-based server where all data (both footage and metadata) is fully encrypted and automatically deleted after five (5) years. The ALPR system shall only be accessed by sworn LASD officers in accordance with applicable policy and procedures duly adopted by LASD. The independent contractor shall not access footage without explicit, written permission from the City to help collect evidence in the event of a crime and shall not share, sell, or monetize ALPR Data. The independent contractor shall be responsible for maintaining the ALPRs.

## **3. Training.**

Training on the use of ALPRs shall be provided by the independent contractor as needed by LASD. The basic ALPR software interface is intuitive and specific queries can only be done after all the information is collected, including search purposes and identifying information as to the individual conducting the search. There are also detailed help tutorials within the basic ALPR software to assist with helping each user to run certain basic queries.

## **4. How the License Plate Cameras will be monitored to Ensure Security of the Information and Compliance with Applicable Privacy Laws.**

ALPR Data is confidential and shall not be shared or open to the public for review. ALPR Data may only be shared with LASD personnel in accordance with LASD's duly adopted policy, and other law enforcement or prosecutorial agencies for official law enforcement purposes in accordance with this Policy and the policies adopted by such agencies. Data shall not be used for any non-work-related purposes and all uses shall take into consideration the privacy, civil rights, and civil liberties of individuals.

All information collected and stored as part of the ALPR system, including photographic license plate images and/or ALPR Data shall be closely safeguarded and protected by both procedural and technological means and shall be securely stored in a secured cloud-based server.

## **5. The purposes of, process for, and restrictions on, the sale, sharing, or transfer of license plate image data to other persons.**

All ALPR Data are stored only on the secured cloud-based server. The stored data shall only be accessed by LASD or other law enforcement agency when requested by the agency as part of a criminal investigation. The LASD shall maintain a log or other system that shows, at minimum, (1) the date any data was accessed by LASD or requested and provided to any other agency, (2) which agency accessed or was provided the data, (3) the license plate number or other data elements used to query the ALPR system, (4)

the username of the person who accessed the information and, as applicable, the organization or entity with whom the person is affiliated, and (5) the purpose for accessing the information. All ALPR Data access requires a username and password for access.

Once photographic license plate images and/or ALPR Data is obtained by a law enforcement agency, it shall become the property of that agency, and the City of Carson shall have no responsibility for that data and shall not be required to maintain any copy thereof. Moreover, the usage and privacy policies of that agency will apply.

**6. The Title of the Official Custodian, or Owner, of the License Plate Cameras responsible for implementing this Policy.**

The Assistant City Manager or City Manager's designee shall be responsible for implementing this Policy.

**7. A Description of the Reasonable Measures that will be used to ensure the Accuracy of License Plate Camera Data and Correction of Data Errors.**

The independent contractor shall, no less than once every thirty (30) days, monitor the ALPR system including data storage to ensure that the system is working properly. If any portion of the system is found to be working improperly, the independent contractor shall take all reasonable measures to timely correct any problem. The independent contractor shall maintain a log or other system that records when a problem was discovered, and the time period, if any, that the system was not working or not working properly.

The ALPR system shall be monitored and maintained by the independent contractor to ensure functionality, reliability and functionality in accordance with specific terms and conditions of the applicable agreement.

**8. The Length of Time the License Plate Image Data Will be Retained, and the Process Utilized to Determine if and when to Destroy Data.**

Data from the APLR system including all ALPR Data that is collected by the independent contractor shall be stored for period of five (5) years from the date of recordation of the data. The ALPRs will be set/programmed for a five (5) year retention period after which time ALPR Data will be permanently deleted one minute after such data retention period has expired.

**9. Security Procedures to Protect License Plate Image and ALPR Data.**

The independent contractor shall maintain reasonable security procedures including operational, administrative, technical, and physical safeguards to protect license plate image data from unauthorized access, destruction, use, modification, or disclosure.

**10. Notice of Breach of Security.**

In the event of a breach of security of license plate image data, the City will provide notice of said breach pursuant to Civil Code section 1798.29.