



*Kern County Sheriff's Office*

**Policies and Procedures**

<b>TITLE:</b> USE OF CLEAR LICENSE PLATE READER (LPR) AND LEARN DATA		<b>NO:</b> J-3800	
<b>APPROVED:</b> Donny Youngblood, Sheriff-Coroner			
<b>REFERENCE:</b> KCSOPPM Section J-1610, Civil Code 1798.90.5, Civil Code 1798.90.51, Civil Code 1798.90.52, Civil Code 1798.90.53, Civil Code 1798.90.55			
<b>EFFECTIVE:</b> March 3, 2020	<b>REVIEWED:</b> 03/03/2020	<b>REVISED:</b> 03/03/2020	<b>UPDATED:</b> 03/03/2020

**POLICY**

The purpose of this policy is to provide guidance for the use of digital data obtained through the use of CLEAR License Plate Reader (LPR) and Law Enforcement Archival Reporting Network (LEARN) technology (Civil Code § 1798.90.53).

The use of CLEAR LPR and LEARN technology is for official law enforcement purposes with the goal of increasing the efficiency and effectiveness of its public safety efforts in a manner that safeguards the legitimate privacy concerns of law abiding citizens. Designated personnel may use the CLEAR LPR and LEARN systems for official use only and any matches received must be verified before enforcement action is taken.

All users of the systems outlined in this policy will also abide by Kern County Sheriff's Office PPM J-1610, as it relates to this system.

**DEFINITIONS**

**ALPR (Automated License Plate Reader):** A system utilizing cameras and computer hardware and software to capture digital images of vehicle license plates and other alpha numeric identifiers. ALPRs may be stationary or mounted on vehicles. The Kern County Sheriff's Office does not deploy ALPRs.

**LEARN (Law Enforcement Archival Reporting Network):** The proprietary web-based interface developed by Vigilant Solutions. LEARN provides the ability to query ALPR data obtained from commercial and other law enforcement sources, input records, and organize/utilize/monitor surveillance data.

**CLEAR LPR Administrator:** The financial administrator is responsible for monitoring access for CLEAR LPR access only. CLEAR LPR only includes images obtained from public cameras. CLEAR LPR has restricted access for users. The CLEAR LPR Administrator does not have access or monitor

LEARN Applications.

**LEARN Administrator:** The Investigations Division Commander or his/her designee is responsible for monitoring and maintaining user access to the LEARN system. LEARN requires a more restrictive access criteria.

**LEARN User:** A person, typically a law enforcement officer or intelligence analyst, assigned to an investigation and who has been granted access to LEARN.

**Detection:** The term used in LEARN to describe the record created when an ALPR captures a license plate number or other relevant alpha numeric identifier. The detection may include a color image of the vehicle, an infrared image of the license plate, the license plate as read and interpreted by the system, a time/date stamp, GPS coordinates, and information identifying the ALPR making the capture.

**Hot Plate:** The term used in LEARN to describe a record of a license plate that is of interest to law enforcement. Hot Plates are entered manually by LEARN users.

**Hot List:** A list of vehicle license plates that are of interest to law enforcement compiled by individual agencies or entities, which may be shared between agencies through LEARN by mutual agreement. Such license plates are typically associated with wanted or missing persons, stolen vehicles, protective orders, suspected terrorist activity, or other serious criminal activity.

**Hit:** Notification to a LEARN user that a Hot Plate or a license plate on a Hot List has been the subject of a detection by an ALPR.

## **ADMINISTRATION**

CLEAR LPR and LEARN are two separate systems with two separate administrators.

1. CLEAR is a web-based system that serves as an investigative tool to locate people, businesses, assets, affiliations, etc. The LPR component is added to the CLEAR system and incorporates license plate information obtained from *commercial cameras only*.
  - The Public Administrator serves as the financial administrator for CLEAR LPR. The CLEAR LPR Administrator is responsible for providing CLEAR LPR access to KCSO personnel upon a request made by the employee's supervisor.
  - The primary users of CLEAR LPR are the Public Administrator, Coroner, Detectives, and Deputies. CLEAR LPR may be assigned to others as needed.

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- The CLEAR LPR Administrator shall conduct audits of authorized users of the CLEAR LPR system upon the request of the authorized user’s supervisor.
2. LEARN is a proprietary web-based interface developed by Vigilant Solutions to query data that engages in surveillance methodology that uses cameras and optical character recognition software to collect, organize, interpret, store and share license plate and other visual images. Law enforcement agencies use this technology to record movement and locations of vehicles and individuals for intelligence and investigative purposes.

LEARN has a separate administrator from CLEAR LPR and more restrictive uses and definitions. The Investigations Division Commander or his/her designee serves as the LEARN Administrator. The LEARN Administrator shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the LEARN system.
- (b) Training requirements for authorized users.
- (c) A description of how the LEARN system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) Ensuring this policy and related procedures are conspicuously posted on the Sheriff’s Office website.

The LEARN Administrator shall conduct periodic account audits of authorized users of the LEARN system and ensure access to the database is restricted to only those personnel demonstrating a continuing need for it. The LEARN Administrator shall respond to sharing requests and manage sharing data.

**DIRECTIVE A- PARAMETERS OF USE**

The CLEAR LPR and the LEARN systems shall be used only by authorized personnel who have been trained and certified in the use of the system pursuant to KCSO requirements.

LEARN shall be used only by authorized personnel who have been granted access by the LEARN Administrator.

No person shall use or authorize the use of any CLEAR LPR or LEARN database information for any reasons other than official law enforcement purposes.

The request for LPR and/or LEARN access for an employee shall be submitted to the designated

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Administrator of the system by the supervisor of the employee for whom the access is being requested for.

The supervisor of the employee who has access to CLEAR LPR and/or LEARN is responsible for monitoring the employee's use of the system to ensure the security of the information and compliance with applicable privacy laws. Any concerns of misuse must be reported immediately to the system's administrator.

The supervisor of an employee who has CLEAR LPR and/or LEARN access must notify the CLEAR LPR Administrator of any changes to the employment status of the employee that requires access removal.

Sheriff's Office members shall not use or allow others to use the database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

No operator may access Sheriff's Office, state or federal data unless otherwise authorized to do so.

Receipt of a Hit alert does not establish probable cause. In the absence of exigent circumstances, the Hit information/data must be confirmed and contact made with the agent noted in the Hit record prior to taking any law enforcement action.

Disclosure of the existence of, or information derived from the LEARN and LPR program should be avoided when appropriate and practical. Investigators should consult with prosecuting attorneys on occasions when LPR and LEARN program information may be used in affidavits, grand jury testimony, or other documents or proceedings.

**LEARN Users**

- Agree to use LEARN and ALPR technology only for official and legitimate law enforcement purposes. Any misuse of ALPR technology or information derived from it will result in denial of access and referral of the matter to the user's parent agency.
- May research and enter vehicle license plates of interest, addresses and other information appropriate and necessary to pursue investigations.
- Agree to contact agent (when requested/needed) listed in Hot Plate remarks when notice of a detection or Hit is received.
- Shall coordinate and de-conflict license plate numbers in common interest with personnel from other agencies.
- Shall input case or other reference data when performing a search in the LEARN system.

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- Will acknowledge receipt of and compliance with this policy by signing the agreement attached (Attachment A) to this document and submitting it to the CLEAR LPR Administrator.
- Will not enter Hot Plates into the system.

**Verified, Positive ALPR Hits Resulting in Arrest**

- When an arrest occurs as a result of an ALPR Hit, the ALPR user will notify the case agent listed in the Hot List or Hot Plate record and coordinate as necessary.

**DIRECTIVE B - RELEASING LEARN SYSTEMS DATA**

All detection data generated from the LEARN systems will be shared with requesting law enforcement agencies or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law. Hot Plate records will generally not be shared outside of law enforcement agencies.

Data from the LEARN systems shall not be shared with non-law enforcement or non-prosecutorial agencies except when otherwise permitted by law (Civil Code § 1798.90.55).

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