

POLICY/PROCEEDURE #183

SUBJECT; AUTOMATED LICENSE PLATE READERS (ALPR's)

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## I. POLICY

The Lincoln County Sheriff's Office utilizes Automated License Plate Readers (ALPRs) to enhance the safety of the residents of Lincoln County Nebraska.

## II. PURPOSE

The purpose of this policy is to provide guidance for the capture, storage, and use of digital data obtained through the use of Automated License Plate Reader technology.

## III. DEFINITIONS

**Automated License Plate Reader (ALPR):** A device that uses cameras and computer technology to compare digital images to lists of known information of interest.

**ALPR Operator:** Trained Lincoln County Sheriff's Office member who may utilize an ALPR system and related equipment.

**ALPR Administrator:** The Sheriff or his designee(s), shall be the administrator for purposes of this policy.

**Hot List:** License plate numbers of stolen cars, vehicles owned by persons of interest, and vehicles associated with AMBER alerts that are regularly added to "Hot lists" that are circulated among law enforcement agencies. Hot list data can come from a variety of sources, to include stolen vehicle information from the National Insurance Crime Bureau, the National Crime Information Center (NCIC), national AMBER alerts and Department or Homeland Security watch lists. Motor vehicle department can provide lists of expired registration tags, and law enforcement agencies can interface their own locally compiled hot lists to the ALPR system. These lists serve an officer safety function as well as an investigatory purpose. In addition to agency supported hot lists, users may also manually add license plate numbers to hot lists in order to be alerted if, and when, a vehicle license plate of interest is detected by the ALPR system.

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**Vehicles of Interest:** Including but not limited to, vehicle that are reported stolen, display stolen license plates or tags, vehicles linked to missing and/or wanted persons, and vehicles flagged by the Department of Motor Vehicles or law enforcement agencies.

**Alert:** A visual and/or auditory notification that is triggered when the ALPR system receives a potential "Hit" on a license plate and as further defined in Nebraska Rev. Statute 60-3202 as may be amended.

**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 databased for a specific reason including, but not limited to; being related to a stolen car, wanted person, missing person, domestic violations, protective orders or terrorist related activity.

#### IV. Procedure:

The ALPR system consists of a series of cameras designed to capture images of motor vehicle license plates. The availability and use of ALPR systems provide many opportunities for the enhancement of law enforcement productivity, effectiveness, crime prevention, crime clearance, and officer safety. It is the policy of the Lincoln County Sheriff's Office that all users abide by the guidelines set forth herein when using ALPR systems, as well as recognizing the established privacy rights of the public.

The use of the ALPR system is restricted to law enforcement and public safety related purposes of the Lincoln County Sheriff's Office. ALPR system and databases are authorized for official law enforcement purposes.

Misuse of the ALPR system and associated databases may be subject to disciplinary action. Captured plate data shall not be used or released in violation of the Nebraska License Plate Reader Act.

ALPR systems, data and associated media are the property of the Lincoln County Sheriff's Office and intended for the use in conducting official business with limited exceptions noted elsewhere in this procedure and Nebraska State

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Statutes. Because the data may contain confidential information, it is not open to public view.

#### Administration

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates along with vehicle make, model, color and unique identifiers through the Lincoln County Sheriff's Office ALPR System and the vendor's vehicle identification technology. The technology used by the Lincoln County Sheriff's Office to collect data associated with vehicle license plates and vehicle descriptions for official law enforcement purposes including identifying stolen vehicles, stolen license plates, vehicles registered to wanted persons and missing persons. It may also be used to gather information related to active warrants, Homeland Security, electronic surveillance, suspect identification, and stolen property recovery. Installation and maintenance of the ALPR equipment shall be the responsibility of the ALPR Administrator(s), vendor and designated Sheriff's Office staff. ALPR data retention and access shall be managed by the Sheriff or his designee.

#### ALPR Administrator

The Sheriff, or his designee, is responsible for the administrative oversight of the ALPR system operations including the following:

1. Establish the protocols for access and retention of ALPR Data and associated media files.
2. Establish protocols to preserve and document ALPR reads, alerts and/or hits that are acted on in the field, or associated with investigations, or prosecutions.
3. Ensure the proper training or personnel approved to operate the ALPR system.
4. Maintain records identifying approved ALPR deployments and documenting their results, including appropriate documentation of significant incidents and arrests related to ALPR usage and compliance with state statutes.

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5. Authorize any request for ALPR system use or data access in accordance with policies, procedure and guidelines of the Lincoln County Sheriff's Office.

6. Ensure that the most current Lincoln County Sheriff Office ALPR procedure is posted on the Lincoln County Sheriff's Office official web page.

7. Ensure that all statutory reporting and public disclosure requirements regarding ALPR system use are met. The following information, if captured by the ALPR system, must be included in the annual report to the Nebraska Crime Commission:

a. The names of each list against which captured plate data was checked, the number of confirmed matches, and the number of matches that, upon further investigation, did not correlate to an alert.

b. The number of manually entered license plate numbers for investigative purposes, the number of confirmed matches, and the number of matches that, upon further investigation, did not correlate to an alert.

8. Designate and train personnel who shall check equipment on a regular basis to ensure functionality and camera alignment. Any equipment that falls outside expected functionality, shall be removed from service until deficiencies have been corrected.

9. Ensure that ALPR System repairs are made by agency authorized sources.

10. Monitor ALPR usage

11. Ensure that the ALPR operation and access to ALPR collected data is for official agency purposes only.

12. Ensure that only users who have been properly trained in the use and operation of the ALPR system are permitted to use it.

13. Oversee proper ALPR data sharing and dissemination.

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14. Ensure proper data retention

15. Ensure ALPR reads are retained for no longer than 180 days before being deleted from the system or as otherwise provided in Neb. Rev. Stat 60-3204 as may be amended. Hot list entries and reads involved in active, ongoing criminal investigations shall be exempt.

16. Ensure compliance with the Automated License Plate Reader Privacy Act as may be amended.

## 5. Use of the ALPR System

Use of the ALPR system is restricted to the purposes outlined below. Lincoln County Sheriff Office members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

a. An ALPR shall only be used for official law enforcement purposes.

b. An ALPR may be used in conjunction with routine patrol operations or criminal investigations. Reasonable suspicion, or probable cause, is not required before using an ALPR.

c. Partial license plate and unique vehicle descriptions report during an investigation should be entered into the ALPR system in an attempt to identify suspect vehicles.

d. No member of the Lincoln County Sheriff's Office shall operate ALPR equipment or access ALPR data with completing approved training.

e. If practical, the deputy should verify an ALPR alert through NCIC before taking enforcement action that is based solely on an ALPR alert. Once an alert is received, the operator should confirm that the license plate read from the ALPR system matches the license plate of the observed vehicle. Before any law enforcement action is taken based on an ALPR alert, the alert will be verified with an NCIC inquiry. Deputies will not take police action that restricts the freedom of any individual based solely on an ALPR alert unless it has been validated. Because the ALPR alert may be related to a vehicle and may not relate to the person operating or occupying the vehicle,

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deputies are reminded that they need to have reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle. (Example – If a vehicle entered into the ALPR system based on its association with a wanted individual, deputies should visually match a vehicle's occupants to the description of the wanted person prior to making the stop or should have another legal basis for making the stop)

f. Hot lists to be utilized by the ALPR system shall be determined by the ALPR administrator, or his designee. Hot lists shall be obtained or compiled from sources consistent with the law enforcement purposes of the ALPR system set forth in their procedure. Hot lists utilized but he Lincoln County Sheriff's Office may be updated by agency sources at varying intervals; therefore, the hot list data may not be the most current data available. Occasionally, there may be error in the ALPR system's read of a license plate. Therefor an alert tone shall not be the basis for action without further confirmation. Prior to initiating a traffic stop of a vehicle or other intervention based on an alert, deputies shall take the following steps:

1. Verification of status on a hot list – Deputies must receive confirmation from dispatch that the license plate is still of interest before proceeding.
2. Visual verification of license plate information. Deputies shall visually verify that the license plate of interest matches identically with the read of the plate number by ALPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors before proceeding.
3. All stops initiated by an ALPR alert will be documented in the call notes and/or report narrative.
- 4 All entries and updates of agency specific hot lists with the ALPR system will by documented by the requesting department member within the appropriate case report. Agency specific hot lists shall be approved by the ALPR Administrator before initial entry into the ALPR system. Agency specific hot list updates will be accomplished pursuant to the approval of the officers immediate supervisor. All license plates entered into an agency specific hot list should contain

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the Deputy's name, case number and short summary describing the nature of the originating case.

5. 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 system and/or data, which has the ability to be audited.

### **Prohibited Uses**

The ALPR system and all data collected is the property of the Lincoln County Sheriff's Office. Sheriff's Office personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this procedure. The following uses of the ALPR system are strictly prohibited:

**Invasion of Privacy.** It is a violation of this procedure to use the ALPR system to invade someone's privacy, except when done pursuant to a court order, such as a search warrant. Additionally, it is a violation of this procedure to use the ALPR system to record license plates except those of vehicle that are exposed to public view (vehicles on public road or street, vehicle that are on private property but whose license plate(s) are visible from a public roadway, or other places to which members of the public have access, such as a parking lot of business establishment)

**Harassment or Intimidation.** It is a violation of this policy to use the ALPR system to harass and/or intimidate any individual or group.

**Use based on Protected Characteristics.** It is a violation of this policy to use the ALPR system, databases or hot lists solely because of a person's race, gender, sexual orientation, disability, or other classification protected by law.

**Personal Use.** It is a violation of this policy to use the ALPR system or associated databases or hot lists for any personal reason.

**First Amendment Rights.** It is a violation of the policy to use the ALPR system, databases or hot lists for the purpose of known effect of infringing upon first amendment rights. Anyone who engages in a prohibited use of

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the ALPR system, associated databases, or hot lists may be subject to criminal prosecution, civil liability and/or administrative disciplinary actions up to and including termination.

**Data Collection and Retention.**

The sheriff, or his designee, is responsible for ensuring that systems and processes are in place for the proper collection and retention of ALPR data. ALPR data downloaded for a criminal investigation will be handled in accordance with the evidence procedures of the Lincoln County Sheriff's Office. The ALPR vendor will store the data and ensure proper maintenance and security of stored data. Data retrieved by the Lincoln County Sheriff's Office for investigative purposes will be maintained in accordance with department evidence retention procedures.

**Restriction on use of ALPR Data.** Information gathered or collected, and records obtained by ALPR system(s) will not be sold, accessed or use for any purpose other than legitimate law enforcement purposes.

**Accountability and Safeguards.** All data will be closely safeguarded and protected by both the procedural and technological means. The Lincoln County Sheriff's Office will observe the following safeguards regarding the access to and use of stored data.

All non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law and department policies/procedures.

Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only.

Every ALPR detection browsing inquiry must be documented with the associated case number and reason for the inquiry.

ALPR data may be released to other authorized and verified law enforcement agencies for legitimate law enforcement purposes. The agency must make a written request that documents the name of the agency, name of the person making the request and the intended purpose of obtaining the information. The request will be reviewed by an ALPR



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administer and approved before the request is fulfilled. The written request will be retained and attached to a Lincoln County Sheriff's Office generated case report.

### **ALPR Data Detection Browsing Audit**

It is the responsibility of the Sheriff. Or his designee, to ensure an audit is conducted of ALPR detection browsing inquires at least once during each calendar year. The Lincoln County Sheriff's Office will audit a sample of the ALPR system utilization twice per year from the prior six (6) month period to verify proper use in accordance with the above authorized uses. The audit shall randomly select, at a minimum, then (10) detection browsing inquires conducted by Lincoln County Sheriff's Office employees during the preceding six (6) month period and determine if each inquiry meets the requirements established in this procedure. The audit shall be documented in the form of an internal memorandum to the Sheriff. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Sheriff, the memorandum and any associated documentation shall be filed and retained by the Lincoln County Sheriff's Office.

# LINCOLN COUNTY SHERIFF'S OFFICE – POLICY AND PROCEDURE MANUAL

June 2023

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This POLICY/PROCEDURE is to be used in conjunction with all relevant existing Official Policies, Procedures, Rules and Regulations.

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JEROME KRAMER

LINCOLN COUNTY SHERIFF

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EFFECTIVE DATE