

## Automated License Plate Readers (ALPRs)

### 425.1 PURPOSE AND SCOPE

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 (ALPR) technology (Va. Code § 2.2-5517).

### 425.2 POLICY

The policy of the Poquoson Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

### 425.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Poquoson Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Chief of Police. The Chief of Police will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

### 425.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department 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 business as follows (Va. Code § 2.2-5517):
  - 1. As part of a criminal investigation into an alleged violation of law when reasonable suspicion exists that a crime was committed.
  - 2. As part of an active investigation into or to receive notifications related to a missing or endangered person.
  - 3. To receive notifications related to fugitives, human trafficking, or stolen vehicles/license plates.
- (b) Before stopping a vehicle because of a notification from an ALPR, an officer should confirm that the license plate or vehicle match the information in the ALPR data (Va. Code § 2.2-5517).

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- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped vehicles to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No ALPR operator may access confidential department, state, or federal data unless authorized to do so.
- (e) If practicable, the officer should verify an ALPR response through the appropriate official law enforcement database before taking enforcement action that is based solely on an ALPR alert.

#### **425.5 DATA COLLECTION AND RETENTION**

The Chief of Police is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data sufficient to comply with law (Va. Code § 2.2-5517). Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All stored ALPR data should be retained in accordance with the established records retention schedule and consistent with Va. Code § 2.2-5517 (e.g., 21 days for system data, two years for audit trail data, different periods for criminal investigations). Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances, the applicable data should be downloaded onto portable media and booked into evidence.

#### **425.6 ACCOUNTABILITY**

All data will be closely safeguarded and protected by both procedural and technological means (Va. Code § 2.2-5517). The Poquoson Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, username, date and time, license plate number or other queries, the purpose for access, including any related offense type, and the case number (Va. Code § 2.2-5517).
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis (Va. Code § 2.2-5517):
  - 1. ALPR data may only be downloaded in order to accomplish these audits or as otherwise allowed by this policy.
  - 2. Internal auditing should occur at least once every 30 days.
  - 3. Annual reports should be provided to the Department of State Police.

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### **425.7 RELEASING ALPR DATA**

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law (Va. Code § 2.2-5517). The following procedures apply to such requests:

- (a) The agency makes a written request for the ALPR data that includes:
  - 1. The name of the agency.
  - 2. The name of the person requesting.
  - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Investigation Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy.

### **425.8 PUBLIC NOTICE**

The Chief of Police should promote public awareness on the department's use of ALPR, including posting this policy and all related procedures, along with the publicly available portions of the annual reports, to the Department of State Police on the department's website (Va. Code § 2.2-5517).

### **425.9 TRAINING**

Before accessing any ALPR data, department members should receive training on this policy, how to use all ALPR systems available to the Department, and all relevant laws (Va. Code § 2.2-5517).