NEVADA SHERIFFS' & CHIEFS' ASSOCIATION

Automated License Plate Readers (ALPR)
Law Enforcement Model Policy

Overview

The Nevada Sheriffs' and Chiefs' Association (NvSCA) has adopted a model Automated License Plate Reader/Recognition (ALPR) technology policy for law enforcement agencies within the state of Nevada. This policy will provide a framework for agencies to develop their own policy, procedures and guidelines.

What ALPR actually Does and Does Not Do

ALPR cameras capture images of vehicles and read license plates visible from a roadway creating a record. A record may include the license plate number, vehicle image, date, time and camera location. Some systems may be able to search by visible details of the vehicle, such as make, model or color when a plate number is not available. The searches of ALPR records follow the same rules as license plate-number searches.

An ALPR positive record, "hit" is a lead only and not proof of a crime. Officers will continue to have to confirm the information and look at the full circumstances before taking any action. **ALPR does not identify the driver or passengers, and the cameras are not capable of facial recognition. They cannot listen to conversations, collect cellphone data and they are not monitoring electronic devices.**

NvSCA recognizes that when ALPR technology is used properly, within established policies and procedures, the value to public safety is a force multiplier. However, ALPR alone does not create good outcomes; technology and a sound policy for technology do. ALPRs must be deployed responsibly, ethically, transparently and proactively; with clear rules as to whom may access the data and why with regular audits and firm restrictions against misuse.

Purpose

Automated License Plate Reader (ALPR), also known as License Plate Recognition, technology, provides automated detection of license plate information and data that can be used by Nevada law enforcement agencies. The use of the data will enhance public safety, support criminal investigations, deter crime, and provide real time situational awareness to personnel and command staff.

All Nevada law enforcement agencies that use and/or access ALPR technology or information will enact a policy that establishes operational guidelines, legal safeguards, and accountability standards. The standards should govern the use of ALPR technology

for official law enforcement purposes only, while providing transparency to the public regarding the agency's responsibilities and lawful use and that the use and/or access shall not be accessed or used for any civil or personal purposes.

All deployments of each agency's ALPR system are for official use only. All information captured, stored, generated, or otherwise produced by the agency's department-owned ALPR cameras is the property of that agency, regardless of where the information is housed or stored. NV law enforcement agencies will not confirm nor deny the existence of ALPR information to any individual or agency that would not be authorized to receive the information unless otherwise required by law.

Definitions The list below is not inclusive and is suggested.

Automated License Plate Reader/Recognition System: A system of cameras and technology that captures license plate information from public roadways and converts the data into searchable information.

Alert (Hit): A notification that the ALPR system detected a license plate or vehicle characteristics, matching information identified, listed or registered on an agency's "Hot List".

ALPR Data: Information from the ALPR system that may include license plate images, date, time, and location of detection, as well as associated vehicle characteristics.

Hot List: A real-time, restricted-access electronic index, database, or compiled query list maintained by a law enforcement agency, regional intelligence center, state criminal justice information repository, or national database—including the National Crime Information Center (NCIC)—that contains identifying data of vehicles reasonably believed to be involved in the commission of a crime at the city, county, state, or federal level.

Law Enforcement agency: Any agency, office, bureau, department, unit or division created by any statute, ordinance or rule that has a duty to enforce the law and employes any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 290.150 to 290.360 inclusive.

Training

All personnel authorized to use, access, or share the data and information from the agency's ALPR systems shall receive training on proper use, privacy protections, record documentation and retention as well as Nevada Revised Statutory authority requirements, if applicable. Such training shall be provided by each NV law enforcement agency prior to each person being authorized to use, access or have the ability to share the data and information. The training should be repeated annually. **A record of the completed training must be filed in the employee's training file.**

In the event of changes in technology and/or the governing law renders retraining necessary, such retraining should be conducted as soon as reasonably possible. If an employee's access is de-activated and later re-activated, the employee will be required to undergo training prior to being provided access to ALPR information.

Hot Lists:

ALPR custom hotlists may be used only when supported by legitimate law enforcement or public safety purpose, including authorized investigations, BOLOs, AMBER Alerts, missing or endangered persons, stolen vehicles, wanted persons, or other lawful law enforcement functions. License plate information may be maintained or re-entered on an ALPR custom hotlist only while the underlying law enforcement or public safety purpose remains valid. Hotlist entries shall be removed when the justification for inclusion no longer exists or is no longer valid. All hot list information must include pertinent identifying data.

ALPR Search/Use:

An ALPR and its information may be used in conjunction with any routine patrol operation or official department investigation. Reasonable suspicion or probable cause is not required before using an ALPR. ALPR queries shall not be used for administrative, civil, or non-criminal purposes by NV law enforcement agency personnel, nor shall they be conducted on behalf of any external agency for such purposes. This includes, but is not limited to, employment-related matters, civil processes, code enforcement, or other non-criminal inquiries. All use must be directly tied to a legitimate law enforcement or public safety purpose, including authorized investigations.

To support a law enforcement purpose, in order to query the system, the agency should require an offense type code, an investigation case number, or other type of tracking mechanism. Additionally, each query shall be attributable to an individual user and subject to audit. Users shall ensure that all searches are conducted within the scope of their official duties. Users shall avoid overly broad or statewide queries unless clearly justified by the nature of the investigation or incident. Unauthorized access or misuse of ALPR data is strictly prohibited and subject to discipline

Each NV agency that uses or accesses hit information from an ALPR system, shall require that if an alert is received, the agency personnel shall make reasonable efforts to verify the accuracy and validity of the alert and confirm the associated information remains current prior to law enforcement action being taken, based solely on the alert. Additionally, it is recommended that prior to law enforcement personnel taking law enforcement action, based solely on the ALPR alert, visual confirmation that the scanned license plate matches the alert, such as license plate letters, numbers and the issued state. Agency policy should dictate that the enforcement action, based upon the alert, meets the requirements of the agency policy and statutory authority.

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Data Retention: Each NV law enforcement agency that uses, accesses or maintains an ALPR system, or ALPR system information shall have a retention policy wherein the stored data will be deleted after a maximum of 90 days from the date the data is captured, unless the record is part of an ongoing investigation or is subject to a preservation request, subpoena, or court order, or according to agency policy or NV statutory authority.

Data Sharing: Each agency policy may allow for ALPLR information to be shared with another law enforcement agency provided there is an authorized law enforcement or public safety need. The agency should have a written policy for sharing information from ALPR systems.

Auditing: Every NV law enforcement agency that uses, accesses or maintains an ALPR system or ALPR system information shall, at a minimum, conduct a bi-annual audit of the system to ensure compliance with the agency policy and applicable NV statutory authority requirements. The audit results will be documented and maintained in accordance with the agency policy or NV statutory authority.

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