

Automated License Plate Readers (ALPRs)

419.1 PURPOSE AND SCOPE

To provide guidance and guidelines for the proper training, capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

419.2 POLICY

This Policy defines a minimum set of guidelines to govern the use of ALPR data, to enable the collection and use of such data in a manner consistent with respect for individuals' privacy and civil liberties. ALPRs are used by the Valley County Sheriff's Office to capture, review, and temporarily store vehicle license plate data and images for official law enforcement purposes including, but not limited to, stolen or wanted vehicles, stolen license plates, missing and endangered persons, criminal investigative surveillance, or other major crime or incident.

All data and images gathered by the ALPR are for the official use of sworn law enforcement affiliates and staff, under restrictions of Montana's State Law. Because such data may contain confidential information, it is not open to public review, and activities of use by vetted users will be monitored and audited regularly.

419.3 ADMINISTRATION AND AUTHORITY

ALPR technology, also known as License Plate Reader (LPR), allows for the automated detection of license plates. It is used by the Valley County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes (§ 46-5-117, MCA). Typically, LPR information includes images of vehicles and license plates, the geolocation at which the vehicle/license plate was photographed, the date and time the images were captured, and identifying information for the specific LPR camera itself. It may also include images of the drivers and occupants of the vehicles and passersby occurring on public property.

The Valley County Sheriff's Office in cooperation, through a Memorandum of Understanding (MOU), with the U.S. Department of Justice, Drug Enforcement Administration (DEA) will work jointly to coordinate the installation and maintenance of the LPR equipment as per the MOU. ALPR data retention and access, shall be managed jointly by the DEA and Sheriff or an authorized designee. Data collected is stored within the DEA and the National License (NLPRP) Network Server, for a period of 90 days. The network allows law enforcement to search LPR information contained within the network.

The VCSO is authorized to enter into this MOU pursuant to MCA 7-32-2121 Duties of the Sheriff and MCA 44-11-301 Interstate Law Enforcement Mutual Aid Act.

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419.3.1 ALPR ADMINISTRATOR

The Sheriff or the authorized designee should be responsible for developing written guidelines and procedures to comply with the requirements of § 46-5-117, MCA. This includes, but is not limited to:

- (a) The usage of any database to compare data obtained by the ALPR system.
- (b) Working with the Custodian of Records on the retention of ALPR data.
- (c) Guidelines on sharing of data with another law enforcement agency.
- (d) Training requirements for authorized users.
- (e) Ensuring there is supervisory oversight of the ALPR system.
- (f) A description of how the ALPR system will be accessed and monitored to ensure the security of the information and compliance with applicable privacy laws.
- (g) A description of how to obtain data from ALPR systems not operated by the Office.
- (h) Any other subject related to the ALPR system used by the Office.

The Sheriff and DEA should ensure that a yearly report is prepared regarding the ALPR system use and effectiveness and that the report is forwarded to the Sheriff (§ 46-5-117, MCA).

419.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. 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 business.
- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (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 member of this office shall operate ALPR equipment or access ALPR data without first completing office-approved training.
- (e) No ALPR operator may access confidential office, state or federal data unless authorized to do so.
- (f) A positive match by the ALPR alone does not constitute reasonable suspicion for a deputy to stop a vehicle. The deputy must develop independent reasonable suspicion for the stop or immediately confirm visually that the license plate and vehicle match the image of the license plate displayed on the ALPR, and confirm by other means that the license plate number meets one of the criteria specified above (§ 46-5-117, MCA).

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- (g) The ALPR system shall be updated from databases used by the DEA and NLPRN every 24 hours or as soon as practicable once an update becomes available (§ 46-5-117, MCA).

419.4.1 LIMITATIONS ON USE

A license plate reader shall only be used to scan, detect and identify a license plate number for the following purposes (§ 46-5-117, MCA):

- (a) Locating a stolen vehicle.
- (b) Locating a wanted, missing or endangered person.
- (c) Alerting to a vehicle that is registered to a person against whom there is an outstanding warrant.
- (d) Detecting commercial trucking violations.
- (e) Assisting in the investigation of specific criminal investigative surveillance.
- (f) Assisting in the investigation of a homicide, shooting or other major crime or incident.
- (g) Making a record of license plates in the vicinity of a recent crime that may be connected to that crime.

419.5 DATA COLLECTION AND RETENTION

The Sheriff and DEA or the authorized designee is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data.

All stored ALPR data will be retained for 90 days and in accordance with the established records retention schedule and § 46-5-118, MCA. 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.

Outside agency requests to preserve ALPR data beyond its standard retention period must comply with the provisions in § 46-5-118, MCA.

419.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Valley County Sheriff's Office and DEA 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, date and time.
- (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 office-related civil or administrative action.
- (c) ALPR system audits should be conducted on a regular basis.

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(d) The Office shall permanently maintain a record of users who access ALPR data, and shall keep system maintenance and calibration schedules and records on file (§ 46-5-117, MCA).

419.7 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, using the following procedures:

- (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 Sheriff 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 not be processed.

419.8 TRAINING

The Sheriff should ensure that members who will use the ALPR system or access ALPR data, as well as those having supervisory oversight of those members, receive training appropriate to their responsibilities prior to such use or access (§ 46-5-117, MCA).