DAKOTA COUNTY SHERIFF'S OFFICE RULES AND REGULATIONS

SUBJECT: AUTOMATED LICENSE PLATE READERS (ALPRs)

EFFECTIVE DATE: 9-01-2024

APPROVED: _____

Note: This rule or regulation is for internal use only and does not enlarge a deputy's civil or criminal liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

- **POLICY**

  The Automated License Plate Reader (ALPR) system consists of a series of cameras designed to capture images of motor vehicle license plates. The availability and use of ALPR systems have provided many opportunities for the enhancement of productivity, effectiveness, crime prevention, crime clearance, and officer safety. It is the policy of the Dakota 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.
  All data and images gathered by the ALPR are for the official use of the Dakota County Sheriff's Office. Because the data may contain confidential information, it is not open to public view.

- **PURPOSE**

  The Dakota County Sheriff's Office utilizes Automated License Plate Readers (ALPRs) to assist in providing safety to the residents of the County of Dakota County. 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.

- **DEFINITIONS**

- **FOUO:** For Official Use Only.

- **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 Dakota County Sheriff's Office members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the Dakota County Sheriff's Office, and the ALPR Administrator may order the deployment of the ALPR system for use in various efforts.

- **ALPR ADMINISTRATOR:** The Lieutenant of Investigations shall be designated as the Administrator for the purposes of this policy.

- **HOT LIST:** License plate numbers of stolen vehicles, vehicles owned by persons of interest, and vehicles associated with AMBER Alerts that are regularly added to "hot lists" circulated among law enforcement agencies. Hot list information can come from a variety discussed without the written permission of this agency. Data subject to this restriction is contained throughout this publication of sources, including stolen vehicle information from the National Insurance Crime Bureau and the National Crime Information Center (NCIC), as well as national AMBER Alerts and Department of Homeland Security watch lists. Departments of motor vehicles 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 "read" by the ALPR system.

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

- **ALERT:** A visual and/or auditory notice that is triggered when the ALPR system receives a potential "hit" on a license plate and as further defined in Neb. Rev. Stat. 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 database for a specific reason including, but not limited to, being related to a stolen vehicle, wanted person, missing person, domestic violence events, protective order, or terrorist related activity.

- **PROCEDURE**

  The use of ALPR systems is restricted to law enforcement/public safety–related purposes of the Dakota County Sheriff's Office. ALPR systems and associated equipment and databases are authorized for official law enforcement purposes. Misuse of this equipment and associated databases, or data, may be subject to disciplinary actions. 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 Dakota County Sheriff's Office and intended for use in conducting official business with limited exceptions noted elsewhere in this policy and State Statute.

- **Administration**

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates along with the vehicle make, model, color, and unique identifiers through the Dakota County Sheriff's Office ALPR system and the vendor's vehicle identification technology. The technology is used by the Dakota County Sheriff's Office to convert data associated with vehicle license plates and vehicle descriptions 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 shall be the responsibility of the vendor in partnership with the ALPR Administrator and designated city staff. ALPR data retention and access shall be managed by the Lieutenant of Investigations.

- **ALPR Administrator**

The Lieutenant of Investigation is responsible for the administrative oversight of ALPR System operations including the following:

- Establishing protocols for access and retention of ALPR data and associated media files;
- Establishing protocols to preserve and document ALPR reads and "alerts" or "hits" that are acted on in the field or associated with investigations or prosecutions;
- Establishing protocols to ensure the security and integrity of data captured, stored, and/or retained by the ALPR system;
- Ensuring the proper training of the personnel approved to operate the ALPR system;
- Maintaining records identifying approved ALPR deployments and documenting their results, including appropriate documentation of significant incidents and arrests that are related to ALPR usage and complying with State Statute;
- Authorizing any requests for ALPR systems use or data access according to the policies and guidelines of the Sheriff's Office;
- Ensuring that the most current Sheriff's Office ALPR Policy is posted on the Sheriff Office's Official public web page.
- Ensure that all statutory reporting and public disclosure requirements regarding ALPR system use are met. The following information, if captured by the ALPR must be included in the annual Nebraska Crime Commission report:

    - 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; and

    - 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.

- Designating and training 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.
- Ensuring that ALPR systems repairs, hardware or software, shall be made by agency authorized sources.
- Monitoring License Plate Reader System Usage.
- Ensuring that ALPR operation and access to ALPR collected data shall be for official agency purposes only.
- Ensuring that only users who have been properly trained in the use and operational protocols of the ALPR systems are permitted to use it.
- Ensuring that the program system has been developed to update to the system at a minimum of once every twenty-four hours.
- Ensuring proper ALPR Data Sharing and Dissemination.
- Ensuring proper retention.
- Ensuring 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 an active, ongoing criminal investigation shall be exempt.
- Ensuring compliance with the Automatic License Plate Reader Privacy Act as may be amended.

- **Use of ALPR System**

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

  - An ALPR shall only be used for official law enforcement business.
  - 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.
  - Partial license plates and unique vehicle descriptions reported during an investigation should be entered into the ALPR system in an attempt to identify suspect vehicles.
  - No member of the Dakota County Sheriff's Office shall operate ALPR equipment or access ALPR data without first completing Sheriff's Office approved training.

- If practical, the deputy should verify an ALPR response 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 observed license plate from the system matches the license plate of the observed vehicle. Before any law enforcement action is taken on an ALPR alert, the alert will be verified through NCIC inquiry via MDC or through dispatch. Members 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 relate to a vehicle and may not relate to the person operating the vehicle, 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 system because of its association with a wanted individual, Deputies should attempt to visually match the driver to the description of the wanted subject prior to making the stop or should have another legal basis for making the stop).*

- Hot Lists, designation of hot lists to be utilized by the ALPR system shall be made by the ALPR Administrator or his/her designee. Hot lists shall be obtained or compiled from sources consistent with the purposes of the ALPR system set forth in this policy. Hot Lists utilized by the Dakota County Sheriff's Office LPR system may be updated by agency sources more frequently, such as NCIC data, therefore agency specific hot lists and NCIC data may not be the most current data available in real time. Occasionally, there may be errors in the LPR system's read of a license plate. Therefore, an alert alone shall not be a basis for police action (other than following the vehicle of interest). Prior to initiation of a traffic stop of a vehicle or other intervention based on an alert, Dakota County Sheriff's Office Deputies shall take the following steps:

    - Verification of status on a hot list. A deputy must receive confirmation, from Dakota County Communications or MDC, that the license plate is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).

    - Visual verification of license plate number. Deputies shall visually verify that the license plate of interest matches identically with the image of the license plate number captured (read) by the LPR, including either the alphanumeric characters or the license plate, state of issue, and vehicle descriptors before proceeding. Dakota County Sheriff's Office members alerted to the fact an observed vehicles license plate is entered as a Hot List plate (hit) in a specific BOLO list are required to make reasonable effort to confirm that a wanted person is actually in the vehicle and/or that a reasonable basis exists before the deputy would have a lawful basis to stop the vehicle.

- Dakota County Sheriff's Office members will clear all stops from hot list alerts by indicating the positive ALPR hit in the call notes.

- All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting department member within the appropriate report. As such, specific Hot Lists shall be approved by the ALPR Administrator before initial entry within the ALPR system. The updating of such a list within the ALPR system shall thereafter be accomplished pursuant to the approval of the member's immediate supervisor. The hits from these data sources should be viewed as informational, related solely to bring the deputy's attention to specific vehicles that have been associated with criminal activity. All hot plates and suspect information entered into the ALPR system will contain the following information at a minimum:

    - Entering Sheriff's Office member's name.
    - Related case number.
    - Short summary describing the nature of the originating case.

- No member of the Dakota County Sheriff's Office shall operate ALPR equipment or access ALPR data without first completing Dakota County Sheriff's Office approved training.

- 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 fully audited.

- **Permitted/Impermissible Use**

  The ALPR system and all data collected is the property of the Dakota 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 policy. Only department owned and issued devices will have access. The following uses of the ALPR system are strictly prohibited:

  - **Invasion of Privacy:** Except when done pursuant to a court order such as a search warrant, it is a violation of this policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view. Examples of this would be vehicles on a public road, street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access such as the parking lot of a shop or other 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 LPR system or associated scan files or hot lists solely because of a person's or group's race, gender, religion, political affiliation, nationality, ethnicity, 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 scan files or hot lists for any personal purpose.

- **1st Amendment Rights:** It is a violation of this policy to use the LPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment Rights. Anyone who engages in an impermissible use of the ALPR system or associated scan files or hot lists may be subject to:

    - Criminal prosecution;

    - Civil liability, and/or;

    - Administrative disciplinary action up to and including termination.

- **Data Collection and Retention**

    - The County Sheriff is responsible for ensuring the system and processes are in place for the proper collection and retention of ALPR data. ALPR data which is downloaded for a criminal investigation will be transferred from the device to a secure location, preferably in the Sheriff's Digital Evidence folder on the dcso-rds server in accordance with department digital evidence procedures.

    - All ALPR data downloaded shall be stored in accordance with established record retention schedules. Thereafter, ALPR data should be purged unless it has become, or it is believed 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 uploaded to the LEC server and logged into evidence in accordance with digital evidence procedures.

    - ALPR vendor, Flock Safety will store the data and ensure proper maintenance and security of data stored. Flock Safety will purge (hard delete) the data after (30) days. Data retrieved by the Dakota County Sheriff's Office for investigative purposes will be maintained in accordance with the Sheriff Office's retention policy.

- **Restrictions on use of ALPR Data**

Information gathered or collected, and records obtained by Flock Safety cameras or any other Dakota County Sheriff's Office ALPR system will not be sold, accessed, or used for any other purpose other than legitimate law enforcement or public purposes.

- **Accountability and Safeguards**

  All data will be closely safeguarded and protected by both procedural and technological means. The Dakota County Sheriff's Office will observe the following safeguards regarding 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.

  - All ALPR data downloaded to the mobile workstation shall be accessible only through a login/password protected system capable of documenting all access of information by name, date, and time.

  - Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only for a specific criminal investigation.

  - Such ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes.

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

- **ALPR Data Detection Browsing Audit**

  It is the responsibility of the County Sheriff to ensure an audit is conducted of ALPR detection browsing inquiries at least once during each calendar year. The Dakota County Sheriff's Office will audit a sampling of the ALPR system utilization twice per year from the prior twelve (12) month period to verify proper use in accordance with the above authorized uses. The audit(s) shall randomly select, at a minimum, ten (10) detection browsing

inquiries conducted by Dakota County Sheriff's Office employees during the preceding six (6) month period and determine if each inquiry meets the requirements established in this policy. The audit shall be documented in the form of an internal department memorandum to the County Sheriff. The memorandum shall include any data errors found so that such errors can be corrected. After review by the County Sheriff, the memorandum and any associated documentation shall be filed and retained by the Dakota County Sheriff's Office.

- **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.

  - The agency makes a written request for the ALPR data including
    - The name of the agency;
    - The name of the person requesting it;
    - The intended purpose of obtaining the information.
  - The request is reviewed by the ALPR Administrator and approved before the request is fulfilled.
  - The approved request is retained and filed. Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed in accordance with records release policies.

- **Training**

  The County Sheriff will ensure department members receive department approved training prior to using or accessing the ALPR system.