



LeRoy Police Department Policies and Procedures



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| Policy # 400 | Automated License Plate Readers (ALPRs) |
| <p><i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i></p> | |
| <p>Applicable State Statutes: 625 ILCS 5/2-130 Use of Automated License Plate Readers; Prohibitions</p> | |
| <p>CALEA Standard:</p> | |
| <p>Illinois Accreditation Standards:</p> | |
| <p>Date Implemented: 7-14-2022</p> | <p>Review/Revision Date: 4-5-2024</p> |

I. Purpose: The purpose of this policy is to provide guidance for the capture, storage, and use of digital data obtained using Automated License Plate Reader (ALPR) technology.

LPR data is collected by agencies utilizing specially designed cameras to randomly capture an image of a vehicle license plate and convert the plate characters into a text file using optical character recognition technology. The text file can then be sent to a computer and compared against pre-existing data files, such as databases containing records of stolen or wanted vehicles as well as vehicles associated with AMBER alerts, missing children, wanted subjects, or other criteria. If a match is found, the LPR user (law enforcement officer or agency) is notified by an audible alert and an associated notation on the user's computer screen.

LPR cameras can be mobile (mounted on vehicles) or fixed (mounted to a structure) as determined by the agency that owns the cameras. This agency has ten fixed LPR cameras (Flock Safety) and six mobile LPR's (Axon Fleet 3).

II. Policy: The policy of this agency 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 agency. Because such data may contain confidential information, it is not open to public review.

The ALPR technology, allows for the automated detection of license plates along with the vehicle make, model, color and unique identifiers through the agency's ALPR system. The technology is used 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, stolen property recovery and active criminal investigations.

III. Definitions:

- A. **"Automated license plate reader" or "ALPR"** means an electronic device that is mounted on a law enforcement vehicle or positioned in a stationary location and that is capable of recording data on or taking a photograph of a vehicle or its license plate and comparing the collected data and photographs to existing law enforcement databases for investigative purposes. "ALPR" includes a device that is owned or operated by a person or an entity other than a law enforcement agency to the extent that data collected by the reader is shared with a law enforcement agency.
- B. **"ALPR information"** means information gathered by an ALPR or created from the analysis of data generated by an ALPR.
- C. **"ALPR systems"** means multi-agency or vendor agreements that allow the sharing of ALPR information collected in Illinois.
- D. **"ALPR user"** means a person or entity that owns or operates an ALPR device.
- E. **ALPR Operator:** Trained agency members who may utilize ALPR system/equipment. ALPR operators may be assigned to any position within the agency, and the ALPR Administrator may order the deployment of the ALPR systems for use in various efforts.
- F. **ALPR Administrator:** The Chief of Police serves as the ALPR Administrator for the agency and the Sergeant serves as the secondary ALPR Administrator.
- G. **Hot List:** A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, NCIC, , Local BOLO's, etc.
- H. **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 Illinois Department of Motor Vehicles Administration or law enforcement agencies.
- I. **Detection:** Data obtained by an ALPR of an image (such as a license plate) within public view that was read by the device, including potential images (such as the plate and description of vehicle on which it was displayed), and information regarding the location of the ALPR system at the time of the ALPR's read.
- J. **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 car, wanted person, missing person, domestic violation protective order or terrorist-related activity.

IV. Procedures:

- A.** Only properly trained sworn officers, and police dispatchers are allowed access to the ALPR system or to collect ALPR information. No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- B.** 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 systems and/or data, which can be fully audited.
- C.** Department members shall not use or allow others to use the equipment or database records for any unauthorized purpose.
- D.** ALPR Administrator shall monitor to ensure the security of the information and compliance with applicable privacy laws.
- E.** An ALPR shall only be used for official law enforcement business.
- F.** 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.
- G.** Partial license plates and unique vehicle descriptions reported during major crimes should be entered into the ALPR system to identify suspect vehicles.
- H.** If practicable, the officer should verify an ALPR 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 because of an ALPR alert, the alert will be verified through an inquiry via MDT or through Metcom. Officers will not take any 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, officers are reminded that they need to have reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle. (For example, if a vehicle is entered into the system because of its association with a wanted individual, officers 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.)
- I.** Hot lists shall be obtained or compiled from sources consistent with the purposes of the ALPR system set forth in this policy. Occasionally, there may be errors in the ALPR system's read of a license plate. Therefore, an alert alone should not be a basis for police action (other than following the vehicle of interest). Prior to initiation of a stop of a vehicle or other intervention based on an alert, officers shall undertake the following:
 - 1.** An officer must receive confirmation, from Metcom or other department computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).

2. Officers shall visually verify that the license plate of interest matches identically with the image of the license plate number captured (read) by the ALPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors before proceeding. Officers alerted to the fact that an observed motor vehicle's license plate is entered as a Hot Plate (hit) in a specific BOLO (be on the lookout) list are required to make a reasonable effort to confirm that a wanted person is in the vehicle and/or that a reasonable basis exists before an officer would have a lawful basis to stop the vehicle.
 3. Officers will clear all stops from hot list alerts by indicating the positive ALPR Hit, i.e., with an arrest or other enforcement action.
 4. General Hot Lists will be automatically downloaded into the ALPR system a minimum of once a day with the most current data overwriting the old data.
 5. All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting department member within the appropriate general offense report. As such, specific Hot Lists shall be approved by the ALPR Administrators or designee before initial entry within the ALPR system.
- J.** All Hot Plates and suspect information entered the ALPR system will contain the following information at a minimum:
1. Entering department member's name.
 2. Related case number.
 3. Short synopsis describing the nature of the originating call.
- K. Communications Personnel (METCOM)**
1. Metcom is their own separate entity and will follow their policies and procedures.
- L. Patrol Officers** - Patrol Officers shall be responsible for monitoring ALPR cameras during their assigned shifts. Upon receipt of an ALPR notification, on duty personnel will respond to the area of the capture and look for the suspect vehicle. If the vehicle is located, proper traffic stop procedures shall be followed based upon the type of hit, officer observations and other factors present.
- M. Investigative Personnel**
1. Investigative personnel shall utilize ALPR data to assist in the identification of suspects involved in criminal activity.
 2. Investigative personnel shall have search access enabling them to search the database for vehicles and/or persons of interest.
 3. When Investigative personnel utilize ALPR data to assist in identification of a suspect or vehicle linked to criminal activity, the ALPR data shall be downloaded from the system and attached to the evidence.com case as evidence.

N. ALPR Uses - The ALPR system, and all data collected, is the property of the agency. Trained agency personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this policy. The following uses of the ALPR system are specifically prohibited:

- 1. 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 (e.g., vehicles on a public road or 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).
- 2. Harassment or Intimidation:** It is a violation of this policy to use the ALPR system to harass and/or intimidate any individual or group.
- 3. Use Based on a Protected Characteristic:** It is a violation of this policy to use the ALPR 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.
- 4. 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.
- 5. First Amendment Rights:** It is a violation of this policy to use the ALPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.
- 6.** Anyone who engages in an impermissible use of the ALPR system or associated scan files, or hot lists may be subject to disciplinary action.

O. Data Collection and Retention:

- 1.** The administrator is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with agency procedures.
- 2.** All ALPR data downloaded to the server should be stored for no longer than **thirty (30) days** and in accordance with the established Illinois Records Retention laws. 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 from the server onto portable media and logged into evidence in accordance with agency policy.
- 3.** Information gathered or collected, and records retained by the ALPR system will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes.

P. Accountability and Safeguards - All data will be closely safeguarded and protected by both procedural and technological means. The agency will observe the following safeguards regarding access to and use of stored data:

1. All non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law.
2. All ALPR data downloaded to a mobile device, computer or MDT shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, and time.
3. Persons 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 relates to a specific criminal investigation or department-related civil or administrative action.
4. ALPR data may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes.
5. Every ALPR Detection Browsing Inquiry must be documented by either the associated agency case number or incident number, and/or a reason for the inquiry.

Q. ALPR Data Detection Browsing Audits

1. It is the responsibility of the ALPR Administrator to ensure that an audit is conducted of ALPR detection browsing inquiries at least once per quarter. The agency will audit a sampling of the ALPR system utilization from the prior period to verify proper use in accordance with the above authorized uses. The audit shall randomly select at least 5 detection browsing inquiries conducted by agency employees during the preceding period and determine if each inquiry meets the requirements established in policy this policy.
2. The audit shall be documented in the form of an internal agency memorandum directed to the Chief of Police. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Chief of Police or designee, the memorandum and any associated documentation shall be filed and retained in agency records.

R. Releasing ALPR Data –

1. 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 that includes:
 - a. The name of the agency;
 - b. The name of the person requesting;
 - c. The intended purpose of obtaining the information.

2. (625 ILCS 5/2-130) An ALPR user shall not sell, share, allow access to, or transfer ALPR information to any state or local jurisdiction for the purpose of investigating or enforcing a law that:
 - a. denies or interferes with a person's right to choose or obtain reproductive health care services or any lawful health care services as defined by the Lawful Health Care Activity Act; or
 - b. permits the detention or investigation of a person based on the person's immigration status.
 - c. Any ALPR user in this State, including any law enforcement agency of this State that uses ALPR systems, shall not share ALPR information with an out-of-state law enforcement agency without first obtaining a written declaration from the out-of-state law enforcement agency that it expressly affirms that ALPR information obtained shall not be used in a manner that violates R.2. of this policy. If a written declaration of affirmation is not executed, the law enforcement agency shall not share the ALPR information with the out-of-state law enforcement agency.
3. The request is reviewed by the ALPR Administrator and approved before the request is fulfilled.
4. The approved request is retained on file. Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will not be processed.

Jason T. Williamson

Chief of Police