

06.60 AUTOMATED LICENSE PLATE READER (ALPR)

Effective Date:	Replaces:	Scope:	Authority:	Comments:
6-10-2024		All personnel	Chief George D. Holthus	

- 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.

- 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.

- III. Definitions. For purposes of the Automatic License Plate Reader Privacy Act:**

- A. Alert** means data held by the Department of Motor Vehicles, each criminal justice information system maintained in this state, the Federal Bureau of Investigation National Crime Information Center, the Federal Bureau of Investigation Kidnappings and Missing Persons list, the Missing Persons Information and license plate numbers that have been manually entered into the automatic license plate reader system upon a law enforcement officer's determination that the vehicles or individuals associated with the license plate numbers are relevant and material to an ongoing criminal or missing persons investigation.
- B. Automatic license plate reader system** means one or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to convert images of license plates into computer-readable data.
- C. Captured plate data** means global positioning system coordinates, date and time information, photographs, license plate numbers, and any other data captured by or derived from any automatic license plate reader system.
- D. Governmental entity** means a department or agency of this state, the federal government, another state, or a political subdivision or an individual acting for or as an agent of any of such entities
- E. Secured area** means a place, enclosed by clear boundaries, to which access is limited and not open to the public and into which entry is only obtainable through specific access-control points.
- F. 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.
- G. ALPR Administrator:** The Chief of Police or his designee, serves as the ALPR Administrator for the agency.
- H. Hot List:** A list of license plates associated with vehicles of interest compiled from one or more data bases including, but not limited to, NCIC, Local BOLO's, etc.

- I. 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 Department of Motor Vehicles or law enforcement agencies.
- J. 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.
- K. 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. Prohibited acts; exceptions.

- A.** Except as otherwise provided in this section or in section [60-3204](#), the use of an automatic license plate reader system by a governmental entity is prohibited.
- B.** An automatic license plate reader system may be used when such use is:
 - a.** By a law enforcement agency of a governmental entity for the purpose of identifying:
 1. Outstanding parking or traffic violations;
 2. An unregistered or uninsured vehicle;
 3. A vehicle in violation of the vehicle equipment requirements set forth under the Nebraska Rules of the Road;
 4. A vehicle in violation of any other vehicle registration requirement;

5. A vehicle registered to an individual for whom there is an outstanding warrant;
 6. A vehicle associated with a missing person;
 7. A vehicle that has been reported as stolen; or
 8. A vehicle that is relevant and material to an ongoing criminal investigation;
- b.** By a parking enforcement entity for regulating the use of a parking facility;
 - c.** For the purpose of controlling access to a secured area;

V. 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 Dispatch. 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:
 - a.** An officer must receive confirmation, from Communications Center or other department computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).
 - b.** 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.

- c.** Officers will clear all stops from hot list alerts by indicating the positive ALPR Hit, i.e., with an arrest or other enforcement action.
 - d.** 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.
 - e.** 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:
- a.** Entering department member's name.
 - b.** Related case number.
 - c.** Short synopsis describing the nature of the originating call.
- K. Patrol Officers** - Patrol Officers shall be responsible for monitoring ALPR cameras on their assigned beat. 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 should be followed based upon the type of hit, officer observations and other factors present. The first officer identifying the wanted vehicle should wait for appropriate back-up before initiating a traffic stop or engaging the vehicle.

L. Investigative Personnel

- a.** Investigative personnel may utilize ALPR data to assist in the identification of suspects involved in criminal activity.
- b.** Investigative personnel may have search access enabling them to search the database for vehicles and/or persons of interest.
- c.** 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 investigative report as evidence.

M. 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:

- a. 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).
- b. Harassment or Intimidation:** It is a violation of this policy to use the ALPR system to harass and/or intimidate any individual or group.
- c. 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.

- d. 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.
- e. 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.
- f.** Anyone who engages in an impermissible use of the ALPR system or associated scan files, or hot lists may be subject to disciplinary action.

N. Retention of captured plate data; limitation; updates; use; limitations.

- a.** A governmental entity shall not retain captured plate data obtained under subsection (2) of section 60-3203 for more than one hundred eighty days unless the captured plate data is:
 - 1. Evidence related to a purpose listed in subsection (2) of section 60-3203;
 - 2. Subject to a preservation request under subsection (1) of section 60-3205; or
 - 3. The subject of a warrant, subpoena, or court order.
- b.** Any governmental entity that uses automatic license plate reader systems pursuant to subsection (2) of section 60-3203 must update such systems from the databases used by the governmental entities enumerated in such subsection at the beginning of each law enforcement agency shift if such updates are available.
- c.** Any governmental entity that uses automatic license plate reader systems pursuant to subsection (2) of section 60-3203 may manually query captured plate data only when a law enforcement officer determines that the vehicle or individuals associated with

the license plate number are relevant and material to an ongoing criminal or missing persons investigation subject to the following limitations:

1. Any manual entry must document the reason for the entry; and
 2. Manual entries must be automatically purged at the end of each law enforcement agency shift, unless the criminal investigation or missing persons investigation remains ongoing.
- d.** 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.

O. Operator; preserve data; written sworn statement; court order for disclosure; disclosures authorized.

- a.** An operator of an automatic license plate reader system shall, upon the request of a governmental entity or a defendant in a criminal case, take all necessary steps to preserve captured plate data in its possession pending the issuance of a warrant, subpoena, or order of a court.
- b.** A requesting governmental entity or defendant in a criminal case must specify in a written sworn statement:
 1. The particular camera or cameras for which captured plate data must be preserved or the particular license plate for which captured plate data must be preserved; and
 2. The date or dates and timeframes for which captured plate data must be preserved.
- c.** A governmental entity or defendant in a criminal case may apply for a court order for disclosure of captured plate data, which shall be issued by the court if the governmental entity or defendant in a criminal case offers specific and articulable facts showing there are reasonable grounds to believe the captured plate data is relevant and material to the criminal or civil action. Nothing in this

subsection shall prevent the governmental entity from disclosing any captured plate data:

1. To the parties to a criminal or civil action;
2. for administrative purposes;
3. to alert the public of an emergency situation; or
4. relating to a missing person.

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:

- a. 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.
- b. 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.
- c. 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. 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.

- a. The agency makes a written request for the ALPR data including:
 1. The name of the agency;
 2. The name of the person requesting it;

3. The intended purpose of obtaining the information.

- b.** The request is reviewed by the ALPR Administrator and approved before the request is fulfilled.
- c.** 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.

R. Training - The Chief of Police will ensure Department members receive Department-approved training prior to using or accessing the ALPR system.

S. ALPR Data Detection Browsing Audits

- a.** It is the responsibility of the Chief of Police's designee to ensure that an audit is conducted of ALPR detection browsing inquiries at least once per month. 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 10 detection browsing inquiries conducted by agency employees during the preceding period and determine if each inquiry meets the requirements established in policy this policy.
- b.** 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.

T. Governmental entity; duties; report; contents.

- a.** Except as otherwise provided in subdivision (3)(b) of this section, any governmental entity that uses an automatic license plate reader system shall:

1. Adopt a policy governing use of the system and conspicuously post the policy on the governmental entity's Internet web site or, if no web site is available, in its main office;
2. Adopt a privacy policy to ensure that captured plate data is not shared in violation of the Automatic License Plate Reader Privacy Act or any other law and conspicuously post the privacy policy on its Internet web site or, if no web site is available, in its main governmental office; and
3. Report annually to the Nebraska Commission on Law Enforcement and Criminal Justice on its automatic license plate reader practices and usage. The report shall also be conspicuously posted on the governmental entity's Internet web site or, if no web site is available, in its main office. The report shall include the following information, if captured by the automatic license plate reader system:
 - b. 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
 - c. The number of manually-entered license plate numbers under subsection (3) of section 60-3204, the number of confirmed matches, and the number of matches that upon further investigation did not correlate to an alert.
 - d. The reporting requirements of this subsection shall not apply to governmental entities using an automatic license plate reader system pursuant to subdivisions (2)(b) through (e) of section 60-3203.

U. Use of captured plate data and related evidence; prohibited.

- a. No captured plate data and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of this state, or a political subdivision thereof, if the disclosure of that

information would be in violation of the Automatic License Plate Reader Privacy Act.

V. Data not considered public record; protection orders; effect.

- a.** Captured plate data held by a governmental entity is not considered a public record for purposes of sections [84-712](#) to [84712.09](#) and shall only be disclosed to the person to whom the vehicle is registered or with the prior written consent of the person to whom the vehicle is registered or pursuant to a disclosure order under subsection (2) of section [60-3205](#) or as the result of a match pursuant to subsection (2) of section [60-3203](#).
- b.** Upon the presentation to a governmental entity of a valid, outstanding protection order pursuant to the Protection from Domestic Abuse Act, the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, or section [28311.09](#) or [28-311.10](#) protecting the driver of a vehicle jointly registered with or registered solely in the name of the individual against whom the order was issued, captured plate data may not be disclosed except pursuant to a disclosure order under subsection (2) of section [60-3205](#) or as the result of a match pursuant to subsection (2) of section [60-3203](#).