



Lexington Police Department

2420 AUTOMATED LICENSE PLATE READERS (ALPRs)

1. PURPOSE

The Lexington Police Department utilizes Automated License Plate Readers (ALPRs) to enhance the safety of the residents of the City of Lexington. The purpose of this procedure is to provide guidance for the capture, storage, and use of digital data obtained using Automated License Plate Reader technology.

2. DEFINITIONS

- A. **Automated License Plate Reader (ALPR):** A device that uses cameras and computer technology to compare digital images to lists of known information of interest.
- B. **ALPR Operator:** Trained Lexington Police Department members who may utilize an ALPR system and related equipment. ALPR operators may be assigned to any position within the Lexington Police Department.
- C. **ALPR Administrator:** The Police Captain at the direction of the Chief of Police, shall be the Administrator for purposes of this procedure.
- D. **Hot List:** License plate numbers of stolen cars, vehicles owned by persons of interest, and vehicles associated with AMBER alerts that are regularly added to “hot lists” that are circulated among law enforcement agencies. Hot list data can come from a variety of sources, to include stolen vehicle information from the National Insurance Crime Bureau, the National Crime Information Center (NCIC), national AMBER alerts and Department of Homeland Security watch lists. Motor vehicle departments 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 detected by the ALPR system.

- E. **Vehicles of Interest:** Including, but not limited to, vehicles that are reported 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
- F. **Alert:** A visual and/or auditory notification 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.
- G. **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 violations, protective orders, or terrorist related activity.

3. **PROCEDURE**

The ALPR system consists of a series of cameras designed to capture images of motor vehicle license plates. The availability and use of ALPR systems provide many opportunities for the enhancement of law enforcement productivity, effectiveness, crime prevention, crime clearance, and officer safety. It is the policy of the Lexington Police Department 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.

The use of the ALPR system(s) is restricted to law enforcement and public safety related purposes of the Lexington Police Department. ALPR system(s) and databases are authorized for official law enforcement purposes. Misuse of the ALPR system(s) and associated databases may be subject to disciplinary action. 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 Lexington Police Department and intended for use in conducting official business with limited exceptions noted elsewhere in this procedure and Nebraska Statutes. Because the data may contain confidential information, it is not open to public view.

A. Administration

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates along with vehicle make, model, color, and unique identifiers through the Lexington Police Department ALPR system(s) and the vendor's vehicle identification technology. The technology is used by the Lexington Police Department to collect data associated with vehicle license plates and vehicle descriptions for official law enforcement purposes including identifying stolen vehicles, stolen license plates, vehicles registered to wanted persons, 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. Installation and maintenance of ALPR equipment shall be the responsibility of the ALPR Administrator(s), vendor, and designated city staff. ALPR data retention and access shall be managed by the Police Captain, or his designee.

B. ALPR Administrator

The Chief of Police, and Police Captain, are responsible for the administrative oversight of the ALPR system operations including the following:

- i. Establish protocols for access and retention of ALPR data and associated media files
- ii. Establish protocols to preserve and document ALPR reads, alerts and/or hits that are acted on in the field, or associated with investigations, or prosecutions
- iii. Ensure the proper training of personnel approved to operate the ALPR system(s)

- iv. Maintain records identifying approved ALPR deployments and documenting their results, including appropriate documentation of significant incidents and arrests related to ALPR usage and compliance with State Statutes
- v. Authorize any request for ALPR system(s) use or data access in accordance with policies, procedures, and guidelines of the Lexington Police Department
- vi. Ensure that the most current Lexington Police Department ALPR procedure is posted on the Lexington Police Department's official public web page.
- vii. Ensure that all statutory reporting and public disclosure requirements regarding ALPR system use are met. The following information, if captured by the ALPR system, must be included in the annual report to the Nebraska Crime Commission:
 - 1. 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
 - 2. 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.
- viii. Designate and train 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.
- ix. Ensure that ALPR system repairs are made by agency authorized sources
- x. Monitor ALPR usage
- xi. Ensure that the ALPR operation and access to ALPR collected data is for official agency purposes only

- xii. Ensure that only users who have been properly trained in the use and operation of the ALPR system(s) are permitted to use it
- xiii. Oversee proper ALPR data sharing and dissemination
- xiv. Ensure proper data retention
- xv. Ensure 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 active, ongoing criminal investigations shall be exempt
- xvi. Ensure compliance with the Automatic License Plate Reader Privacy Act as may be amended

C. Use of the ALPR System

Use of ALPR system(s) is restricted to the purposes outlined below. Lexington Police Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- i. An ALPR shall only be used for official law enforcement purposes
- ii. An ALPR may be used in conjunction with routine patrol operations or criminal investigations. Reasonable suspicion, or probable cause, is not required before using an ALPR
- iii. 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.
- iv. No member of the Lexington Police Department shall operate ALPR equipment or access ALPR data without completing department approved training.
- v. If practical, the officer should verify an ALPR alert 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 license plate read from the ALPR system matches the license plate of the observed vehicle.

- vi. Before any law enforcement action is taken based on an ALPR alert, the alert will be verified with an NCIC inquiry. Officers 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 be related to a vehicle and may not relate to the person operating or occupying the vehicle, officers 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 ALPR system based on its association with a wanted individual, officers should visually match a vehicle occupant to the description of the wanted person prior to making the stop or should have another legal basis for making the stop)

- vii. Hot lists to be utilized by the ALPR system shall be determined by the ALPR Administrator, or his designee. Hot lists shall be obtained or compiled from sources consistent with the law enforcement purposes of the ALPR system set forth in this procedure. Hot lists utilized by the Lexington Police Department may be updated by agency sources at varying intervals, therefore the hot list data may not be the most current data available. Occasionally, there may be errors in the ALPR system's read of a license plate. Therefore, an alert alone shall not be the basis for police action without further confirmation. Prior to initiating a traffic stop of a vehicle or other intervention based on an alert, officers shall take the following steps:
 - a. Verification of status on a hot list—Officers must receive confirmation from Communications or MDC that the license plate is still of interest before proceeding

- b. Visual verification of license plate information—Officers shall visually verify that the license plate of interest matches identically with the read of the plate number by the ALPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors before proceeding.
- c. All stops initiated by an ALPR alert will be documented in the call notes and/or report narrative
- d. All entries and updates of agency specific hot lists within the ALPR system will be documented by the requesting department member within the appropriate case report. Agency specific hot lists shall be approved by the ALPR Administrator before initial entry within the ALPR system. Agency specific hot list updates will be accomplished pursuant to the approval of the officer's immediate supervisor. All license plates entered into an agency specific hot list should contain the entering department members name, case number and a short summary describing the nature of the originating case.
- e. 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 audited.

D. Prohibited Uses

The ALPR system and all data collected is the property of the Lexington Police Department. Department personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this procedure. The following uses of the ALPR system are strictly prohibited:

- i. **Invasion of Privacy**—It is a violation of this procedure to use the ALPR system to invade someone's privacy, except when done

pursuant to a court order, such as a search warrant. Additionally, it is a violation of this procedure to use the ALPR system to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street; vehicles that are on private property but whose license plate(s) are visible from a public roadway; or other places to which members of the public have access, such as a parking lot of a business establishment)

- ii. **Harassment or Intimidation**—It is a violation of this procedure to use the ALPR system to harass and/or intimidate any individual or group

- iii. **Use Based on Protected Characteristics**—It is a violation of this procedure to use the ALPR system, databases 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.

- iv. **Personal Use**—It is a violation of this policy to use the ALPR system or associated databases or hot lists for any personal purpose

- v. **First Amendment Rights**—It is a violation of this procedure to use the ALPR system, databases or hot lists for the purpose or known effect of infringing upon first amendment rights.

Anyone who engages in a prohibited use of the ALPR system, associated databases, or hot lists may be subject to criminal prosecution, civil liability and/or administrative disciplinary action up to and including termination.

E. Data Collection and Retention

The Police Captain, or his designee, are responsible for ensuring that systems and processes are in place for the proper collection and retention of ALPR data.

ALPR data downloaded for a criminal investigation will be handled in accordance with the evidence procedures of the Lexington Police Department. The ALPR vendor will store the data and ensure proper maintenance and security of stored data.

The vendor will purge (hard delete) the data after thirty (30) days. Data retrieved by the Lexington Police Department for investigative purposes will be maintained in accordance with department evidence retention procedures.

F. Restriction on the use of ALPR Data

Information gathered or collected, and records obtained by ALPR system(s) will not be sold, accessed, or used for any purpose other than legitimate law enforcement purposes.

G. Accountability and Safeguards

All data will be closely safeguarded and protected by both procedural and technological means. The Lexington Police Department will observe the following safeguards regarding access to and use of stored data.

- i. All non-law enforcement requests for access to stored ALPR data shall be processed in accordance with applicable law and department policies/procedures
- ii. Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only.
- iii. Every ALPR detection browsing inquiry must be documented with the associated case number and reason for the inquiry
- iv. ALPR data may be released to other authorized and verified law enforcement agencies for legitimate law enforcement purposes. The agency must make a written request that documents the name of the

agency, name of the person making the request and the intended purpose of obtaining the information. The request will be reviewed by an ALPR Administrator and approved before the request is fulfilled. The written request will be retained and attached to a Police Department generated case report.

H. ALPR Data Detection Browsing Audit

It is the responsibility of the Police Captain, to ensure an audit is conducted of ALPR detection browsing inquiries at least once during each calendar year. The Lexington Police Department will audit a sample of the ALPR system utilization twice per year from the prior six (6) 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 Lexington Police Department employees during the preceding six (6) month period and determine if each inquiry meets the requirements established in this procedure. The audit shall be documented in the form of an internal department memorandum 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, the memorandum and any associated documentation shall be filed and retained by the Lexington Police Department.

I. Training

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

Adopted November 21, 2023