



505 Fifth Ave., Suite 901, Des Moines, IA 50309
www.aclu-ia.org

Subject: **Model Policy:** [law enforcement agency] Mobile License Plate Reader (“LPR”) System

Date: **September 19, 2012**

I. PURPOSE

The purpose of this [name of policy/order] is to establish a policy and procedures to ensure the proper use of Mobile License Plate Readers (LPR) by members of the [law enforcement agency].

II. POLICY

A LPR system is a computer-based system that utilizes special cameras to capture license plate information. The LPR system captures an infrared image of a license plate and converts it to a text file using Optical Character Recognition (“OCR”) technology. The text is compared to various hot lists generated by various law enforcement agencies, including the National Crime Information Center (“NCIC”) and the [law enforcement agency], and generates an alert when there is a hit. The LPR system will identify a license plate and /or a motor vehicle. The LPR system will not identify the person operating the motor vehicle. The Department may, as a separate step and for legitimate law enforcement purposes as set forth in this [name of policy/order], undertake to identify the owner of a vehicle in the event the LPR system generates an alert, such as by running the license plate number through the database of the Iowa Department of Transportation Registry of Motor Vehicles (“RMV”).

It shall be the policy of the [law enforcement agency] that all Department members abide by the policy and procedures set forth in this [name of policy/order] when using LPRs to scan, detect, and identify vehicles or persons of interest, thereby increasing the efficiency and effectiveness of its public safety efforts in a manner that safeguards the privacy concerns of law-abiding citizens.

In addition to this [name of policy/order], the use of LPR technology by the [Name of Law Enforcement Body/Agency] shall comply with federal and state law governing criminal intelligence systems, including but not limited to Title 28, Part I, Chapter 23 of the Code of Federal Regulations as pursuant to 42 U.S.C. 3782(a) and 42 U.S.C. 3789g(c), intended to ensure conformance with the privacy and constitutional rights of individuals, as well as Iowa Admin. Code r. 661—81.4 (692), governing the purging of criminal intelligence files.

The LPR system shall be restricted to legitimate law enforcement uses for the purpose of furthering legitimate law enforcement goals and enhancing public safety. Such uses and goals include providing information to officers that will assist in on-going criminal investigations, crime prevention, crime detection, the apprehension of wanted persons, ensuring the safety of vulnerable individuals through the recovery of missing and endangered persons, and improving the quality of life in our community through the identification and removal of stolen, unregistered, and uninsured motor vehicles, the collection of overdue fines from parking scofflaws, and enforcement of certain parking rules and regulations.

The Department shall utilize hot lists that further the above-specified goals of the LPR system where there is a legitimate and specific law enforcement reason for identifying a vehicle or a person reasonably believed to be associated with that vehicle, such as: persons who are subject to an outstanding arrest warrant; missing persons; AMBER Alerts; stolen vehicles; vehicles that are reasonably believed to be involved in the commission of a crime; vehicles that are registered to or are reasonably believed to be operated by persons who do not have a valid operator's license or who are on the revoked or suspended list; vehicles with expired registrations; persons who are subject to a restraining order issued by a court or by the Parole Board, or who are subject to any other duly issued order restricting their movements; persons wanted by a law enforcement agency who are of interest in a specific investigation, whether or not such persons are themselves suspected of criminal activity; and when information has been received concerning a specific individual or individuals who pose a potential public safety risk to the [municipality/jurisdiction] area.

In summary the LPR system will aid officers in ensuring the safety of our community.

III. ACRONYMS AND DEFINITIONS

“Alert” shall mean a visual and /or auditory notice or alarm that is triggered when the LPR receives a potential hit on a license plate.

“Alert data” shall mean information captured by a LPR relating to a license plate that matches the license plate on a hot list.

“LPR” shall mean automated license plate reader.

“LPR data” shall mean scan files, alert data, and any other documents or other data generated by or through utilization of the LPR system.

“LPR system” shall mean the LPR camera and all associated equipment and databases.

“Hit” shall mean a read matched to a license plate that has previously been registered on an agency's vehicle plates hot list, such as those associated with vehicles that have been stolen or that are unregistered or uninsured, vehicles wanted for specific crimes, vehicles associated with, or that may assist with the identification of, suspects involved in criminal activity, and vehicles associated with parking scofflaws.

“Hot list” shall mean data bases containing lists of license plate numbers of interest.

“Non-Encounter Alert” shall indicate to officers “Do not stop the vehicle based on this information alone. Only observe and report pertinent information to the requesting agency.

“OCR” shall mean optical character recognition.

“Read” shall mean digital images of license plates and associated metadata (e.g., date, time, and geographic coordinates associated with the vehicle image capture) that are captured by the LPR system.

“Scan file” shall mean data obtained by an LPR of license plates that were read by the device, including potential images of the plate and vehicle on which it was displayed, and information regarding the location of the police cruiser at the time of the LPR read.

IV. PROCEDURES

A. Management

The [Name of Law Enforcement Body/Agency], by and through its Chief, is solely responsible for the day-to-day operation and management of the LPR system and for all tasks ancillary to its operation and management. The Chief shall assign Department personnel to operate and manage the LPR system on a day-to-day basis. The Chief or his/her designee may assign civilian personnel (both from within and without the Department) to perform any function or duty related to the operation and management of the LPR system, including but not limited to, inventory, service, and maintenance work.

The Chief shall ensure that the LPR system is operated in conformity with this [name of policy/order] and other Department policies, procedures, rules and regulations. The Chief shall enforce this [name of policy/order] and shall act as the Department Head for all disciplinary and enforcement actions for any violations by Department personnel.

B. Operations

1. Installation and Functioning. The LPR cameras will be mounted on a marked cruiser. The cruiser will engage in either directed patrol or random patrol depending on the assignment given. The LPR equipment will passively read the license plates of moving or parked motor vehicles using LPR optical character recognition technology and compare them against various hot lists uploaded or created by the [Name of Law Enforcement Body/Agency]. Scanned data files collected by an officer will, on an ongoing basis, be automatically uploaded from the LPR in the cruiser to the Department’s LPR server. The LPR system will not have sound recording capability.
2. Hot Lists. Designation of hot lists to be utilized by the LPR system shall be made by the Chief or his/her designee. Hot lists shall be obtained or compiled from sources as may be consistent with the purposes of the LPR system set forth in this [name of policy/order], which sources may include:
 - a. National Crime Information Center (NCIC) Stolen Vehicle files, as available;

- b. NCIC Stolen plates and Stolen Canadian plates, as available;
- c. NCIC Wanted persons, as available;
- d. NCIC Missing or Endangered person files, as available;
- e. NCIC Supervised Release (Federal Probationers), as available;
- f. NCIC Nationwide Domestic Violence Protection Orders, as available;
- g. NCIC Violent Gang and Terrorist Organization File, as available;
- h. NCIC Sexual Offender;
- i. RMV Records of Suspended/Revoked Registrations;
- j. [Name of Law Enforcement Body/Agency] Scofflaw List;
- k. [Municipality] Parking Permit System; and

The Department shall regularly upload hot lists utilized by the LPR system so that these hotlists remain reasonably current.

Whenever a license plate number is manually entered into the LPR system, the officer shall document the reason for doing so.

3. Regular Operation. The Commanding Officer on Duty will assign as staffing permits, at least one officer per shift to the police motor vehicle equipped with the LPR, which shall be utilized whenever available and operational.
4. Login/Log-Out Procedure. To ensure proper operation and facilitate oversight of the LPR system, officers assigned to the LPR vehicle shall login at the beginning of their shifts and log out at the end.

C. Authorized Usage/Police Action

1. Authorized Users/Access. Only sworn officers trained in its use and this [name of policy/order] and who have signed the Certification contained at the end of this [name of policy/order] may operate the LPR system or access or use stored LPR data. Each authorized officer shall be issued an individual log-in ID and be required to utilize alphanumeric passwords consisting of a combination of upper and lower case letters, numbers, and symbols.
2. Permitted/Impermissible Uses. The LPR system is the property of the [Name of Law Enforcement Body/Agency]. Department personnel may only access and use the LPR system and may access, use, release and/or disseminate hot list and scan file data only for official and legitimate law enforcement purposes consistent with this [name of policy/order]. Only the Chief of Police may authorize dissemination outside of the [Name of Law Enforcement Body/Agency], and only to other law enforcement, for legitimate law enforcement purposes, and with the written authorization of the Chief or Chief's designee. Written authorization must be obtained from the Chief, or designee, in advance of such dissemination, and a record of the written authorization (although not the data accessed), shall be public record.

The following uses of the LPR system are specifically prohibited:

- a. *Invasion of Privacy.* Except when done pursuant to a court order, it is a violation of this [name of policy/order] to utilize the LPR 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 / Intimidation.* It is a violation of this [name of policy/order] to use the LPR system or associated scan files or hot lists to harass and/or intimidate any individual or group.
- c. *Use Based on a Protected Characteristic.* It is a violation of this [name of policy/order] to use the LPR system or associated scan files or hot lists solely because of a person's, persons,' 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 [name of policy/order] to use the LPR system or associated scan files or hot lists for any personal purpose.
- e. *First Amendment Rights.* It is a violation of this [name of policy/order] 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 LPR system or associated scan files or hot lists may be subject to:

- criminal prosecution,
- liability, and/or
- administrative sanctions, including termination, pursuant to and consistent with the relevant collective bargaining agreements and Department policies.

The names and sources of the hot lists (rather than their contents) utilized by the [Name of Law Enforcement Body/Agency] LPR system shall be public record.

3. Required Steps Preliminary to Police Action. Hot lists utilized by the Department's LPR system may be updated by agency sources more frequently than the Department may be uploading them, and the Department's LPR system will not have access to real time data. Further, there may be errors in the LPR'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 stop of a vehicle or other intervention based on an alert, an officer shall undertake the following:
 - a. *Verification of current status on hot list.* An officer must receive confirmation, from a [Name of Law Enforcement Body/Agency] Communications Dispatcher or other department computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding.
 - b. *Visual verification of license plate number.* Officers shall visually verify that

the license plate on the vehicle of interest matches identically with the image of the license plate number captured (read) by the LPR, including both the alphanumeric characters of the license plate and the state of issue, before proceeding.

4. Stops. All stops of motor vehicles must be constitutionally valid and otherwise comply with the [Name of Law Enforcement Body/Agency] policies. To assist with implementation of these obligations and in furtherance of the purposes of the LPR system, the following requirements apply to traffic stops:
 - a. *Completion of Preliminary Steps to Police Action.* An officer must have complied with Section IV(C)(3) of this [name of policy/order] prior to proceeding with a motor vehicle stop.
 - b. *Non-encounter alerts.* In the event that an alert is designated as a non-encounter alert, the officer shall follow any instructions included in the alert (e.g., notifying any applicable law enforcement agency).
 - c. *Persons of Interest.* With regard to cases in which an alert may indicate a person of interest (such as a wanted person), officers are reminded that in some cases, the driver or occupant of the vehicle may not be the person with whom the license plate is associated (since vehicles may be loaned, e.g.). Therefore, officers must develop a reasonable belief that the operator or occupant is the person of interest included in a hot list prior to initiating a stop (e.g., by comparing the person's observed physical appearance with that of a physical description contained in the RMV database).
 - d. *Independent reason for traffic stop.* An officer may stop a vehicle where he/she has an independent reason for doing so, such as an unrelated traffic violation.
 - e. *Appropriate police action.* Nothing in this [name of policy/order] shall restrict or prohibit an officer from taking appropriate police action based on facts or reasons obtained independently from LPR operation.
5. Use in Connection With Serious Crimes/Incidents. The LPR should be considered to conduct license plate canvasses in the immediate wake of any homicide, shooting, robbery, kidnapping, sexual assault or AMBER ALERT and / or other major crime or incident. Registration plates or partial plates potentially associated with any such major crimes or incidents should be entered into the LPR and compared against the scan file. Conversely, registration plate numbers may be used for exculpatory purposes (e.g., to corroborate a registrant's alibi).
6. Mutual Aid Requests. The Chief of Police, or Chief's designee, may approve a mutual aid request for use of the LPR for purposes consistent with this [name of policy/order], as may be appropriate under the circumstances and as resources permit. The intent of the [Name of Law Enforcement Body/Agency] is to provide mutual aid to law enforcement from other communities when they become aware of a serious incident, as to which serious incident they reasonably believe the LPR may be useful. Examples of serious incidents include homicides, shootings, kidnappings, sexual assaults or AMBER alerts, or other serious or violent felonies as to which suspect vehicle information is

available. LPR data may be shared under this Section IV(C)(6) only as is consistent with this [name of policy/order] and to the extent necessary to supply duly approved mutual aid.

D. Security/Authorized Stored Data Access/Confidentiality.

LPR data shall be kept in a secure data storage system with access restricted to authorized persons only.

- a. *Scan Files.* Access to scan files will be secured and controlled by a login password-accessible system, which shall document who accessed the information by identity, date and time. Officers may only access data stored in the LPR server based upon a reasonable belief that the scan file data may be related or useful as part of a specific official action or investigation. Requests for LPR server data access must be in writing and be expressly authorized by the Chief of Police, or designee(s), in advance of such access. Scan file data will be considered confidential information to the extent permitted by law.
- b. *Hot lists.* Security of the hot list data will be the responsibility of the officer using the LPR or accessing the data. Hot list data will be considered confidential information to the extent permitted by law.
- c. Designated officers trained in the use of the LPR software shall have access to LPR data to conduct analysis of said data in order to comply with legitimate law enforcement requests.

E. Retention

LPR data scan files will be retained for no longer than a period of seven (7) days, unless a longer period is required by the Department's Evidence Policy, by court order, or by law. The files shall be recorded over thereby being deleted and are not to be stored in backup servers. **Hits** will be retained for no longer than necessary for legitimate law enforcement purposes.

F. Program Oversight / Evaluation / Audit Review

1. Designated, trained personnel 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. Officers shall not attempt to modify or change the LPR equipment or software unless authorized to do so.
2. Damage or other malfunctions to the equipment will be reported to the Commanding Officer on Duty or Chief of Police.
3. All successful uses of the LPR shall be documented and forwarded to the Commanding Officer Traffic/Records Division or their designee. The Commanding Officer Traffic/Records Division, or their designee, will compile statistics of these uses and provide monthly updates on such uses to the Department's command staff. The

[Municipality City Council/ Agency Oversight Body] will be provided an audit report once per year, at twelve month intervals, which provide a complete accounting of the uses of the LPR System.

4. The [Name of Law Enforcement Body/Agency] will be responsible for conducting, reviewing, and retaining audits of the LPR system usage. Audits shall be completed on an annual basis and shall determine the Department's adherence to this [name of policy/order] and the procedures it establishes, as well as the maintenance and completeness of records contemplated by this [name of policy/order]. At the completion of this audit, a full report on the outcome shall be forwarded to the [Municipality City Council/ Agency Oversight Body]. Audit reports shall be considered to be public record to the extent consistent with the Public Records Law. Audits shall include, but not be limited to, review of the following:
 - a. Records of LPR operators and their LPR usage, including vehicles of interest added to a hot list by individual officers.
 - b. A listing of access to the police department's server, to include access, additions and/or searches of the scanned files, in order to verify security of that data and compliance with this [name of policy/order]. All written requests for scanned file access will be retained for comparison against this audit record.
 - c. Records of sharing of LPR data pursuant to Section IV(C)(6) of this [name of policy/order].
 - d. Records of reproduction of scan files pursuant to Section IV(G) below.
 - e. Hot lists entries shall be checked to ensure entries made are in compliance with this [name of policy/order].
5. Any officer becoming aware of a possible violation of this [name of policy/order], including but not limited to the unauthorized access, use, release and/or dissemination of LPR data, shall refer the matter for an Administrative Investigation by the [Name of Law Enforcement Body/Agency] Office of Professional Standards [or equivalent department/office within the law enforcement agency].

G. Requests for Reproduction of Scan Files

1. Authority to Request / Permissible Requests. Requests for reproduction may be made in writing to the Chief, or the Chief's designee, and shall be granted only for legitimate law enforcement purposes upon a documented showing of reasonable suspicion the data in question is associated with a crime in another jurisdiction, as part of normal procedures for investigations and the handling of evidence or in furtherance of the purposes for the LPR system stated in this [name of policy/order].
2. Prompt Request. All requests to reproduce a scan files shall be made promptly and in any event as soon as possible to ensure that needed data is available.
3. Reproduction Responsibility / Evidence. The [Name of Law Enforcement

Body/Agency] shall be solely responsible for making reproductions of scan files. It shall make two copies of any reproduction. One copy shall be logged into the evidence system following the Department's Evidence Policy and shall be maintained in a manner consistent with the Evidence Policy and with maintaining the chain of custody for evidentiary materials. The second copy shall be reproduced to the requesting party utilizing the procedure described in Section IV(G)(4) below. The [Name of Law Enforcement Body/Agency] shall document all requests for copies of scan files.

4. Reproduction Request Procedures.

a. Authorized Department Requests (see Section IV(G)(1) above):

A scan file request may be made by submitting a completed Scan File Request Form to the [Name of Law Enforcement Body/Agency]. Only the Chief, or Chief's designee, may authorize disclosure of a copy of scan files to any federal, state, or municipal law enforcement agency in connection with an open investigation. Reasonable suspicion that the data included in the scan file is related to a crime must be documented in writing to the Chief on the Scan File Request Form.

b. Court-Related Requests (e.g., Prosecutors, Defense Attorneys, Judges):

Court-related request may be made by submitting a completed Scan File Request Form to the appropriate Department court liaison (for the applicable court), who shall forward a copy to the Chief's Office, who shall send a copy of the requested reproduction to the court liaison, who shall send it to the requesting party.

c. Subpoena:

Except in connection with an open investigation as set forth in Section IV(G)(4)(a) above, by submitting a completed Scan File Request Form to the Department's Records Division, with responsibility for the reproduction falling to the Chief's Office.

**CERTIFICATION UNDER [LAW ENFORCEMENT AGENCY] [[NAME OF
POLICY/ORDER]] [2012-XX]**

**(Re: [LAW ENFORCEMENT AGENCY] MOBILE LICENSE PLATE READER
SYSTEM)**

I, _____, certify that I have received a copy of and have read [name of
policy/order]2012-xx], dated August __, 2012, regarding the [law enforcement agency]'s Mobile License
Plate Reader System.

(Name)

Date:_____

(Signature)

(Title)