

# ***USE OF LPR TECHNOLOGY***

## **SAMPLE POLICY**

### **I. POLICY**

The availability and use of License Plate Recognition (LPR) systems have provided many opportunities for the enhancement of crime prevention, productivity, effectiveness, and officer safety. It is the policy of this agency that all members abide by the guidelines set forth herein when using this technology, while maintaining compliance with applicable State and Federal laws.

Homeowner Associations (HOAs), Municipal Utility Districts (MUDs), Businesses, and the City of Fulshear recognize that it is in the best interest to cooperate in the installation and operation of License Plate Recognition Camera Systems. This policy helps to establish guidelines for sharing/partnering of systems with HOA, MUDs, and Businesses within the Fulshear city limits.

The use of License Plate Recognition systems must be balanced with the need to protect residents' constitutional rights; including, but not limited to, privacy and anonymity, freedom of speech and association, government accountability, and equal protection.

The City of Fulshear desires to ensure that the use of the License Plate Recognition system within the City conforms to constitutional principles.

The objectives of the License Plate Recognition system are to deter criminal behavior, and, in certain circumstances, to use recorded footage or photos in the investigation of and prosecution for criminal activity, by strategic placement of the LPR systems.

### **II. PURPOSE**

The purpose of this policy is to provide officers with guidelines on the proper use of the License Plate Recognition (LPR) system, also commonly known as License Plate Reader systems.

### **III. DEFINITIONS AND ACRONYMS**

- A. Appending Data - using technology to attach personally identifiable information, such as name, address, or criminal history, to footage or other records of the LPR Camera System such that those subsequently accessing the footage or records can also access the attached personal information.
- B. Audio Recording - The City of Fulshear LPR Camera System shall perform no audio recording. Audio recording is governed by federal law and is separate and apart from the recording performed by the LPR Camera System. Title 1 of the Electronic Communications Privacy Act of 1996 (16 U.S.C. Section 2510) limits the ability of law enforcement to execute wiretaps.
- C. Read - Digital images of license plates, vehicles, and associated metadata (e.g., date, time, and geographic coordinates associated with the vehicle image capture) that are captured by the LPR system.
- D. Alert - A visual and/or auditory notice that is triggered when the LPR system receives a potential "hit" on a license plate.
- E. Hit - A read matched to a plate that has previously been registered on an agency's "hot list" of vehicle plates related to stolen vehicles, wanted vehicles, or other factors supporting investigation, or which has been manually registered by a user for further investigation.
- F. 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" circulated among law enforcement agencies. Hot list information can come from a variety 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 LPR 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 when a vehicle license plate of interest is "read" by the LPR system.
- G. Fixed LPR system - LPR cameras that are permanently affixed to a structure, such as a pole, traffic barrier, or a bridge.
- H. Mobile LPR system - LPR cameras that are affixed, either permanently (hardwired) or temporarily (e.g., magnet-mounted), to a law enforcement vehicle for mobile deployment.
- I. Portable LPR - LPR cameras that are transportable and can be moved and deployed in a variety of venues as needed.

- J. FOUO - For Official Use Only
- K. LPR - License Plate Recognition/License Plate Reader
- L. OCR - Optical Character Recognition

#### **IV. PROCEDURES**

##### **A. General**

1. The use of LPR systems is restricted to public safety-related missions of this agency.
2. LPR systems and associated equipment and databases are authorized for official public safety purposes. Misuse of this equipment and associated databases, or data, may be subject to sanctions and/or disciplinary actions.
3. Any publicly/privately owned LPR camera systems that stores data on the City of Fulshear databases must be according to the specifications, policies, and guidelines of this agency.

##### **B. Administration**

1. The Chief of Police, or his/her designee, shall designate an employee(s) with administrative oversight (The Administrator) for LPR system deployment and operations that is responsible for the following:
  - a. Establishing protocols for access, collection, storage, and retention of LPR data and associated media files;
  - b. Establishing protocols to preserve and document LPR reads and "alerts" or "hits" that are acted on in the field or associated with investigations or prosecutions;
  - c. Establishing protocols to establish and ensure the security and integrity of data captured, stored, and/or retained by the LPR system;
  - d. Maintaining records identifying approved LPR deployments and documenting their results, including appropriate documentation of significant incidents and arrests that are related to its usage;
  - e. Authorizing any requests for LPR systems use or data access according to the policies and guidelines of this agency.
2. 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.

3. LPR system repairs, hardware or software, shall be made by agency authorized sources.

#### C. Mobile License Plate Reader System (LPR) Usage

1. LPR operation and access to LPR collected data shall be for official agency purposes only.
2. Only approved police personnel who have been properly trained in the use and operational protocols of the mobile LPR systems shall be permitted to use it.
3. At the start of each shift, users must ensure that the mobile LPR system has been updated with the most current hot lists available.
4. LPR Alerts/Hits: Prior to initiation of a traffic stop or contact, the initiating officer must:
  - a. Visually verify that the vehicle plate number matches the plate number run by the LPR system, including both alphanumeric characters of the license plate and the state of issuance; and,
  - b. Verify the current status of the plate through dispatch or MDT query when circumstances allow.
5. Hot lists may be updated manually if the user enters a specific plate into the **LPR** system and wants to be alerted when that plate is located. Whenever a plate is manually entered into the LPR system, the officer should document the reason.
6. Mobile LPR system searches of historical data can only be completed for legitimate public safety related purposes.
7. LPR systems should also be used in emergency-based operations, such as AMBER alerts, missing persons, and violent crimes (i.e. murder, bank robberies).
  - a. Upon notification of an emergency-based situation, all patrol officers using LPR equipment must place the involved vehicle plate number into the vehicle database.
  - b. Officers should then proceed to patrol areas which are likely to increase the chance of encountering the target vehicle.

#### D. Fixed License Plate Recognition Systems (LPR) Usage

1. A fixed LPR system is a passive system, live data cannot be viewed.

2. Fixed LPR systems shall monitor all license plates that come in contact with the LPR camera. Information for legitimate public safety purposes will be accessed by the system administrator and disseminated as appropriate.
3. Fixed LPR system searches of historical data should be made by making a request to the system administrator and can only be completed for legitimate public safety related purposes. A log of such requests will be maintained by the system administrator.
4. Fixed LPR systems may have the ability to notify the system administrator and/or other police personnel of a HIT from the LPR system Hot List.
5. If notification of a HIT is made, prior to initiation of a traffic stop or contact, the initiating officer must:
  - a. Visually verify that the vehicle plate number matches the plate number run by the LPR system, including both alphanumeric characters of the license plate and the state of issuance;
  - b. If a stolen HIT notification is received, verify the current status of the plate through dispatch or MDT query; and,
  - c. Attempt to make a coordinating effort with other resources before stopping the vehicle.

#### E. LPR Data Sharing and Dissemination

LPR data should be considered FOUO and can only be shared for legitimate law enforcement purposes:

1. When LPR data is disseminated outside the agency, it should be documented in a secondary dissemination log.
2. Outside law enforcement can make requests for specific queries of the LPR database for legitimate law enforcement purposes. Only matching returns will be shared with the agency.
3. Information sharing among agencies should be dictated in accordance with MOUs (memoranda of understanding) or established departmental policies.
4. The sharing of the LPR database with outside law enforcement agencies or other government agencies is allowed and must be approved by the Chief of Police or system administrator.
5. Sharing of LPR data and information to third parties is prohibited, including private litigants, except to the degree required by law (Open Records Act/Texas Public Information Act.)

F. Retention of LPR related photos and data

1. LPR related data will be stored for a maximum of thirty (30) days.
2. LPR data that is deemed evidence in a law enforcement related case will be transferred to and retained in the department's digital evidence storage system.

G. Businesses and Homeowner Association Partnerships

1. Business entities and Homeowner Associations may:
  - a. Purchase and install LPR technology;
  - b. Provide inquiry and view access to the Fulshear Police Department;
  - c. Agree to store LPR data only onto the City's LPR database.
2. Any publicly or privately owned LPR systems that store data on City of Fulshear databases must be according to the specifications, policies, and guidelines of this agency.
3. The City of Fulshear will not be responsible for operations or maintenance costs of any LPR equipment not purchased or contracted by the City.
4. The City of Fulshear will not be responsible for any communication or hardware costs associated with bringing data from any non-city owned system to the City's defined access point for our system/software.