



## **COLONIAL HEIGHTS POLICE DEPARTMENT**

### **William H. Anspach III, Chief of Police**

<b>Category:</b>	Operations	<b>Number:</b>	3-65
<b>Subject:</b>	Automatic License Plate Reader (ALPR)	<b>Effective Date:</b>	June 30, 2025
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<b>Approved:</b>	William H. Anspach III, Chief of Police		<i>Colonel William H. Anspach III</i>

**NOTE:** This order is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

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#### **POLICY:**

This policy shall establish the procedures and guidelines for the use of Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition.

#### **Definitions**

- 1) **ALPR** - (Automatic License Plate Recognition) Also called "automatic number plate recognition", is a system that optically scans vehicle license plates using fixed-position cameras on highways or mobile cameras mounted on police vehicles and/or trailers.
- 2) **Hot List** - A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to, NCIC, Virginia Department of Motor Vehicles (DMV), Local BOLO's, etc.
- 3) **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 Vehicle Administration or law enforcement agencies.

- 4) **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.
- 5) **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.

## I. PURPOSE

The Purpose of this general order is to outline procedures and guidelines when Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, may be used. ALPRs are used by the Colonial Heights Police Department in accordance with Virginia State Code and city code to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons.

## II. ADMINISTRATION

The ALPR technology allows for the automated detection of license plates along with the vehicle make, model, color and unique identifiers through the Colonial Heights Police Department's ALPR system and the vendor's vehicle identification technology. The technology is used by the Colonial Heights Police Department 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.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, is managed by FLOCK Safety. and include updates every 24 hours or as soon as practicable after such updates become available.

The Chief of Police or designee will assign an employee of the Colonial Heights Police Department to be the ALPR administrator for the day-to-day operation of the ALPR equipment and data.

- A. Only properly trained sworn police officers, Auxiliary police officers, crime analysts, emergency communication operators, police department records clerks are allowed access to the ALPR system or to collect ALPR information.

- B. The ALPR system administrator will monitor to ensure the security of the information and compliance with applicable privacy laws.
  - Ensuring that procedures are followed for system operators and to maintain records of access in compliance with Virginia State Code.
  - Ensuring that the title and name of the current designee overseeing the ALPR operation is maintained and is continually working with the Custodian of Records on the retention and destruction of ALPR data.
  - Ensuring this policy and related ALPR information is made public as required by Virginia State Code.

### **III. PROCEDURE**

Use of an ALPR and its data, to include downloads, is restricted to the purposes outlined below. Department personnel shall not use, or knowingly allow others to use, the equipment or database records for any unauthorized purpose.

- A. An ALPR shall only be used as part of a criminal investigation into an alleged violation of the Code of Virginia or any City of Colonial Heights ordinance where there is reasonable suspicion or probable cause of a crime.
- B. As part of an active investigation related to a missing or endangered person or in relation to a human trafficking investigation.
- C. An investigation of a stolen vehicle and/or license plate.
- D. No police department employee shall operate ALPR equipment or access ALPR data without first completing department approved training.
- E. Officers shall verify an ALPR response through the National Crime Information Center (NCIC) system or National Law Enforcement Telecommunications System (NLETS) before taking enforcement action that is based solely upon an ALPR alert.
- F. Equipment and/or software issues shall, as soon as practical, be reported to a supervisor and/or ALPR Administrator.

### **III. ALPR DATA COLLECTION AND RETENTION**

- A. All data and images gathered by an ALPR are for the official use of the

Colonial Heights Police Department and because such data may contain confidential NCIC information, it is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

- B. The Chief of Police or designee is responsible to ensure proper collection and retention of ALPR data.
- C. ALPR data will be stored in accordance with the provisions outlined in the agreement with the Colonial Heights Police Department and FLOCK Safety. All ALPR camera data will be retained for 21 days and Audit Trail Data for 2 years and will not be recoverable by either the police department or Flock Safety once purged.

#### **IV. ACCOUNTABILITY AND SAFEGUARDS**

- A. All saved data will be closely safeguarded and protected by both procedural and technological means. The Colonial Heights Police Department 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 referred to the Chief of Police or designee and processed in accordance with Virginia State Code § 2.2-3700.
  2. All ALPR data downloaded to a department Mobile Data Computer (MDC) and/or to a department server 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 only permitted to access the data for legitimate law enforcement purposes and only in accordance with Virginia State Code.
  4. Under all circumstances, the person searching for information through an ALPR system shall at a minimum include a reason for the search and a case number. "Blanket searches", absent a bona fide reason, are strictly prohibited.
- B. Anyone who engages in misuse or misconduct of the ALPR system or associated scan files or hot lists may be subject to:
  1. Criminal prosecution
  2. Civil liability
  3. Administrative disciplinary actions, up to and including termination,

pursuant to and consistent with the relevant department policies.

## **V. DISSEMINATION**

- A. The Colonial Heights Police Department may disseminate ALPR data for the following:
  1. To any law enforcement agency within the State of Virginia with an authorized law enforcement purpose as outlined above.
  2. With the Commonwealth Attorney for purposes set forth above or for complying with discovery or a court order in a criminal proceeding.
  3. With a defendant or his counsel to comply with discovery or a court order in a criminal proceeding.
  4. Pursuant to a court order or subpoena duces tecum in any criminal or civil proceeding.
  5. With Flock Safety for maintenance or quality assurance purposes.
  6. To alert the public to an emergency situation, missing or endangered person, for human trafficking or a person with an outstanding warrant.
- B. The Colonial Heights Police Department will not sell any ALPR or audit trail data.
- C. ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time in accordance with this policy and Virginia State Code.
- D. The Colonial Heights Police Department assumes no responsibility or liability for the acts or omissions of other agencies in making use of the ALPR data properly disseminated.
- E. Though the Colonial Heights Police Department will make every reasonable effort to ensure the quality of shared ALPR Data and hotlists, it cannot make absolute guarantees of the accuracy of information provided.

## **VI. AUDIT**

- A. A monthly audit will check system access settings, network sharing settings, and verify compliance with searches, data utilization, and recording.
- B. Access to, and use of, ALPR Data is logged for audit purposes. Audit trails will contain, at a minimum:
  1. The name of the law enforcement user
  2. The name of the agency employing the user

3. The date and time of access
4. The specific data accessed
5. The supplied authorized law enforcement or public safety justification for access
6. A case/incident number associated with the investigative effort generating the ALPR data query

C. ALPR audits shall be at the direction of the Chief of Police or designee and will be conducted by someone other than the person assigned to manage the Colonial Heights Police Department ALPR function.

D. If any misuses or incidents of misconduct are discovered when conducting an audit, the results shall then be reported to the Chief of Police.