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POLICY

It is the policy of the Douglas County Sheriff's Office (DCSO) to utilize License Plate Readers (LPRs) for criminal investigations in accordance with the Automatic License Plate Reader Act (60-3201-60-3209).

DEFINITIONS

Alert: Data held by the Department of Motor Vehicles, each criminal justice information system maintained in this state, the FBI NCIC, the FBI Kidnapping and Missing Persons List, the Missing Persons Information Clearinghouse, 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 vehicle or individuals associated with the license plate numbers are relevant or material to an ongoing criminal or missing persons investigation (NSS 60-3202).

Automatic License Plate Reader System: 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 (NSS 60-3202).

Captured Plate Data: GPS coordinates, date and time information, photographs, license plate numbers, and any other data captured by or derived from any automatic license plate reader system (NSS 60-3202).

PROCEDURES

I. Authorization and Training Requirements (41.3.9c)

- A. License Plate Readers (LPRs) are considered surveillance and undercover equipment and will be maintained by the License Plate Reader (LPR) Committee.
 - 1. Deputies will be assigned to the committee by the Operations Chief Deputy or designee.
- B. All Deputies will receive training on the LPR system prior to use. Only members who have received agency approved training will be authorized to use the LPRs.

II. Guidelines for Use (41.3.9a)

- A. LPRs will only be used by the DCSO for law enforcement purposes listed in NSS 60-3203.
- B. The LPR system will be used in accordance with agency training and manufacturer guidelines.
- C. The LPR system will be automatically updated from government databases at the beginning of each shift if updates are available (NSS 60-3204).
- D. In accordance with NSS 60-3204, Deputies may manually query captured plate data only when a Deputy determines that a vehicle or individuals associated with a license plate number are relevant and material to an ongoing criminal or missing person investigation (NSS 60-3204).
 - 1. When manually querying data Deputies will document the reason for the entry.

2. Manual entries will be set to purge at the end of their shift unless the criminal or missing person investigation remains ongoing.
- E. Deputies utilizing the LPR system will immediately notify the License Plate Reader Committee chair or designee of any equipment malfunctions/problems.
- F. The LPR system utilizes an automated audit system to track usage of the system.

III. Data Security and Access (41.3.9b)

- A. LPR data will be downloaded to a secure agency-approved repository. Only authorized users will be able to access the data using secure log-in credentials.
 1. The system will keep an audit trail of user access and actions within the system.
- B. The License Plate Reader Committee will periodically monitor the data files to ensure that only authorized users are accessing the LPR system.
- C. Data captured by agency LPRs is the property of the DCSO and will be considered evidence. Accessing, copying, or releasing files or portions thereof, for non-law enforcement purposes is strictly prohibited unless specifically authorized by the Sheriff or Sheriff's designee.
 1. LPR data is not considered public record and will only be released in accordance with NSS 60-3209. Violators will be subject to discipline up to and including termination and may be liable for damages that cause injury to a business, person, or the reputation of an individual or entity (NSS 60-3208).
 2. LPR data and evidence derived from such data will not be used as evidence in a case if disclosure of that information would violate the Automatic License Plate Reader Privacy Act (NSS 60-3207).
- D. Members will not erase, alter, reuse, edit, copy, share, modify, or tamper with LPR data without prior written authorization from the Sheriff or Sheriff's designee.
- E. Members will not record, download, or otherwise transfer LPR data onto any type of personal device.

IV. Data Storage and Retention (41.3.9d)

- A. LPR data will be downloaded to and stored in a secure agency-approved repository.
- B. Data to be used as evidence will be downloaded and burned onto a DVD and entered into the Property and Evidence Division (PED) in accordance with the DCSO "Property and Evidence" policy.
 1. LPR data saved as evidence will be retained and destroyed in accordance with the DCSO "Property and Evidence" policy.
- C. In accordance with NSS 60-3204 LPR data will not be retained for more than 180 days unless:
 1. The data is being retained as evidence.
 2. The data is the subject of a warrant, subpoena, or court order.
 3. It is the subject of a preservation request in accordance with NSS 60-3205.

V. Administrative Reporting

- A. In accordance with NSS 60-3206, the License Plate Reader Committee chair or designee will submit an annual report on the DCSO's LPR practices and usage to the Nebraska Crime Commission that will include:
 - 1. Name of each list against which captured data was checked.
 - 2. Number of confirmed matches.
 - 3. Number of matches that upon further investigation did not correlate to an alert.
 - 4. Number of manually entered license plate numbers and the resulting number of:
 - a. Confirmed matches.
 - b. Matches that, upon further investigation, did not correlate to an alert.
- B. The annual report will be posted on the agency's website.
- C. The DCSO "License Plate Reader (LPR)" policy will be posted on the agency website in accordance with NSS 60-3206.

REFERENCES:

I. Laws

- A. Nebraska State Statutes: 60-3201-60-3209.

II. Previous DCSO Orders

- A. Previous DCSO General Orders include: #49-2023, #60-2022, #110-2020, and #57-2019.

III. CALEA Accreditation Standards

- A. Applicable CALEA Accreditation Standards include: 41.3.9.

IV. Review Schedule

- A. Quadrennial.