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| Kinston Police Department | **POLICY: Automated License Plate Reader** | **POLICY #: 100-20** |
| | **NCLEA Standards:** | |
| | **CALEA Standards:** | |
| | **NCLM Standards:** | **Effective Date: 11-22-2022** |
| **X New** ☐ **Revised** | **Revision Dates:** 01/07/25 | |
| **Approval: Chief of Police** | | |

## I. PURPOSE

To provide guidance for the capture, storage, and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology in accordance with (N.C.G.S. §20-183.31).

## II. POLICY

To provide guidelines for the implementation, training, responsibilities, and use of fixed ALPR technology and equipment to scan, detect, and identify license plate numbers. The ALPR technology shall be restricted to legitimate law enforcement uses for the purpose of furthering law enforcement goals and enhancing public safety.

## III. DEFINITIONS

A. Alert: An audible and/or visual signal activated upon the read of a license plate by the ALPR system that has not been visually verified by an officer against the photo in the ALPR system. An alert is not a conclusive confirmation. Additional investigation is always required when the system issues an alert.

B. Automated License Plate Reader (ALPR) System: Equipment consisting of camera(s), computer, computer software, and associated peripherals, used to automatically scan, recognize, and interpret the characters on vehicle license plates. Digital images captured by the cameras are converted into data, which is processed through and stored by the system. The system can compare the data when captured against hot lists of license plates and alert the ALPR Operator to an offense or relevant intelligence on the vehicle, which may help provide the basis for a reasonable suspicion stop to allow for further investigation. Additionally, stored system data can be queried and analyzed for investigative purposes.

C. Data Retention Request Log and File: A log of requests for retention of ALPR data beyond the normal 90 day period, with the documentation required by North Carolina General Statutes to support each request.

D. Fixed ALPR: ALPR cameras that are permanently or temporarily affixed to a structure, such as a pole, a traffic barrier, or bridge

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 Lists: A database populated with items of specific interest to investigative and/or enforcement operations of law enforcement. This may include, but is not limited to, Terrorist

Watch list data, stolen/wanted vehicles and registration plates, wanted and missing persons, caution notifications and registration plates associated with Amber Alerts or various watch lists provided for law enforcement purposes.

## IV. PROCEDURE

### A. ALPR ADMINISTRATOR

The Criminal Investigations Division (CID) Captain will act as the ALPR Administrator. The Administrator will have administrative oversight for the ALPR system deployment and operation, and is responsible for the following:

1. Designate a System Administrator under his/her command to provide training and administer the day-to-day operation of the ALPR equipment and data;

2. Manage the utilization of the ALPR software from the end user through training, reporting, storage, monitoring, and data sharing;

3. Administer and preserve ALPR data per N.C.G.S. §20-183.32;

4. Coordinate all installation and maintenance of ALPR equipment through REKOR;

5. Monitor the use of the ALPR system and ensure periodic audits;

6. Manage the compilation of "hot lists"; and

7. Maintain user access to ensure employees who may be ineligible to have access are eliminated from the database.

### B. OPERATIONS

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

1. ALPR shall only be used for official law enforcement purposes;

2. No member of this department, or other law enforcement agency, shall operate ALPR equipment or access ALPR data without first completing department-approved training.

3. An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Prior to initiation of a stop based on an ALPR Alert or Hit, the user must:

   a. Visually verify that the vehicle plate number matches the plate number run by the ALPR system, including both the alphanumeric characters of the license plate and the state of issuance; and

   b. Verify the current status of the plate through MDT query, when circumstances allow.

   c. If practicable, the officer should verify an ALPR response through the Division of Criminal Investigation Network (DCIN) before taking enforcement action that is based solely on an ALPR alert (N.C.G.S. § 20-183.31).

4. Receipt of a Hit notification is not sufficient probable cause to warrant an arrest.

5. Hot Lists may be updated manually for legitimate law enforcement purposes if the user enters a specific plate into the ALPR system and wants to be alerted when that plate is located. Whenever a plate is manually entered into the ALPR, the officer shall document the reason. The license plate number shall only remain in the system for 30 days, unless a specific request, with justification, is made by the requesting operator. The operator is responsible for removing all manually entered license plate data once the need for the entry no longer exists.

6. ALPR use during special or covert operations or during highly sensitive criminal investigations must be approved, in writing, by the ALPR Administrator. Investigations which use information obtained through the ALPR database shall document the fact that ALPR data was used in the investigative report.

C. SUPERVISOR RESPONSIBILITES

Supervisors should appropriately monitor ALPR operators to ensure that use of the ALPR equipment and data is consistent with policy. Any use of the ALPR system that violates the restrictions contained in the policy may result in disciplinary action.

D. DATA SHARING AND DISSEMINATION

1. The ALPR systems and associated equipment and database are authorized for public safety purposes. Use of this equipment, associated databases, or data in a manner outside the scope of this policy may subject the employee to disciplinary action.

2. ALPR data shall only be shared with another law enforcement agency or prosecutor upon a written request, which may be made electronically.

3. The release of ALPR data is not required if the disclosure of requested ALPR data will compromise an on-going investigation.

4. Employees requesting the retention or release of ALPR data maintained by another agency should obtain written supervisory approval, prior to making the request. Employees requesting data from another agency must submit a sworn written statement to the agency pursuant to N.C.G.S. §20-183.32 and a copy of that request shall be retained in the case file.

   Efforts should be made as soon as practical to obtain a search warrant to access requested data. Employees requesting the data should contact the outside agency to cancel any request should the information no longer be needed.

5. ALPR data is not a public record and shall not be disclosed except as provided in N.C.G.S. §20-183.32(e).

E. DATA COLLECTION, RETENTION and PROCEDURES

1. The ALPR Administrator is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. The ALPR Administrator shall keep a Data Retention Request Log and File and all requests for ALPR data must be logged.

2. All ALPR data will be collected and securely retained by REKOR in a cloud-based server. Active Kinston Police Department users have access to the stored data, however only the ALPR Administrator may download and distribute ALPR data.

3. ALPR data shall be purged after 90 days unless one of the following methods of preservation occurs:

   (a) A federal or state search warrant has been issued for the data; or

   (b) A preservation request is made under N.C.G.S. §20-183.32 as detailed in (4) of this policy.

4. Upon request of a law enforcement officer within this agency or an external law enforcement agency, the custodian/ALPR administrator shall take all necessary steps to immediately preserve the requested captured plate data. The request must specify in a written, statement all of the following:

   (a) The location of the particular camera or cameras for which captured plate data must be preserved and the particular license plate for which captured plate data must be preserved.

   (b) The date or dates and time frames for which captured plate data must be preserved.

   (c) Specific and articulable facts showing that there are reasonable grounds to believe that the captured plate data is relevant and material to an ongoing criminal or missing persons investigation or is needed to prove a violation of a motor carrier safety regulation.

   (d) The case and identity of the parties involved in that case.

5. To request ALPR data, an officer must submit a written request via email to their immediate supervisor. The supervisor shall review and approve the request and forward same to the ALPR Administrator.

6. Relevant ALPR data cannot be added to a Kinston Police Department case file unless the data is preserved by one of the methods outlined in N.C.G.S. §20-183.32.

7. Data sought to be retained pursuant to a completed retention request should be downloaded by the ALPR Administrator onto portable media, attached electronically to the case file and retained for a period of one year after the initial request unless a subsequent request to maintain the data for an additional year is received.

F. DATA SECURITY AND ACCESS

1. All ALPR data shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, and time.

2. Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only.

3. Periodic ALPR system audits are required and will be managed through the ALPR and/or System Administrator.

G. CRIME ANALYSIS

Kinston Police Department personnel may be authorized to have access to data stored in the ALPR system, if prior approval has been granted by the Chief of Police. The access shall be for crime analysis and investigative purposes only and the requesting employee shall be identified as a system user, not an actual operator.

H. SYSTEM INTEGRITY

1. The ALPR system should be updated every 24 hours, or as soon as practical, with any license plate data obtained from the DCI Network or any other databases used in conjunction with the ALPR system.

2. The ALPR Administrator, or designated System Administrator, shall maintain a schedule and record thereof to regularly perform audits, maintenance checks, calibration and any needed corrections or adjustments to the ALPR system. The audits shall be conducted at least annually and include a report to the Chief of Police of the use and effectiveness of the system. The audit shall also include a report of all data existing on the device for more than 90 days together with a comparison of the Data Retention Request Log to determine if any data has existed on the device for longer than 90 days without being supported by the required retention documentation.

I. TRAINING

1. ALPR access will only be issued to department members who have completed agency approved training. Documented training shall include policy review, system use, operation and retention of the ALPR equipment, collection and retention of ALPR data within the agency, collection and retention of ALPR data outside the agency, and the security and release of ALPR data.

2. Training must be documented and a copy of the presentation and the signed log-in sheet, with date, must be kept on file by the ALPR Administrator.