



MAINE STATE POLICE GENERAL ORDER

E-140

SUBJECT: MAINE STATE POLICE POLICY REGARDING THE USE OF AUTOMATED LICENSE PLATE RECOGNITION SYSTEMS

EFFECTIVE DATE: 09.04.2020

EXPIRATION DATE: 09.04.2027

RECENT HISTORY: AMENDED (09.04.2020); AMENDED (08.01.2020); NEW (05.11.2020)

DISTRIBUTION CODE: 2 (MAY BE PUBLICLY DISCLOSED)

APPLICABILITY CODE: C, S, Z

SIGNATURE OF COLONEL:

A handwritten signature in black ink, appearing to be "W. B. R.", written over a light blue rectangular background.

I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding the use of Automated License Plate Recognition ("ALPR") systems.

II. POLICY

1. The policy is the Maine State Police is to use ALPR systems in accordance with [29-A M.R.S.A. § 2117-A, Use of automated license plate recognition systems](#).
2. To that end, the Maine State Police shall:
 - A. Use ALPR systems for only lawful, official purposes;

- B. Use ALPR systems when providing public safety, conducting criminal investigations, and ensuring compliance with State and Federal laws; and
- C. Store ALPR scan file data that is collected or retained through the use of a Maine State Police-administered ALPR system for no longer than twenty-one (21) days, unless the scan file data constitutes “intelligence and investigative record information” pursuant to 16 M.R.S.A. c. 9, or is collected for the purposes of commercial motor vehicle screening.

III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.

A. Automated License Plate Recognition system. “Automated License Plate Recognition system” (“ALPR system”) means a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of registration plates into computer-readable data.

1. "Automated License Plate Recognition system" does not include a photo-monitoring system when used by the Maine Turnpike Authority or a law enforcement agency for toll enforcement purposes.

See 29-A M.R.S.A. § 2117-A(1).

B. Automated License Plate Recognition system data. “Automated License Plate Recognition system data” (“ALPR system data”) means hot list data and scan file data.

C. CVEU Commander. “CVEU Commander” means the Commander of the Maine State Police Commercial Vehicle Enforcement Unit, or her or his designee.

D. Commercial Vehicle Enforcement Unit. “Commercial Vehicle Enforcement Unit” (“CVEU”) means the Maine State Police Commercial Vehicle Enforcement Unit.

E. Hot list. “Hot list” means a file comprised of data:

1. Entered by a law enforcement officer based on specific and articulable facts of a concern for safety, wrongdoing, or a criminal investigation or pursuant to a civil order;
2. From the National Crime Information Center (“NCIC”) database; or
3. From an official published law enforcement bulletin.
 - a. As derived from the sources listed in paragraphs 1 – 3, above, the hot list may include, but not be limited to, the following:

- (1) The license plate numbers of stolen vehicles;
- (2) Stolen license plate numbers;
- (3) Amber Alerts, Silver Alerts, and other similar-type of law enforcement alerts;
- (4) License plate numbers known to be associated with specific individuals, such as wanted individuals, missing individuals, and individuals on terrorist watch lists.

b. A hot list is routinely updated.

- (1) The hot list does not solely rely on real-time communications with State or Federal information sources.

B. Hot list data. “Hot list data” means data of which a hot list is comprised.

C. Scan file. “Scan file” means a file comprised of license plate data obtained by an Automated License Plate Recognition system camera by scanning the license plate of a motor vehicle:

1. On a public way;
2. In a public area to which motor vehicles have access, such as a parking lot; and
3. On private property where law enforcement can be lawfully present.

A scan file typically includes the following types of data:

- a. Black-and-white license plate images;
- b. Contextual color images of license plates;
- c. Electronically-readable formats of license plates;
- d. Alphanumeric characters of license plate numbers;
- e. Location and global-positioning system coordinate information;
- f. Time-and-date-of-image-capture information; and
- g. Automatic license plate recognition system camera identification.

D. Scan file data. “Scan file data” means data of which a scan file is comprised.

E. User. “User” means the CVEU Commander, or an individual who is (a) generally supervised by and works at the direction of the CVEU Commander, and (b) authorized and trained to use and/or access a Maine State Police-administered Automated License Plate Recognition system.

1. At a minimum, a copy of this policy must be provided to all users.

IV. PROCEDURE

1. Applicable Maine Law

- A. Users shall be generally familiar with [*29-A M.R.S.A. § 2117-A, Use of automated license plate recognition systems.*](#)

2. General

- A. ALPR systems only may be used for lawful, official purposes, and shall not be used for non-law enforcement purposes, including, but not limited to, for personal use.
- B. Information that is known to not have been lawfully obtained must not be included in an ALPR system, and if such information is discovered to be in such a system, must be promptly removed from it.
- C. The Maine State Police CVEU uses ALPR systems for the purposes of commercial motor vehicle screening and inspection.
 - 1. Commercial motor vehicle plates are automatically run against the State of Maine's "CVIEW" system that is housed at the Bureau of Motor Vehicles at the Maine Office of the Secretary of State; that system identifies carriers that no longer have operating authority in the State of Maine, and also recognizes registrations that are suspended or that are associated with International Fuel Tax Agreement violations.
- D. The Maine State Police uses ALPR systems to enhance the safety of officers and the public, as well as to increase the ability to effectively apprehend criminals and dangerous drivers, find missing or endangered persons, and locate stolen vehicles.
 - 1. ALPR systems may be used to improve the effectiveness of public safety alerts (such as AMBER and Silver Alerts), as well as the real-time response of law enforcement agencies to known or suspected criminal activity.
 - 2. ALPR systems also enable law enforcement agencies to more effectively find motor vehicles that are stolen, or that are owned or operated by wanted or missing persons.
- E. ALPR systems work by comparing hot list data with scan file data.
 - 1. ALPR systems alert system users of potential matches of hot list data and scan file data.
 - 2. **ALPR systems at times may produce erroneous alerts due to, e.g., damaged license plates, misidentification of a**

plate's state, or the variety of license plate types and designs.

a. Therefore, after receiving an ALPR system alert, and prior to taking any law enforcement action based solely on the alert, an officer shall, whenever reasonably practicable:

- (1) Visually verify that the license plate number information from the subject vehicle matches the license plate information used and alerted upon by the ALPR system, including both the alphanumeric characters of the plate and the State of issuance; and
- (2) Determine whether the alert pertains to the registrant of the subject vehicle or to the vehicle itself.

3. Administration of Maine State Police ALPR Systems

- A. The Commercial Vehicle Enforcement Unit shall administer its use of its ALPR systems.

4. Hot List Development

- A. To ensure that the most up-to-date information is available when using a Maine State Police-administered ALPR system, the system's hot list must be developed and updated as often as reasonably practicable.

5. Use of Maine State Police-Administered ALPR Systems

- A. Only users who have been trained and authorized to use and access a Maine State Police-administered ALPR system may do so.
- B. Damage or other malfunctions to the equipment of an ALPR system must be promptly reported to the CVEU Commander, as applicable.

6. Use of Vehicle-Mounted ALPR Systems

- A. Officers using vehicles equipped with a vehicle-mounted ALPR system and who will be using that system during their shifts shall ensure that the system is properly working, as well as, to the extent necessary, update the ALPR system data that will be accessed through the system.
- B. If an ALPR system is found by an officer to not be working properly, then the officer shall promptly report such to her or his supervisor.

1. An ALPR system that is found not to be working properly must not be used.

7. Electronic, Direct Sharing of ALPR System Data Between the Maine State Police and Other Law Enforcement Agencies
 - A. Prior to the electronic, direct sharing of any ALPR system data between the Maine State Police and another law enforcement, a memorandum of understanding between the Maine State Police and that other agency must be executed.
 1. At a minimum, the memorandum of understanding must include:
 - a. Assurances that both agencies agree to comply with all laws applicable to ALPR systems and ALPR system data, including, but not limited to, 29-A M.R.S.A. § 2117-A;
 - b. A provision that addresses how the shared data may be used by each agency; and
 - c. Provisions that address how each agency must maintain and secure the shared data.
8. Maine State Police ALPR System Data Control and Security
 - A. The ALPR system data of Maine State Police-administered ALPR systems may only be accessed, used, and disseminated for official law enforcement purposes.
 - B. The Maine State Police shall ensure that the storage, use and transmission of ALPR system data is as secure as reasonably possible.
 - C. Direct access to ALPR systems and system data is restricted to users, as defined in this policy.
 - D. ALPR system data is confidential under Maine law. *See* 16 M.R.S.A. c. 9. *See also* 29-A M.R.S.A. § 2117-A.
9. Disposition of Maine State Police Scan File Data
 - A. Scan file data that is collected or retained through the use of a Maine State Police-administered ALPR system must be stored and disposed of in accordance with 29-A M.R.S.A. § 2117-A.
10. Oversight of Maine State Police-Administered ALPR Systems
 - A. The CVEU Commander shall periodically review use of CVEU-administered ALPR systems to ensure that the systems are being used by officers in accordance with Maine law and this policy, and that data that cannot be stored pursuant to 29-A M.R.S.A. § 2117-A is removed from the systems.

NOTICE

THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.