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Town of Hurt, Virginia Police Department

Policy Number: 2025-11-10

AUTOMATED LICENSE PLATE READERS (ALPR)

Revision Number: 004 (VSP MODEL POLICY 7-09-2025)

Chief of Police: Colonel M. Jason Lovelace

NOTE:

This Rule and Regulation 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.

I: POLICY

It is the policy of the Hurt Police Department to develop a standard procedure using Automated License Plate Reader (ALPR) technology and managing system alerts. Officers will receive training before using the device for law enforcement purposes. All ALPRs will be used and maintained in accordance with manufacturer guidelines and this policy.

II. PURPOSE

To establish uniform ALPR operational procedures and guidance for law-enforcement agencies. ALPR policy may be more restrictive but shall not conflict with §2.2-5517, Code of Virginia.

III. DEFINITIONS

Definitions applicable to this policy, in addition to those contained in §2.2-5517, Code of Virginia, are as follows:

1. Read: Digital images of license plates and vehicles and associated data (e.g., date, time, and geographic coordinates associated with the image capture)
2. Alert/Hit: A read matched to a plate that has previously been registered on a hot list of vehicle plates related to stolen vehicles, wanted vehicles, or other factors supporting investigation, or which has been manually entered by a user for further investigation.
3. Hot list: License plate numbers and letters 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. Law enforcement agencies can also interface their own, locally compiled hot lists to the ALPR 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 if a vehicle license plate of interest is read by the ALPR system.
4. Fixed ALPR system: ALPR cameras that are permanently affixed to a structure, such as a pole, a traffic barrier, or a bridge.
5. Mobile ALPR system: ALPR cameras that are affixed, either permanently (hardwired) or temporarily (e.g., magnet-mounted), to a law enforcement vehicle for mobile deployment.
6. Portable ALPR system: ALPR cameras that are transportable and can be moved and deployed in a variety of venues as needed, such as a traffic barrel or speed radar sign.
7. Private Entity ALPR system: A private entity may be, but not limited to, homeowner's associations, gated communities, shopping malls, other business establishments, or places of worship. These entities often have information sharing

agreements with law-enforcement agencies.

8. User: Any individual who is authorized to access information and use the system.

IV. OPERATIONS

A. The use of and/or access to an LPR system is restricted to official purposes only. An ALPR system shall be used for official law enforcement purposes only and in compliance with §2.2-5517, Code of Virginia. A law-enforcement agency shall not use a system for the purpose of interfering with individuals engaged in lawful activities or tracking individuals on the basis of the content of lawfully protected speech. ALPR systems are used to identify vehicles, not persons.

B. §2.2-5517, section D, Code of Virginia, provides that a law-enforcement agency may use a system only (i) as part of a criminal investigation into an alleged violation of the Code of Virginia or any ordinance of any county, city, or town where there is a reasonable suspicion that a crime was committed; (ii) as part of an active investigation related to a missing or endangered person, including whether to issue an alert for such person, or a person associated with human trafficking; or (iii) to receive notifications related to a missing or endangered person, a person with an outstanding warrant, a person associated with human trafficking, a stolen vehicle, or a stolen license plate. All information necessary for the creation of an audit trail shall be entered in order to query system data. A law-enforcement agency shall not query or download system data unless such data is related to at least one of these purposes. A law-enforcement agency may download audit trail data for purposes of generating audit reports. A stop of a motor vehicle based on a notification from the system shall be consistent with §2.2-5517, section M, Code of Virginia.

C. Non-agency owned or contracted ALPR systems

1. Employees who have access to non-agency owned or contracted ALPR system shall report such access to the ALPR program manager or equivalent.
2. Non-agency owned or contracted ALPR systems include memberships or accounts to private entity ALPR systems or databases.

D. Notification of an Alert

1. Notification by a system does not constitute reasonable suspicion as grounds for law enforcement to stop a vehicle. Prior to stopping a vehicle based on a notification, a law-enforcement officer shall:

- a. Develop independent reasonable suspicion for the stop; or
- b. Confirm the license plate or identifying characteristics of a vehicle match the information contained in the database used to generate the notification.
 - i. This confirmation procedure shall be an independent comparison of the ALPR system alert and the corresponding hot list notification.
 - ii. Law-enforcement officers are encouraged to use radio communication to verify the ALPR system alert.

2. If a law-enforcement officer stops the driver of a motor vehicle, stops and frisks a person based on reasonable suspicion, or temporarily detains a person during any other investigatory stop based upon the alarm of an ALPR, the reporting requirements set forth in 52-30.2, section C, Code of Virginia, shall be followed.

E. ALPR Hot Lists

1. The primary use of ALPR data involves the comparison of license plate characters collected by an ALPR system to characters contained on a previously compiled hot list. These hot lists may be compiled by the local, state or federal law enforcement. These hot lists inform law enforcement which vehicles are of interest and why, alerting the user when such a vehicle is read by an ALPR camera. This can be done in real time or using historical ALPR data.

2. Hot lists shall be updated at least once every 24 hours, or as soon as practicable, after such updates become available.

- a. The Virginia State Police distributes the NCIC hot list four times daily
- b. The law-enforcement agency should coordinate directly with the Virginia State Police or through their ALPR vendor the accuracy and currency of the NCIC hot list.
- c. The law-enforcement agency operated hot list or manually entered hot listed license plate(s) shall be updated as soon as practicable.
- d. Manually entered license plate lists shall contain at a minimum:
 - i. Supporting information regarding why a particular license plate is on a specific hot list.
 - ii. Vehicle description (year, make, model, and color)
 - iii. Legal reason for entry

- iv. Valid 24-hour contact number of entrant or agency
- v. If available, valid case number or CAD/incident number

F. Training Requirements

1. Employees must attend training prior to using or accessing the ALPR system
2. ALPR training should occur bi-annually and should include the following:
 - a. Legal update of relevant ALPR matters
 - b. Administrative procedures
 - c. Technical procedures
3. Agencies shall maintain a record of each employee's completion of ALPR training in accordance with existing training records policies.

G. System Data Usage - Retention and Sharing

1. System data dissemination, sharing, and disclosure is defined in §2.2-5517, section F, Code of Virginia.
 - a. This section mandates ALPR system data may not be retained beyond 21 days unless:
 - i. The system data or the audit trail data is part of an ongoing investigation, prosecution, or civil action
 - ii. Such data shall be retained by the law-enforcement agency until (i) the investigation concludes without any criminal charges or (ii) the final disposition of any criminal or civil matter related to the data, including any direct appeals and any writs of habeas corpus pursuant to Article 3 (§8.01-654 et seq.) of Chapter 25 of Title 8.01 or federal law, in accordance with applicable records retention law and policy.
2. ALPR system data may only be downloaded from the system purposes described in §2.2-5517, Code of Virginia
3. ALPR system data may not be sold by its employees or its contracted ALPR vendor(s).
4. System data and audit trail data is not subject to disclosure under the Virginia Freedom of Information Act (FOIA)
5. When releasing ALPR information to another law-enforcement agency, it is important to note that §2.2-5517, section A, Code of Virginia, defines a law-enforcement agency as any agency or entity that employs law-enforcement officers as defined in §9.1-101, Code of Virginia

V. ADMINISTRATIVE PROCESS

A. Internal system auditing shall occur at least once every 30 days.

1. Internal system audits shall be conducted in the following use areas:

a. Queries Conducted – At least 5% of the total monthly queries conducted should be audited to ensure compliance with of §2.2-5517, section D, Code of Virginia (Reference Virginia Code 2.2-5517 Section I. 3).

b. Downloads – At least 5% of the total monthly downloads should be audited to ensure compliance with §2.2-5517, Code of Virginia.

c. Traffic Stops – At least 5% of the total monthly traffic stops conducted as the result of an LPR alarm should be audited to ensure compliance.

d. Agency Sharing – A monthly system audit shall verify system settings to ensure compliance with §2.2-5517, section F (1), Code of Virginia.

2. ALPR data and audit trail data shall be purged and rendered not recoverable in accordance with §2.2-5517, section E, Code of Virginia.

B. Data Security and Access

1. ALPR data is categorized as “for official use only.” Ensuring ALPR data remains secure builds public confidence in this technology. Access control to the administrative profile(s) of the ALPR system shall be maintained.

2. All collected data will be maintained on a server that is not connected to, or shared with, other law-enforcement databases.

3. The server will be able to provide an inquiry tool, history tracking, and reporting protocols for the entire ALPR system.

4. The server will provide a secure intranet site or internet site, allowing only approved personnel, password-protected access to collected data.

5. State agency internet and intranet sites must be compliant with existing VITA security standards.

C. ALPR Program Manager

1. The law-enforcement agency should designate an individual who possesses decision making authority to manage the ALPR program.
2. The individual should, at a minimum:
 - a. Stay abreast of current case law and legislation
 - b. Monitor the use of the ALPR system and conduct periodic audits
 - c. Manage user accounts and permissions
 - d. Manage ALPR training
 - e. Updates ALPR policy as necessary

END OF POLICY