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| <b>Office of the Sheriff<br/>N.C.</b>   |                                       | <b>New Hanover County,</b>                           |  |
| <b>Standard Operating Policy</b>  |                                       |  |  |
|  | <b>Policy#</b><br>222                 | <b>Subject</b><br>Automatic License Plate<br>Readers |  |
| <b>Pages</b><br>11  | <b>Effective Date</b><br>2024- Dec-09 | <b>Last Update</b>                                   |  |
| <b>References:</b>  |                                       |  |  |

### 222.1 POLICY

The New Hanover County Sheriff's Office (NHCSO) has established comprehensive procedures governing the operations of fixed and mobile automatic license plate readers (ALPR). ALPR technology automates a process that, in the past, was conducted manually by sworn employees, license plate by license plate, with much discretion. ALPR is an information technology system with the capability to quickly scan and match license plate numbers and/or letters to stolen vehicles and/or license plates, vehicles associated with missing and/or wanted persons, and vehicles wanted in connection with criminal activity.

### 222.2 DEFINITIONS

- A. Automated License Plate Reader (ALPR) system: Either mobile or at fixed locations, equipment including camera(s), computer(s), and computer software used to automatically recognize and interpret the characters on vehicle license plates. Digital images captured by the cameras are converted into data, which is processed through the ALPR system. This data is then compared against a list of license plates bearing some significance to the New Hanover County Sheriff's Office or identified as relevant for law enforcement purposes via the National Crime Information Center (NCIC). If the information supplied via the ALPR system alerts ALPR operators to an offense or relevant intelligence on a vehicle, then the vehicles may be stopped by sworn employees to allow for further investigation. Stored data may also be analyzed within a ninety (90) calendar-day retention period for criminal investigative or missing person purposes.
  
- 1. Fixed ALPR: ALPR cameras mounted on stationary objects aimed at a vehicular lane of travel. Stationary objects include, but are not limited to, utility poles, traffic signal poles, independently mounted poles, and traffic signal mast arms. Fixed ALPR locations use cameras that are engineered to focus on the rear license plate of vehicles passing by the camera

location. The camera image is sent by cellular data signal to an off-site server where the image is compared with license plates entered into the National Crime Information Center (NCIC) and hot lists as defined below. Only license plates that match an NCIC entry or hot list entry will trigger an alert.

2. Mobile ALPR: ALPR cameras mounted on trailers positioned in a mobile environment or vehicle mounted cameras installed in New Hanover County Sheriff's Office vehicles being operated by sworn law enforcement.
- B. Alert: A visual and/or audible signal indicating a potential match between data on the hot list and a license plate scanned by the ALPR system. An alert is not conclusive confirmation that a license plate is connected to an investigative and/or enforcement interest within the New Hanover County Sheriff's Office jurisdiction. Additional investigation is always required to validate an alert.
- C. ALPR-Generated Data: Information obtained by an ALPR of license plates within public view that were read by the device, including images of the plate and vehicle on which it was displayed, and information regarding the location of the law enforcement vehicle or stationary camera position at the time the information was captured. Information stored includes a photo of the license plate showing the rear of the vehicle, a date and time stamp of when the license plate was read by the ALPR and a GPS coordinate to identify the location the license plate was read by the ALPR.
- D. ALPR Manager: An employee designated by the Sheriff or their designee who is responsible for the coordination of all aspects of the NHCSO ALPR system program including its administration, technical troubleshooting, training, repair, etc.
- E. ALPR Operator: A NHCSO employee properly trained in the use of the NHCSO ALPR system.
- F. Hot List: An ALPR server database list that includes license plate information that the ALPR system should check for and alert on. Such lists can be local or external and include identification information for vehicles that have been reported stolen, are associated with missing persons, and/or are wanted in connection with criminal activity.
1. External Hot List: A database populated with items of specific concern to the investigative and/or enforcement interests within the NHCSO's jurisdiction. External hot lists are imported into the system from other sources such as the National Crime Information Center (NCIC) and DCI.

2. Local Hot List: An addition to the ALPR server database that is appended to the External Hot List. The local hot list consists of license plates with local investigative significance that have been entered into the server hot list by an ALPR operator. Local hot list entries must include a case number and relevant case information, including employee name, initials, and/or identification number.

G. Law enforcement purpose. - Any of the following:

1. Actions related to criminal investigations, arrests, prosecutions, post-conviction confinement, or supervision.
2. Apprehending an individual with an outstanding felony warrant.
3. Locating a missing or endangered person.
4. Locating a lost or stolen vehicle.

H. Missing or endangered person. - A person who has been identified as a missing or endangered person by at least one of the following:

1. The National Criminal Information Center.
2. The National Center for Missing and Exploited Children.
3. A "be on the lookout" bulletin issued by a law enforcement agency.

### **222.3 PROCEDURES**

A. ALPR operators will complete formal NHCSO-approved training before using any ALPR system.

B. Local hot list data will be updated at a minimum of every twenty-four (24) hours if such updates are available or as soon as practical after such updates become available. The ALPR manager or their designee shall review local hot list data at least once per shift.

1. The following are some of the databases used to compare and validate the ALPR-Generated Data:

DCI, CJLEADS, DMV, idiCORE, CARFAX, CLEAR, Records Management System (RMS), LinX, and Police2Police.

- C. Upon receiving an alert from an ALPR, an ALPR operator will use the displayed information to help validate the nature and accuracy of the alert. The ALPR operator will visually verify that the license plate connected to an investigative and/or enforcement interest within the NHCSO's jurisdiction and the license plate alerted by the ALPR screen are the same (e.g., correct vehicle description and license plate letters, numbers, state, and any other information that can be matched). Deputies should be mindful that the ALPR may produce erroneous alerts due to damaged license plates, system misread, misidentification of a license plate state, or the variety of license plate types, etc.
- D. Once an ALPR operator has confirmed that the alert is valid, the operator will take the appropriate steps to initiate law enforcement action. Any traffic stops based on the alert from the ALPR must comply with all laws and procedures for a traffic stop. If the alert is for a stolen vehicle or license plate, a vehicle connected to a missing or wanted person, or a vehicle wanted in connection with a felony, the ALPR operator will confirm that the license plate is still listed in NCIC as having investigative significance.
1. If the ALPR alert is the result of an internal hotlist entry and the vehicle has not yet been entered into NCIC, the ALPR operator will review the associated reports to determine if the vehicle is still of investigative significance.
  2. An ALPR alert on a license plate related to a stolen vehicle or a vehicle wanted in connection with a felony may not rise to the level of reasonable suspicion and is certainly not sufficient probable cause to effect an arrest without confirmation that the vehicle is still wanted.
  3. If the alert is for another type of investigative significance, the ALPR operator will review the alert description and take the appropriate steps to initiate law enforcement action. Confirmation that the vehicle is still wanted is essential before the stop of any person unless exigent circumstances exist. If there are no instructions in the reason code, or if the NCIC hit cannot be verified, officers will need to develop reasonable suspicion independently of the ALPR alert prior to taking any enforcement action
  4. There may be alerts that will not always require action, such as NCIC Nationwide Domestic Violence Protection Orders.
  5. ALPR operators must ensure that all terrorist watch list alerts or "positive hits" are reported to the Terrorist Screening Center (TSC). All terrorist watch list hits will be handled by phone. There will be no radio traffic

concerning terrorist watch list alerts except in the case of emergencies. ALPR operators must be familiar with the three (3) levels of terrorist watch list positive hits:

- a. Level one (1) – stop the vehicle, hold the occupants, and contact TSC.
- b. Level two (2) – visually track the vehicle, do not alert vehicle occupants of your presence, and contact TSC for further instructions.
- c. Level three (3) – take no law enforcement action, document alert information, and report the positive hit and related information to TSC.

**6. ALPR-generated data shall not be used for the enforcement of traffic violations.**

- E. Development of the Hotlist - Information will be submitted, maintained and accessed in a cloud based CJIS approved vendor the following ways:
1. Available NCIC extract downloads occur twice daily and will transfer that hotlist data to the ALPR server.
  2. Authorized users of the ALPR during their shift may only enter additional vehicles of interest to the hotlist for official and legitimate law enforcement purposes with prior supervisory approval.
  3. Other local hotlists may be developed for manual entries through the current ALPR systems.
  4. Hotlists may be compiled from vehicles associated with NCIC entries or from the offense categories provided below. When entering a hotlist entry into Evidence.com, select an Offense Category from the drop-down menu that most closely matches the list provided below. A priority of Normal will be used for all Offense Categories with 2 exceptions: Categories pre-labeled below or those with supervisory approval.
    - a. Amber Alert/Child Abduction
    - b. Robbery
    - c. Vehicle Theft
    - d. Warrant for Arrest (WFA)
    - e. Aggravated Assaults/Sexual Assaults

- f. Missing Persons/Silver Alert
  - g. Involuntary Commitments (IVC)
  - h. Stolen Plate/Vehicle
  - i. Hit and Run Vehicle
  - j. Vehicle that fled from a traffic stop
  - k. Persons of Interest
- F. ALPR-generated data is to be used for official law enforcement purposes only. Upon written or electronic request, ALPR-generated data may be shared by authorized members of the NHCSO with other criminal justice agencies for legitimate law enforcement purposes only. Any other use of this data is strictly prohibited.
1. The requesting law enforcement agency must send an email or written request to the ALPR manager or their designee containing the agency's investigative report number, the type of crime being investigated, the name of the person of interest (if known), and the vehicle registration number being sought.
  2. The ALPR manager or their designee will review the request and, if the provided information meets the NHCSO requirements for sharing ALPR generated data with other law enforcement agencies, the ALPR manager or their designee will fulfill the request.
  3. Once the request is fulfilled, the ALPR manager or their designee will keep record of the request and information provided in accordance with Chapter 8C: Evidence Code of the North Carolina General Statutes and NCGS § 20-183.32 Preservation and Disclosure of Records.

#### **222.4 ROLES AND RESPONSIBILITIES**

- A. The ALPR manager will be responsible for the management of NHCSO-owned ALPR systems, training, reports, and maintenance as follows:
1. Ensuring the ALPR system is integrated into the NHCSO's patrol and investigative functions and determining any restrictions for the use of the ALPR system.

2. Recommending procedural changes to the NHCSO Command Staff.
3. Obtaining quarterly reports on the health of the ALPR System from the ALPR contracted maintenance vendor. The report will include details of any calibration needed to the hardware or software used to operate the ALPR system. Records of maintenance and calibration schedules must be retained by the ALPR Manager or their designee in lieu of the contracted ALPR vendor.
4. Ensuring that neither the ALPR equipment, including the software and operating system, is modified absent the direction of the ALPR manager.
5. Ensuring that all maintenance and repair of the ALPR equipment is completed.
6. Reporting on NHCSO-owned ALPR systems when requested, including usage, training, camera reads, associated apprehensions, the system's health, and the maintenance and support contract status.
7. Ensuring the NHCSO ALPR training meets the following criteria:
  - a. Training will be timely, adequate, and properly documented by the NHCSO Training Coordinator (TC) or their designee.
  - b. ALPR operators will be properly trained before accessing ALPR-generated data or participating in ALPR field operations.
  - c. Supervisors will receive the information necessary to effectively oversee the ALPR equipment and use.
  - d. All aspects of ALPR operations will be conducted per this standard operating procedure.
8. All requests for shared data access from other law enforcement agencies and/or invitations to access data from private ALPR systems (i.e. HOA's, Community Watch Groups) shall be forwarded to the ALPR manager for approval.
9. The manager of the ALPR program will be responsible for conducting, reviewing and retaining audits of the ALPR system. These audits shall be forwarded through the chain of command to the Sheriff annually. The audit information should include the following:

- a. Records of ALPR operators and their ALPR usage, including vehicles of interest added to a hotlist by individual deputies.
  - b. A listing of access to the department's server, to include access, additions and/or searches of the scan file, in order to verify security of that data and compliance with this policy.
  - c. Auditing the local hotlists to ensure manual entries are being deleted when no longer of interest.
- B. Supervisors will be responsible for:
- 1. Monitoring the use of any ALPR systems and ensuring they are being used per this standard operating procedure.
  - 2. Ensuring ALPR-generated reports are included in Watch Commander reports for enforcement actions resulting from ALPR-generated leads.
  - 3. Ensuring that employees report damage to NHCSO-owned ALPR equipment or needed repairs immediately. The supervisor will:
  - 4. Follow established procedures to document needed repairs and/or damage (and investigate, if necessary).
  - 5. Report needed repairs and/or damage (and the findings of any investigation) to their division commander and the ALPR manager.
  - 6. Approval of hotlist entries by their deputies and for confirming the required information is being provided within the entry. Deputies shall add the following information into the notes section of hotlists:
    - a. Why the vehicle is of interest.
    - b. What actions, if any, other deputies should take if the vehicle is located.
    - c. Who is to be contacted after the vehicle is located.
    - d. If a case number is associated with a vehicle, include the case number.

## **222.5 DATA RETENTION AND USE**

- A. Per North Carolina General Statute (N.C.G.S.) § 20-183.32, ALPR-generated data is not a public record. Data shall not be disclosed except to a criminal justice officer at a State or local law enforcement agency or a similar official

at a federal law enforcement agency for a legitimate law enforcement purpose pursuant to a written request from the requesting agency.

1. Written requests may be in electronic format.
  2. Nothing in this subsection shall be construed as requiring the disclosure of ALPR-generated data if the NHCSO determines that disclosure will compromise an ongoing investigation.
  3. ALPR-generated data shall not be sold for any purpose.
  4. Data will be stored on a vendor-approved cloud-based storage solution and will not be stored outside the control of ALPR users.
- B. As required by NCGS § 20-183.32, ALPR-generated data will be purged ninety (90) calendar days after the date the data is captured. ALPR-generated data may be preserved for more than 90 days pursuant to any of the following:
1. A preservation request under section (C) of 222.5 Data Retention and Use.
  2. A search warrant issued pursuant to Article 11 of Chapter 15A of the North Carolina General Statutes.
  3. A federal search warrant issued in compliance with the Federal Rules of Criminal Procedure.
  4. ALPR-generated data that is utilized in a criminal investigation and must be preserved pursuant to Chapter 8C: Evidence Code of the North Carolina General Statutes.
- C. For preservation requests of ALPR-generated data, the ALPR Manager or their designee shall take necessary steps to immediately preserve all available ALPR-generated data. The requesting criminal justice entity must specify in a written, sworn statement all of the following:
1. 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.
  2. The date(s) and time frame(s) for which captured plate data must be preserved.
  3. 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.

4. The case and identity of the parties involved in that case.

After one year from the date of the initial preservation request, the ALPR-generated data shall be destroyed according to the NHCSO's record or data retention policy, unless the ALPR Manager or their designee receives within that period another preservation request under this subsection, in which case the retention period established under this subsection shall reset.

- D. Within the New Hanover County Sheriff's Office, access to ALPR-generated data is restricted to NHCSO employees.

1. The ALPR manager will determine which employees will have access to the database for investigative queries and reports. Any requests for database access will be handled on a case-by-case basis and those granted access will be provided permissions via evidence.com and/or Flock Safety.
2. The ALPR Manager and Operators are responsible for the security of the ALPR data and may only access, use, release and/or disseminate hot list and ALPR-generated data for official and legitimate law enforcement purposes:
  - a. As with other similar data, the NHCSO will ensure that the storage, use and transmission of ALPR-generated data is as secure as reasonably possible. Access to shall be restricted to sworn law enforcement personnel and designated non-sworn personnel.
  - b. Hot list data will be considered confidential information. Security of the hot list data will be the responsibility of the ALPR operator or personnel accessing the data.
  - c. ALPR-generated data will be considered confidential information. Access to ALPR-generated data will be secured and controlled by a login/password accessible system, capable of documenting who accessed the information by identity, date and time. NHCSO personnel may only access data stored in the ALPR server based upon a reasonable belief that the ALPR-generated data may be related or useful as part of a specific official action or investigation.
  - d. This section also applies to shared data obtained by ALPR systems not operated by this agency.

**222.6 OTHER SUPPORTING DOCUMENTATION**

N.C.G.S. Chapter 20 Article 3D - Automatic License Plate Reader Systems  
N.C.G.S. § 20-183.32 Preservation and Disclosure of Records  
N.C.G.S. Chapter 8C – Evidence Code  
N.C.G.S Article 11 of Chapter 15A  
U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice  
Information Services Division, Criminal Justice Information Security Policy

**222.7 COMPLIANCE**

All NHCSO personnel shall adhere to and abide by the rules and regulations set forth in this policy.

Approved By: \_\_\_\_\_ signature on file \_\_\_\_\_  
**Edward J. McMahon**  
Sheriff  
New Hanover County, N.C.