



905 Automatic License Plate Recognition

Virginia Beach Police Department General Order

Chapter 900 – Equipment
CALEA Standards: 41.3.9 (A, B, C, D)

Purpose:

To establish procedures for the lawful and proper use of an Automatic License Plate Recognition (ALPR) system and provide for the best use of the technology while protecting the privacy rights of residents and motorists traveling on public roadways.

Definitions:

Automatic License Plate Recognition (ALPR) System: computer-assisted equipment, either fixed or mobile, used in combination with computer algorithms to convert images of license plates, vehicles, or a combination of both into computer-readable data to recognize license plate numbers and alerts law enforcement when a license plate is on the Hot List.

Hot List: a list of license plate numbers comprised of data obtained from the National Crime Information Center (NCIC) and Virginia Criminal Information Network (VCIN), or manually added by this agency.

Hit: an alert from the ALPR system that a recognized license plate number may match one on the Hot List.

ALPR Equipped Vehicle: a police vehicle outfitted with Axon Mobile Video Recorder with license plate recognition activated.

Evidentiary value: any information captured on the ALPR that will likely aid in a criminal or traffic investigation.

Policy:

This policy will augment *General Order 1003 Electronic Data Management*, and specifically addresses ALPR. The Virginia Beach Police Department's (VBPD) ALPR system provides information for use by law enforcement personnel to assist in the detection and apprehension of vehicles of specific interest to law enforcement traveling through the jurisdiction of the City of Virginia Beach. The VBPD utilizes fixed and mobile ALPR technologies.

Guidelines for Use (CALEA 41.3.9 A)

- A. In accordance with Virginia State Code § 2.2-5517 (D), License plate readers shall only be used to scan, detect, and identify license plate numbers for the purpose of identifying:
 - 1. Stolen vehicles.
 - 2. Vehicles associated with missing or endangered persons for whom a SP-67, SP-183, or equivalent State Police missing person's report has been submitted.

3. Vehicles involved in human trafficking.
 4. Vehicles involved in the killing of a police animal.
 5. Vehicles involved in suspected acts of terrorism.
 6. Vehicles involved in violent felonies as described.
 7. Vehicles involved in a violation of the following Virginia State Codes §18.2-154, §18.2-279, §18.2-89, §18.2-90, §18.2-91, §18.2-93, and §18.2-423 through §18.2-423.2.
- B. License plate readers shall not be used for (i) identifying vehicles involved in suspected violations of probation or parole for the offenses listed in this subsection or (ii) enforcement of speed limits, traffic regulations, tolling requirements, or high-occupancy vehicle requirements.
- C. Mobile ALPR
1. ALPR-equipped vehicles may be used either in routine patrol capacity or for special events.
 2. The ALPR system shall be used for the duration of the shift when the vehicle is on.
 3. When assigned an ALPR-equipped vehicle, the officer will, at the beginning of the shift:
 - a. Sign into the ALPR system
 - b. Report any problems to the supervisor immediately
 4. Alerts generated by mobile ALPR will be displayed to the officer operating the ALPR-equipped vehicle. An alert alone is not sufficient to establish probable cause for arrest. An alert alone does not necessarily establish reasonable suspicion to conduct a traffic stop.
 5. Upon receipt of an alert the officer shall follow protocol to confirm the accuracy of the Hit:
 - a. Visual confirmation the license plate captured matches the license plate on the Hot List.
 - b. Confirm the Hit is active by querying information in NCIC/VCIN.
 6. When initiating a traffic stop based on an ALPR alert, the officer shall conduct the stop in accordance with the *Constitutional Issues Written Directive* and *General Order 702 Traffic Stops*.
 7. When following up on an ALPR alert on an unoccupied vehicle, the officer shall notify ECCS and document the case in CADS.
- D. Fixed ALPR
1. Fixed ALPR technology will consist of cameras provided by Flock Safety and connected to their cloud-based network.
 2. Alerts generated by fixed ALPR will be monitored by Real Time Crime Center (RTCC) Personnel and communicated to patrol and/or investigative resources, as appropriate.

3. Alerts will be confirmed in the same manner as those generated by mobile ALPR cameras.

E. ALPR Record Search

1. Authorized users may search stored ALPR data for law enforcement purposes only.

Data Security and Access (CALEA 41.3.9 B)

The Technology Unit will manage access to the ALPR system. Users will use individualized accounts to access and use information in the ALPR system. Sworn personnel who complete the required ALPR training and have a current VCIN Level B certification will be issued an account. User accounts will be terminated upon separation from the agency.

The Virginia Beach Police Department will grant, on a case-by-case basis, requests made by law enforcement agencies to share ALPR data. Agency requests to share ALPR data within the Flock system will be electronically recorded within the Flock administrative dashboard.

Data Storage and Retention (CALEA 41.3.9 D)

The ALPR system does not collect or store personal information. License plate reads and hits (data) are encrypted, uploaded, and stored in Axon's (mobile APLR or Flock's (fixed APLR) cloud-hosted storage solution. All APLR data shall be retained for no more than 21 days. However, if the system data is part of an ongoing investigation, prosecution, or civil action, such data shall be retained by the law-enforcement agency until the investigation concludes without any criminal charges or the final disposition of any criminal or civil matter related to the data, including any direct appeals and any writs of habeas corpus. Any data not deemed evidentiary in nature shall be automatically purged by the system after the 21-day retention period.

Training (CALEA 41.3.9 C)

Sworn personnel shall receive training in the operation of the ALPR system, in accordance with ALPR manufacturer guidelines, and this policy. All training will be documented by the Training Bureau. Upon completion of training, each new operator will receive access to the ALPR system.

System Audit

The Technology Unit will conduct monthly audits of the ALPR system(s) to validate retention policy compliance. Audit logs shall include the date and time of access, user identity, license plate information queried, and the stated purpose of the access. Audit logs shall be retained for no less than two (2) years. Audit logs do not retain license plate image data and may not be used to re-identify vehicle information after the mandated purge period unless retained as part of an ongoing investigation. All audit logs will be digitally recorded and maintained by the Technology Unit.

By the Authority of the Police Chief:

