

| NEW KENT COUNTY SHERIFF'S OFFICE                        |  | GENERAL ORDER                                                                     |  |
|---------------------------------------------------------|--|-----------------------------------------------------------------------------------|--|
| SUBJECT: Automated License Plate Readers (ALPR) (FLOCK) |  | NUMBER: 2 - 8 3                                                                   |  |
| EFFECTIVE DATE: July 1, 2025                            |  | Page 1 of 5                                                                       |  |
| AMENDS/SUPERSEDES: 1-26RR License Plate Reader          |  | APPROVED:<br><div><div>Lee S. Bailey</div><div>Lee S. Bailey, Sheriff</div></div> |  |
| VLEPSC STANDARDS:                                       |  |                                                                                   |  |

## NOTE

This order is for internal use only and does not enlarge a deputy'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, concerning third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by the Sheriff's Office, and then only in a non-judicial administrative setting.

## I. POLICY

It is the policy of the New Kent County Sheriff's Office to develop a standard procedure using Automated License Plate Reader (ALPR) technology and managing system alerts. Deputies 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

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition (LPR), provides automated detection of license plates. ALPRs are used by the Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates, and missing persons. ALPRs may also be used for any other official law enforcement business including but not limited to, suspect identification in crimes, stolen property recovery, electronic surveillance, and criminal interdiction. It is the intent of the Sheriff's Office to ensure that access and use of ALPR data is consistent with respect for individual privacy, Civil Liberties, and the law.

## III. PROCEDURE

### A. Administration of ALPR Data

1. The Sheriff's Office contracts with outside vendor Flock Safety for ALPR services. All installation and maintenance of ALPR equipment is arranged by Flock Safety. The ALPR program is managed by two

supervisors designated by the Sheriff. The employees shall be responsible for agency oversight, ensuring compliance with this policy, and any applicable laws.

2. The two supervisors will be responsible for assigning user permissions to authorized agency personnel, and will also be responsible for granting camera access to other law enforcement agencies requesting access. As a general rule, the Sheriff's Office will grant camera access to any requesting agency in Virginia, and shall not grant any requests from Federal law enforcement agencies. State and local agencies requesting access from outside the Commonwealth of Virginia will not be granted camera access.

#### B. ALPR Operation

1. Use of an ALPR and associated LPR software, including Flock Safety, is restricted to the purposes outlined in this policy. The only members of Sheriff's Office that are authorized to access ALPR data are sworn members and emergency communications officers of the agency. Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purposes.
2. The following directives are in place for the use of ALPR systems:
  - a. An ALPR shall only be used for official law enforcement business.
  - b. An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
  - c. Partial license plates and unique vehicle descriptions reported during major crimes should be entered into the ALPR system in an attempt to identify suspected vehicles.
  - d. No member of this Office shall operate ALPR equipment or access ALPR data without first completing department-approved training.
  - e. Each time the 'Search' or 'Look Up' tools are used in Flock Safety, the member shall input either a CAD call number, reason, or case number into the 'Search Reason' box.
    - (i) ALPR data searches can be conducted at the request of other law enforcement agencies for official law enforcement purposes or as otherwise permitted by law. In those cases, the call, report, case number, or reason shall be entered into the 'Search Reason' box.

3. **The following uses of the ALPR hardware, or Flock Safety software, are strictly prohibited:**

- a. **Invasion of Privacy:** Except when done pursuant to a court order or search warrant, it is a violation of this policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view. Vehicles exposed to public view include vehicles on a public road or street, or that are on private property which is visible from a public road, street, or a place where the general public has access, such as parking lots of publicly accessible businesses.
- b. **Harassment or Intimidation:** It is a violation of this policy to use the ALPR system to harass and/or intimidate any individual or group.
- c. **Use Based on a Protected Characteristic:** It is a violation of this policy to use the ALPR system, associated files, or hot lists, solely because of a person's or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, veteran status, or other classification protected by law.
- d. **Personal Use:** It is a violation of this policy to use the ALPR system, associated files, or hot lists for any personal purpose.
- e. **Constitutional Rights:** It is a violation of this policy to use the ALPR system, associated files, or hot lists for the purpose or known effect of infringing upon a person's First Amendment rights, or any other Constitutionally guaranteed rights.
- f. **Any misuse of this software will result in automatic termination of employment and could result in prosecution.**

C. Hot List Alerts

- 1. Use of the Flock Safety ALPR system includes access to historical data as well as alerts on current LEADS/NCIC/NCMEC entries, and local hot list entries. On-duty patrol deputies are required to log in to Flock Safety at the start of their shift and monitor the hot list while able to. Flock Safety hot list alerts will visually and audibly alert users of a wanted vehicle, including which camera the vehicle passed, the direction it was traveling, and the date and time of the read.
- 2. Deputies shall take proactive steps to verify the validity of vehicles on the hot list before attempting to stop these vehicles. Deputies **shall** run license plates from wanted vehicles through NCIC and attempt to confirm the hit as soon as practical. If a deputy runs a hotlist entry and

determines the alert is not valid, they shall immediately notify responding deputies over the radio. Examples of this include warrant alerts where the warrant is out of the pick-up radius and partial VIN alerts for vehicles that are not reported stolen.

3. Deputies will not take any law enforcement action that restricts the freedom of any individual based solely on an ALPR alert unless steps have been taken to verify the alert. Acceptable verification methods are as follows:
  - a. A deputy must receive confirmation from dispatch, or other department computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding, absent other exigent circumstances.
  - b. Deputies shall visually verify that the license plate of interest matches identically with the image of the license plate number captured (read) by the LPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors before proceeding.
  - c. In cases where deputies are alerted to a hot list entry related only to the registered owner of a vehicle, such as a wanted person, deputies should attempt to visually match the driver to the description of the wanted person before making the stop or should have another legal basis for making the stop.
  - d. If a hot list alert comes through in Flock Safety and is verified as a bad hit, such as a partial VIN hit or out-of-pick-up radius warrant, the shift supervisor on duty shall be notified. Once this notification occurs, the supervisor shall review the circumstances and confirm it is **not** a valid alert. If the supervisor deems the hot alert invalid, they shall enter the license plate into the Suppressed Hit feature of Flock Safety so additional alerts do not occur.

#### D. Custom Hot List Entries

1. The Sheriff shall designate sworn law enforcement supervisors under the role of Flock Supervisor with the ability to make custom hot list entries within the Flock Safety ALPR software. Only those designated sworn members have the ability and authorization to do so, and all entries must be in full compliance with this policy, applicable law, and for official law enforcement business only.

Custom hot list entries will alert other members of the agency to a particular vehicle's presence in the county. For this reason, one of the designated Flock Supervisor role members must immediately remove a vehicle that is no longer wanted from the custom hot list in Flock Safety. Failure to do so immediately could result in a vehicle being improperly stopped and is therefore against this policy.

2. The two designated supervisors shall review the hot list entries once per quarter. Stale entries that are located during this review should be removed from Flock Safety software if they are no longer a wanted vehicle, or if leaving them entered in the hot list serves no reasonable purpose.

E. ALPR Data Collection and Retention

1. ALPR vendor, Flock Safety, will store the data (data hosting) and ensure proper maintenance and security of data stored on their servers. Flock Safety will purge collected data after 21 days of storage, however, this will not preclude members of the Sheriff's Office from maintaining any relevant vehicle data obtained from Flock Safety after 21 days.
2. In cases where Flock Safety ALPR data is used to investigate or prosecute crimes, photos, and other relevant data should be downloaded from Flock Safety and included in the report or case file for the investigation. Failure to download this data from Flock Safety will result in its automatic deletion after the 21-day retention period. Any data downloaded from Flock Safety will be retained subject to the Sheriff's Office records retention schedule.
3. Information gathered or collected from Flock Safety, and records retained by Flock Safety cameras or any other of the Sheriff's Office ALPR system, will not be sold, accessed, or used for any purpose other than legitimate law enforcement or public safety purposes.