1. **POLICY AND PURPOSE**

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology. This policy does not apply to systems used for the enforcement of traffic laws including parking regulations and speed limits.

1. **ACCOUNTABILITY STATEMENT**

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only and does not enlarge an employee's civil 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. Violation 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.

1. **DEFINITIONS**

**Audit Trail –** means all records of queries and responses in an automatic license plate recognition system, and all records of actions in which system data is accessed, entered, updated, shared, or disseminated, including the (i) date and time of access; (ii) license plate number or other data elements used to query the system, (iii) specific purpose, as set forth in subsection E, for accessing or querying the system, including the offense type for any criminal investigation; (iv) associated call for service or case number; and (v) username of the person or persons who accessed or queried the system.

**Audit Trail Data** – means all forms of data collected or generated by an automatic license plate recognition system for purposes of producing an audit trail.

**Automatic License Plate Recognition System or “System”** - means a system of one or more high-speed cameras used in combination with computer algorithms to convert images of license plates, vehicles, or a combination of both into computer-readable data.

**Notification** – means an alert from an automatic license plate recognition system that a license plate or vehicle matches a license plate or vehicle in a database utilized by the automatic license plate recognition system for comparison purposes.

**Query** – means a search of automatic license plate recognition system data based on information entered by the user, including a full or partial license plate number, any identifying characteristics of a vehicle, the date, time, or location of an image, or any other data that is searchable within the automatic license plate recognition system.

 **System Data** – means all forms of data collected or generated by an automatic license plate recognition system, including images of license plates, vehicles, any identifying characteristics of vehicles, the date, time, and location of an image, and any peripheral images collected from which analytical data may be extracted.

1. **ADMINISTRATION**

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Harrisonburg Police Department 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.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administrative Bureau Commander. The Administrative Bureau Commander shall ensure that only ALPR vendor(s) approved by the Division of Purchases and Supply will be utilized by the Harrisonburg Police Department, that the vendor(s) meet information security standards as established by the Virginia Information Technologies Agency and that the vendor(s) update hotlist notifications at least once every 24 hours. The Administrative Bureau Commander will also have responsibility to ensure that all contract requirements, as defined in [VA Code § 2.2-5517](https://law.lis.virginia.gov/vacode/2.2-5517/), are included. Additionally, the Administrative Bureau Commander will coordinate all reporting requirements as mandated by the Virginia State Police and/or Virginia law.

1. **OPERATIONS**
	1. GENERAL USE
		1. Use of an ALPR is restricted to trained personnel for the purposes outlined below. Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose. Authorized personnel may use the system only:
			1. As part of a criminal investigation into an alleged violation of the Code of Virginia or any City ordinance where there is a reasonable suspicion that a crime was committed;
			2. 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
			3. To receive notifications related to a missing or endangered person, a person with an outstanding warrant, a person associated with human trafficking, s stolen vehicle, or a stolen license plate.
		2. All information necessary for the creation of an audit trail shall be entered in order to query system data. The system will automatically log search data such as search date and time fields, specific vehicle characteristics as entered by the user and cameras searched. The user shall identify the permissible reason for the search and the corresponding Call for Service (CFS) number. In instances where an HPD CFS number may not be available such as assisting a neighboring agency, the user will enter the jurisdiction and that agency’s case number, or offense type if no case number is provided, in the CFS number field (i.e. VSP Missing Person, RCSO 2025-012345). Personnel shall not query or download system data unless such data is related to at least one of the purposes outlined above.
	2. RESPONSE TO SYSTEM NOTIFICTIONS

A notification by the system does not, by itself, constitute reasonable suspicion as grounds for an officer to stop a vehicle. The officer will take additional investigative steps prior to taking police action. Prior to stopping a vehicle or person based on a notification, the officer shall:

1. Develop independent reasonable suspicion for the stop; or
2. Confirm that the license plate or identifying characteristics of a vehicle match the information contained in the database used to generate the notification.
	1. PROHIBITED USES

The Harrisonburg Police Department is committed to ensuring that ALPR technology is only used for legitimate law enforcement purposes as established by the Code of Virginia. Department personnel shall not use an ALPR system for the purpose of interfering with individuals engaged in lawful activities, tracking individuals on the basis of the content of lawfully protected speech, immigration enforcement, personal use, or to intimidate or harass any individual or group. Except when authorized by a legal court order, Department personnel are prohibited from sharing system data with out of state and federal agencies as well as private or commercial entities.

* 1. TRAINING

Only individuals that have received department approved training will receive authorization and access to an ALPR system. The Training Coordinator will establish and coordinate initial and update training for all authorized personnel. Such training shall include:

1. End user training to familiarize the user with the capabilities of the system
2. Permissible searches of the system
3. Prohibited searches of the system
4. Penalties for misuse or abuse of the system
5. Procedures for responding to a notification
6. Reporting requirements
7. Review of Policy 604 Automated License Plate Readers (ALPR)
8. **SECURITY AND ACCOUNTABILITY**

All data will be closely safeguarded by both procedural and technological means. Personnel will access the system through a unique username and password with two-factor authentication (2FA) for enhanced security. Personnel are prohibited from sharing their access credentials and must keep them confidential. Additional internal system access controls will be utilized, such as roles or permissions, to further restrict the user’s ability to access certain functions of the system. The Administrative Bureau Commander is granted the authority to approve and limit users with administrative privileges to ensure system integrity. The Administrative Bureau Commander is responsible for conducting an internal audit at least once every 30 days to ensure compliance with policy and the Code of Virginia. Each audit will review user access, justifications for system queries and system sharing permissions. The Commander will also ensure system readiness to comply with mandatory reporting requirements. Audit trail data shall be purged after two years of the date of its capture.

Any user who willfully and intentionally queries, accesses, or uses a system for an unauthorized purpose, or who willfully and intentionally sells, shares, or disseminates system data or audit trail data shall be subject to internal discipline and may also be subject to criminal prosecution for a violation of [VA Code §18.2-152.4](https://law.lis.virginia.gov/vacode/title18.2/chapter5/section18.2-152.4/) -Computer Trespass.

1. **DATA COLLECTION AND RETENTION**

The Administrative bureau Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. System data shall be purged after 21 days of the date of its capture in such a manner that such data is destroyed and not recoverable by either the vendor or the Department. Audit trail data shall be purged after two years of the date of its capture in such a manner that such data is destroyed and not recoverable by either the vendor or the Department. However, if the system data or the audit trail data is part of an ongoing investigation, prosecution, or civil action, such data shall be retained by the Department until:

1. The investigation concludes without any criminal charges; or
2. 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 ([VA Code §8.01-654](https://law.lis.virginia.gov/vacode/title8.01/chapter25/section8.01-654/) et seq.) of Chapter 25 of Title 8.01 or federal law, in accordance with applicable records retention law and policy.
3. **RELEASING ALPR DATA**

System data and audit trail data shall not be subjected to disclosure under the Virginia Freedom of Information Act ([VA Code §2.2-3700](https://law.lis.virginia.gov/vacode/title2.2/chapter37/section2.2-3700/) et seq.).

The Harrisonburg Police Department shall not sell any system data or audit trail data; however, the Department may download audit trail data for purposes of generating required audit reports. No member of this agency shall share system data or audit trail data with, or disseminate such data to, any database of any other state, federal, private, or commercial entity. The Harrisonburg Police Department may share system data or audit trail data for the following purposes:

1. With another law enforcement agency for purposes set forth in this section, which may include allowing another law enforcement agency to query system data, provided that the agency receiving such data shall comply with all of the provisions of this section;
2. With the attorney for the Commonwealth for purposes set forth in this section or for complying with discovery or a court order in a criminal proceeding;
3. With a defendant or his counsel for purposes of complying with discovery or a court order in a criminal proceeding;
4. Pursuant to a court order or a court-issued subpoena duces tecum in any criminal or civil proceeding;
5. With the vendor for maintenance or quality assurance purposes; or
6. To alert the public to an emergency situation, a missing or endangered person, a person associated with human trafficking, or a person with an outstanding warrant.

Any evidence obtained as the result of a violation of subsection E or H is not admissible by the Commonwealth in any criminal or civil proceeding, but such evidence may be admitted by a defendant in a criminal proceeding or a litigant, other than the Commonwealth, in a civil proceeding.