MONTGOMERY COUNTY DEPARTMENT OF POLICE

AUTOMATIC LICENSE PLATE RECOGNITION SYSTEM

DIRECTIVE NO: **FC 424**	EFFECTIVE DATE: **October 31, 2022**
REPLACES: *FC 424, DATED 01-01-13 AND* *HQ MEMO 13-03*	**ACCREDITATION STANDARDS:** CALEA Standards: *41.3.7*
PROPONENT UNIT: Information Management and Technology Division	**AUTHORITY:** **Marcus G. Jones, Chief of Police**

If a provision of a regulation, departmental directive, rule, or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61).

I. POLICY

A. The department recognizes the need to preserve the delicate balance between the constitutional rights afforded to each citizen and the legitimate needs of law enforcement. The *Automatic* License Plate Recognition (*A*LPR) program seeks to increase safety in Montgomery County while reducing the impact caused by homeland security threats, *carjackings*, auto theft and other crimes. Furthermore, the system assists with the department's commitment to increasing the detection and solving of crime and other matters that impact the safety of citizens and visitors to the County.

B. It is the policy of this department that the *A*LPR program will be used in accordance with the guidelines set forth in this directive. The use of the *A*LPR system and data is restricted to matters relating to public safety only. Any other use of the ALPR system or data is prohibited. All data is stored as intelligence files and is governed and covered by department policies and procedures that cover intelligence files *and in accordance with State of Maryland laws.*

C. The department will assign the mobile or *stationary A*LPR systems based on the needs of the department and may rotate the assignment of each *A*LPR as it deems necessary.

D. *Information gathered by the ALPR system is not subject to disclosure of the Maryland Public Information Act.*

II.   PURPOSE

The purpose of this policy is to provide guidance and procedure to those users who are authorized and trained on the operation of the Automatic License Plate Reader System.

III.   DEFINITIONS

A. *Automatic License Plate Reader technology utilizes specialized cameras and computer technology that capture license plate data. ALPR equipment records electronic images of license plates, converts it into a readable format and records information including the location, date and time of each capture (or "read"), and other types of metadata. The data is then compared against specified databases of license plates.*

1. *Mobile ALPR Unit(s) – the mobile units are affixed to MCPD vehicles and interface with the vehicle's Mobile Data Computer (MDC).*

2. *Stationary ALPR Unit(s) – the stationary units are non-vehicle mounted but can be moved to locations of need with the proper equipment. They are designed to monitor a specific public location or roadway.*

3. *Fixed ALPR Unit(s) – the fixed units are non-vehicle mounted and affixed to power sources on a more permanent basis with little to no mobility. They are designed to monitor a specific public location or roadway.*

B. *ALPR Terminology*

1. *Read – A license plate that was captured and recorded by an ALPR unit*

2. *Hotlist – a list of license plates associated with vehicles of interest compiled from several databases. Vehicles of interest include but are not limited to stolen vehicles or tags, vehicles belonging to or operated by wanted or missing individuals, and vehicles flagged by the Motor Vehicle Administration. The Maryland Coordination and Analysis Center (MCAC) maintains the most current hot list on its server.*

3. *Alarm/Hit – A read where the plate is listed on a hotlist. The user then has the option to verify the validity of the read.*

4. *Maryland Coordination and Analysis Center (MCAC) – Maryland's Fusion Center which serves as the focal point for federal, state, local, and private sector partners in the collection, analysis, and dissemination of criminal and homeland security information within Maryland. In furtherance of that mission, the primary goal of the LPR program is to collect and store vehicle license plate information in an effort to increase the detection of stolen vehicles, stolen tags, wanted and missing persons and aid criminal investigations and prosecutions of other crimes involving vehicles that impact the safety of Maryland's citizens.*

5. *ALPR Data Management System - The system that manages the data collected from ALPR systems (fixed, stationary and mobile), downloads hotlists and automatically secures the license plate data in a central server. It provides an inquiry tool, tracks history, analyzes and manages license plate data.*

6. _**ALPR Program Administrator**_ – _The IMTD Deputy Director of the Analytics and Data Management Section will serve as the ALPR Administrator._

7. _**ALPR User**_ – _Any employee who has a mobile ALPR unit assigned to them._

8. _**ALPR Data Management System User**_ – _Any employee who has access to the ALPR Data Management System._

IV. Training Requirements

All _**users**_ shall receive training prior to operating _**mobile ALPR units or the ALPR Data Management System.**_ Only personnel that have successfully completed approved departmental training _**can**_ operate the ALPR equipment _**or ALPR Data Management**_ System. _**Employees**_ will use the ALPR equipment _**and ALPR Data Management**_ System in accordance with their training and this policy.

V. Procedures

A. _General_ Procedures

1. ALPR equipped vehicles may be used in a routine patrol capacity or for special operations. These vehicles should not be intentionally used or deployed in a manner or at a location that will increase the risk of damage to the ALPR equipment (such as civil disturbance situations) if at all possible.

2. _**Officers wishing to be issued a mobile ALPR unit will submit a helpdesk ticket with the request. The Department will define the criteria used to distribute the mobile ALPR units which will be based on public safety needs.**_

3. _**Employees wishing to have the stationary ALPR trailer deployed will submit a helpdesk ticket with the request.**_

B. _ALPR Program Administrator Responsibilities_

1. _**Updating and maintaining current training presentations in PowerDMS.**_

2. _**Requesting access to training in PowerDMS for new users.**_

3. _**Ensuring the mobile and stationary ALPR units are deployed based on the following parameters:**_

   a. _**Based on public safety needs with violent crimes at a higher priority over property crimes**_

   b. _**Mobile units will be deployed as equitably as possible across districts but will be driven by crime data**_

   c. _**Deployment of mobile units will be based on focused times of day to align with crime trends**_

   d. _**ALPR should be deployed to ensure maximum use. District Commanders wishing to install ALPR on fleet vehicles should have a plan to ensure regular usage. Regular use audits will provide feedback to this process and could result in reissuance.**_

4. *Conduct bi-annual usage assessments of all units and report the results to the Assistant Chiefs. ALPR deployment review will occur in consideration of ALPR usage data, personnel assignments, crime trends and interest by officers to be issued mobile ALPR units.*

5. *Conduct quarterly audits of EOC usage to ensure state laws regarding the release of ALPR information are being followed.*

6. *Act as a liaison between the MCAC and the Department.*

C. **IMTD Field Services Responsibilities**

1. Coordinate all maintenance and repair of ALPR equipment *and notify the ALPR Administrator when new equipment needs to be purchased.*

2. *Maintain accurate inventories of equipment including serial numbers and who the equipment is assigned to (name, district, stock number, etc.).*

3. *Install all mobile units on police vehicles.*

4. *Deploy the stationary trailer.*

D. **Mobile ALPR User Responsibilities**

1. *Any employee utilizing ALPR equipment must first complete the required training.*

2. *ALPR users issued equipment are responsible for the operation and care of the equipment. Any damage or malfunctions should be reported to IMTD Field Services immediately. Equipment deployed on fleet vehicles will be the responsibility of District Commanders or a designee.*

3. *Prior to each use, the ALPR user will ensure that the ALPR unit is properly networked with the MCAC server and that the most recent hot list has been installed. If an automatic hot list download cannot be obtained, the ALPR user shall immediately notify IMTD Field Services so the issue can be investigated.*

4. *Each user is responsible for ensuring CarSystem is open and powered on at the beginning of each shift and the ALPR unit is utilized throughout the entire shift.*

5. *Movement of the mobile APLR equipment deployed on police vehicles should only occur when it is absolutely necessary. If there are issues with camera alignment, IMTD Field Services should be notified immediately.*

6. Receipt of an ALPR "hit" or alert is not sufficient probable cause to warrant an arrest without additional verification. Verification will be done following established department procedures. Upon receiving a "hit" from the ALPR *equipment, the user will determine the accuracy of the "hit." The ALPR user will verify that the subject tag and the tag read by the ALPR are actually the same. The user will confirm the "hit" is still active by running the information through the proper system such as NCIC/METERS. The ALPR user will use established department procedures in taking enforcement action based on the seriousness of the offense.*

E. **ALPR Data Management System User Responsibilities**

1. *Any employee utilizing the ALPR Data Management System must first complete the required training.*

2. *Any employee utilizing the ALPR Data Management System must adhere to the rules in this policy and in the required training.*

3. *Employees who do not have issued ALPR equipment may use the "Dispatcher" function to receive alerts from deployed ALPR equipment.*

VI. Data and Record Keeping

A. ALPR equipment has the capability to store and/or cause to store data collected during deployments. *ALPR data is stored in the ALPR Data Management System for 365 days.* This *system* can be *queried* and information retrieved by department employees for official law enforcement purposes in accordance with this policy.

B. If an *employee* determines that *A*LPR data could be valuable, the *employee c*an query data from the *A*LPR database. Data can be retrieved, copied and stored in a case file in order to enhance the initial or follow-up investigation.

VII. Dissemination and Retention of *ALPR Read* Data

A. Use by Montgomery County Police employees and other law enforcement agencies is restricted to official law enforcement purposes. Montgomery County Police can share this data with other law enforcement agencies for official law enforcement purposes if those agencies have similar use restriction policies or procedures in effect. Sharing of data shall be based on the following procedures:

1. All requests for and dissemination of ALPR read data will be recorded in the dissemination log of the *ALPR Data Management System through use of the Reason for Action box. The following information must be documented with no exceptions:*

   a. *Case Number and/or Incident number*

   b. *Investigator or analyst requesting information (if other than self)*

   c. *Requesting agency (if other than MCPD)*

   d. *Recipients (if data dissemination to outside agencies is planned)*

2. No information will be released to any non-law enforcement agency or individual. It is the responsibility of the individual disseminating the data to ascertain that the request for the information is for legitimate law enforcement purposes. In the event it is determined that the request is for non-law enforcement activities, dissemination of the data is prohibited and the employee's supervisor will be immediately contacted.

3. *Quarterly audits will be conducted by the ALPR Program Administrator to ensure the required information is being documented in the Reason for Action box.*

4. *Violators will be notified by email after a first offense is discovered and will be reminded of the requirements*

5. *If a second violation by the same user is discovered at any time, that user's EOC account will be disabled. The user will be required to take the ALPR refresher course in PowerDMS and pass the test before their account will be reinstated.*

6. *If it is discovered that a user committed additional violations after completing the ALPR refresher course in PowerDMS, that user will permanently lose their access to the EOC software.*

B. It is the policy of the department to audit the files on a regular basis. Data is to be purged from the files when it has been determined that one or more of the following conditions exist:

1. The data is no longer relevant or necessary to the goals and objectives of this directive.

2. The data cannot be utilized for any present and/or future law enforcement purpose to assist in the furtherance of criminal investigations. Data stored in case files are exempt from this requirement.

VIII. Auditing

A. *The state required annual audit will be completed by the Professional Accountability Division and will be conducted based on the parameters of §3-509 of the Public Safety Article which is listed below. In order to comply with the provisions of §3-509 of the Public Safety Article, Annotated Code of Maryland, dealing with automatic license plate reader systems, the Director, Policy, Planning and Quality Assurance Division, will ensure that at least annually an audit is conducted of the department's License Plate Recognition System. To ensure a continuous high level of accountability and performance, unannounced audits may be conducted between the required annual audits as directed by the Chief of Police or the Director, Policy, Planning and Quality Assurance Division.*

B. *The annual audit will cover a calendar year period and the results of it will be made available to the Maryland State Police by February 1 of the following year.*

1. *The audit will capture, at a minimum, the number of:*

a. *Automatic license plate reader units being operated;*

b. *Authorized personnel that have received department approved LPR system training;*

c. *Automatic license plate reader readings made by officers and the number of readings submitted to the Maryland Coordination and Analysis Center (MCAC);*

d. *Automatic license plate reader readings being retained on department's automatic license plate reader database;*

e. *Requests made to the department that resulted in a release of information;*

f. *Out-of-state requests and the number of those that resulted in the release of information;*

g. *Federal requests and the number of those requests that resulted in the release of information;*

2. *When any audit is conducted, it shall:*

a. *Ascertain if there have been any data breaches and verify that queries or uses of the Automatic License Plate Reader Database were made for legitimate law enforcement purposes;*

b. *Ascertain if information obtained through the use of an ALPR system was shared and/or disseminated for legitimate law enforcement purposes only;*

c. *Verify that only those with access to, and use of, ALPR data have successfully completed department approved ALPR system training; and*

d. *Be maintained by the Policy, Planning and Quality Assurance Division pursuant to the provisions of the department's Records Retention and Disposal Schedule.*