License Plate Reader

Model Policy

June 2022

NEW YORK STATE | **Municipal Police Training Council**

New York State Division of Criminal Justice Services
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I   Purpose

The purpose of this policy is to provide guidance to law enforcement agencies in developing written policies and procedures regarding the use of license plate reader technology. The policy promotes public safety and efficiency of law enforcement criminal investigatory activities through the use of license plate reader technologies and protocols, while ensuring the appropriate safeguards are in place to protect the privacy, civil rights and civil liberties of individuals. This policy is intended to allow for the individual needs of police agencies in New York State regardless of size or resource limitations. Law enforcement agencies are encouraged to customize these protocols to meet their agency's needs, while being mindful of the intent of the policy.

II   Policy

License plate reader technology can be used to enhance public safety by assisting law enforcement to identify possible vehicles involved in an investigation. The technology should be used in a manner that protects the civil rights and civil liberties of citizens, including those rights guaranteed by the First, Fourth, and Fourteenth Amendments of the United States Constitution. The technology shall only be used to scan license plates of vehicles that are exposed to public view.

III   Definitions

A.   **"License Plate Reader" (LPR) -** the technology that uses optical character recognition to automatically read license plate characters.

B.   **"LPR Data Query Logs"-** a record of an individual performing a search or a query of license plate reader data and the license plate queried.

C.   **"Hotlist"-** data provided that includes license plate numbers of stolen vehicles, stolen license plates, wanted person(s) with a license plate associated with those record, and suspended or revoked registrations. This term also includes, but is not limited to, national data (i.e. NCIC) for similar categories, license plates associated with AMBER Alerts or Missing Persons/Vulnerable Adult Alerts, and includes manually entered license plate information associated with crimes that have occurred in any local jurisdiction or other investigative targets.

D.   **Agency LPR Administrator -** individual(s) designated with administrative oversight of the LPR system deployment, operations, and maintenance.

IV   Permissible Use of License Plate Reader Technology

A.   The use of LPR technology and associated equipment and databases by law enforcement are authorized only for official public safety purposes.

B.   Law enforcement professionals are only authorized to utilize license plate reader technology to:

1.   Attempt to identify and/or locate a vehicle related to an investigation; or

2.   Attempt to identify vehicle owner(s) and/or occupant(s) when such individual(s):

a.   has committed a criminal offense; or

b.   is involved in or is planning criminal conduct or activity; or

c.   is a possible missing person, crime victim, or witness to criminal activity; or

3.   Prevent, detect, and/or assess potential safety threats to members of the public and/or public officials.

4.   Identify vehicles during routine patrol with suspended or revoked vehicle registrations.

5.   Regulate public parking areas.

6.   Monitor access to secured areas.

C.   Use of Hotlists

1.   Law enforcement professionals using an LPR should ensure the most current hotlist data available is uploaded.

2.   When the LPR indicates a hit from the hotlist, prior to initiating any stop[1], the law enforcement professional shall verify that the captured plate image matches the plate number of the vehicle and State of registration. An inquiry can be used to assist in determining whether any further law enforcement action is warranted.

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[1] All stops must be constitutionally valid and should be performed in accordance with local policies and procedures.

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D. LPR Data Sharing and Dissemination

1. LPR data should be considered For Official Use Only and shall only be shared for legitimate law enforcement purposes.

2. Law enforcement may accept database search requests from another law enforcement agency or grant access to the database to another agency, in an attempt to identify individuals through the use of LPR technology, provided the following requirements are met:

    a. All permissible and prohibited uses of this policy are adhered to; and

    b. LPR data and search results may be disseminated to any law enforcement agency or official with a need to know such information in the performance of official duties, provided the dissemination is for an authorized use as delineated in Section IV,B and is subject to all Federal and New York State Laws on privacy, confidentiality and dissemination.

3. When LPR data is disseminated outside of the agency, the reason(s) and identity of the authorized requesting person or agency shall be documented.

V   Prohibited Use

A. The use of license plate reader technology is restricted to approved legitimate law enforcement purposes as outlined in this policy. Use of license plate reader technology for personal or other non-official purposes is a violation of this policy.

B. License plate reader technology shall not be used for investigatory purposes when the request for identification is based solely upon:

1. Religious, political, or social views or activities; and

2. Participation in a noncriminal organization or lawful event.

VI   Records

A. Agency administrator will be responsible for:

      1.   maintenance of data, including the retention of LPR data, requests for searches of LPR data, and the maintenance of hotlists;

      2.   monitoring and maintaining a list of active authorized users who have access to the system; and

      3.   ensuring a vendor does not add users without coordinating with the responsible law enforcement agency.

B.   All license plate reads captured through the permissible use of license plate reader technology shall be retained for a minimum of one year in accordance with NYS Archives retention and disposition schedule.[2]

C.   Any LPR data determined to have investigative or prosecution value shall be archived in accordance with applicable statutory timeframes.

D.   If no extension of LPR data retention is required, the recordings may be destroyed in accordance with the agency's retention procedures and with approval from the agency administrator.

E.   All LPR inquiries shall document reason(s) for search, a case or incident number, and identity of the authorized inquirer.

F.   LPR Data Query Logs shall be securely maintained and retained for audit purposes for a period of six years in accordance with NYS Archives retention and disposition schedule.[3]

G.   Procedures and practices to evaluate and monitor the use of LPR data and measure compliance of use with this policy, including the performance of periodic and random audits and/or inspections shall be instituted.

H.   Any and all disclosure of LPR data must be consistent with the agency's record release policy and applicable statutes regarding, but not limited to, evidence discovery and disclosure pursuant to the Freedom of Information Law (FOIL). Any requests for such data should be reviewed by the agency's legal advisor.

VII   Training

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[2] New York State Archives Local Government Retention Schedule (LGS-1) Public Safety Item #1241
[3] New York State Archives Local Government Retention Schedule (LGS-1) Public Safety Item #1221a

A.   Authorized personnel with access to LPR data, at a minimum, will have received initial training on:

    1.   how to use the LPR technology;

    2.   knowledge and understanding of the agency's LPR policy and procedures; and

    3.   applicable laws and privacy protections.

B.   Any changes in hardware, software, applicable law(s), or annual review of the agency's LPR policy and procedures that results in necessary amendments, are the subject of continued in-service training and/or through issuance of training bulletins, as necessary.

C.   This policy is not intended to be a substitute for proper training in the use of LPR technology.