




Frederick County Sheriff's Office

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Series OPR	Number 332	Effective Date 07-01-25		
Subject Automatic License Plate Recognition				
References				
Sheriff 				

I. PURPOSE

To establish uniform operational procedures and guidance for the Frederick County Sheriff's Office for the use of Automatic License Plate Recognition equipment and data.

II. POLICY

It is the policy of the Frederick County Sheriff's Office that all personnel using/accessing the Automatic License Plate Recognition abide by **Virginia Code § 2.2-5517**.

III. PROCEDURE

A. Purchasing/Leasing

All Automatic License Plate Recognition (ALPR) systems shall be purchased/leased according to **Virginia Code § 2.2-1112**.

B. Automatic License Plate Recognition Usage

The use of and/or access to an ALPR system is restricted to official purposes only. An ALPR system shall be used for official law enforcement purposes only. ALPR systems are used to identify vehicles, not people. ALPR systems

are used to identify vehicles, not people. Deputies may use and access data from the Automatic License Plate Recognition system for the following:

1. As part of a criminal investigation into an alleged violation of the Code of Virginia or any ordinance of any county, city, or town 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.
3. To receive notifications related to a missing or endangered person, a person with an outstanding warrant, a person associated with human trafficking, a stolen vehicle, or a stolen license plate. All information necessary for the creation of an audit trail shall be entered in order to query system data. Sheriff's Office personnel shall not query or download system data unless such data is related to at least one of these purposes. The Sheriff's Office may download audit trail data for purposes of generating audit reports.

C. Notification of an Alert

1. Notification by the system does not, by itself, constitute reasonable suspicion as grounds for deputies to stop a vehicle. Prior to stopping a vehicle based on a notification, a deputy shall:
 - a. Develop independent reasonable suspicion for the stop; or
 - b. Confirm that the license plate or identifying characteristics of a vehicle match the information contained in the database used to generate the notification.
 - 1) This confirmation procedure shall be an independent comparison of the ALPR system alert and the corresponding hot list notification.
 - 2) Law-enforcement officers are encouraged to use radio communication to verify the ALPR system alert
2. Whenever a deputy stops the driver of a motor vehicle, stops and frisks a person based on reasonable suspicion, or temporarily detains a person during any other investigatory stop based upon the alarm from an ALPR, the reporting requirements set forth in **Virginia Code § 52-30.2** shall be followed, The Sheriff's Office currently has a form to collect this data.

D. ALPR Hot Lists

1. The primary use of ALPR data involves the comparison of license plate characters collected by an ALPR system to characters contained on a previously compiled hot list. These hot lists may be compiled by the local, state or federal law enforcement. These hot lists inform law enforcement which vehicles are of interest and why, alerting the user when such a vehicle is read by an ALPR camera. This can be done in real time or using historical ALPR data.
2. Hot lists shall be updated at least once every 24 hours, or as soon as practicable, after such updates become available.
 - a. The Virginia State Police distributes the NCIC hot list four times daily.
 - b. The Sheriff's Office shall coordinate directly with the Virginia State Police or through their ALPR vendor to ensure the accuracy and currency of the NCIC hot list.
 - c. The Sheriff's Office generated hot list or manually entered hot listed license plate(s) shall be updated as soon as practicable.
 - d. Manually entered license plate lists shall contain at a minimum:
 - i. Supporting information regarding why a particular license plate is on a specific hot list.
 - ii. Vehicle description (year, make, model, and color),
 - iii. Legal reason for entry,
 - iv. Valid 24-hour contact number of entrant or agency,
 - v. If available, the incident number.

E. Training Requirements

1. Employees must attend training prior to using or accessing the ALPR system.
2. The Sheriff's Office shall maintain a record of each employee's completion of ALPR training.

F. ALPR System Data-Usage/Retention/Sharing

1. System data and audit trail data shall not be subject to disclosure under the Virginia Freedom of Information Act.

2. The Sheriff's Office shall not sell any system data or audit trail data, nor will they share system data or audit trail data with, or disseminate such data to, any database of any other state, federal, private, or commercial entity.
3. The Sheriff's Office may share system data or audit trail data for the following purposes:
 - a. With another law-enforcement agency for purposes set forth in subsection B above, 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 **Virginia Code § 2.2-5517**.
 - b. With the attorney for the Commonwealth for purposes set forth in subsection B or for complying with discovery or a court order in a criminal proceeding.
 - c. With a defendant or his counsel for purposes of complying with discovery or a court order in a criminal proceeding.
 - d. Pursuant to a court order or a court-issued subpoena duces tecum in any criminal or civil proceeding.
 - e. With the vendor for maintenance or quality assurance purposes; or
 - f. 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.
4. When releasing ALPR information to another law-enforcement agency, it is important to note that **Virginia Code § 2.2-5517**, section A, defines a law-enforcement agency as any agency or entity that employs law-enforcement officers as defined in **Virginia Code § 9.1-101**.
5. ALPR system data may not be retained beyond 21 days unless:
 - a. The system data or the audit trail data is part of an ongoing investigation, prosecution, or civil action.
 - b. 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 pursuant to Article 3 (§8.01-654 et seq.) of Chapter 25 of Title 8.01 or federal law, in accordance with applicable records retention law and policy.

IV. ADMINISTRATIVE PROCESS

- A. Internal system auditing shall occur at least once every 30 days.
 - 1. Internal system audits shall be conducted in the following use areas:
 - a. Queries Conducted – At least 5% of the total monthly queries conducted should be audited to ensure compliance with **Virginia Code § 2.2-5517**.
 - b. Downloads – At least 5% of the total monthly downloads should be audited to ensure compliance with **Virginia Code § 2.2-5517**.
 - c. Traffic Stops – At least 5% of the total monthly traffic stops conducted as the result of an ALPR alarm should be audited to ensure compliance.
 - d. Agency Sharing – A monthly system audit shall verify system settings to ensure compliance with **Virginia Code § 2.2-5517** section F(1),
 - e. ALPR data and audit trail data shall be purged and rendered not recoverable in accordance with **Virginia Code § 2.2-5517**.
 - 1) 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 Sheriff's Office.
 - 2) 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 Sheriff's Office, unless it is part of an ongoing investigation, prosecution, or civil action.
- B. Data Security
 - 1. All collected data will be maintained on a server that is not connected to, or shared with, other law-enforcement databases.
 - 2. The server will be able to provide an inquiry tool, history tracking, and reporting protocols for the entire ALPR system.
 - 3. The server will provide a secure intranet site or internet site, allowing only approved personnel, password-protected access to collected data.

C. ALPR Program Manager

1. The Sheriff's Office shall designate an individual who possesses decision making authority to manage the ALPR program.
2. The individual shall monitor the use of the ALPR system and conduct internal audits, manage user accounts and permissions, and ensure ALPR training is being completed before issuing a ALPR to a deputy.