


<b>AMHERST COUNTY SHERIFF'S OFFICE</b>		<b>OPERATIONS</b>
<b>SUBJECT:</b> ALPR Camera Systems		<b>NUMBER:</b> 238
<b>EFFECTIVE DATE:</b> 10-16-2023	<b>REVIEW DATE:</b>	<b>REVISED DATE:</b> 1-5-2026
<b>AMENDS/SUPERSEDES:</b>		<b>APPROVED:</b>  <b>Sheriff L.J. Ayers III</b>
<b>VLEPSC STANDARDS:</b> None		

NOTE: This directive is for internal use only, and does not enlarge an officer'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, with respect to third party claims. Violations 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.

## **I. PURPOSE**

It is the policy of this office that alerts of the Automatic License Plate Reader (ALPR) camera systems are monitored twenty-four hours a day. This allows law enforcement officers to be dispatched to all Flock alarms or use Verkada cameras as an investigative tool. This policy also will build a streamlined process for the receiving, processing, dispatching, and response to all Flock alerts.

## **II. POLICY**

It shall be the policy of the Amherst County Sheriff's Office to develop a standard operating procedure for the usage of the ALPR camera systems as well as handling alerts that are generated by these systems.

## **III. DEFINITIONS**

- A. Automated License Plate Recognition (LPR) System – Equipment consisting of fixed location camera(s), a central processing unit (CPU), camera/power/data wires, and software used to automatically send a data signal to an off-site server, recognize and interpret the characters on vehicle license plates, and vehicle descriptors (color, style, make, model). This data is then compared against a known list of license plates bearing some significance to law enforcement. (ex: Flock & Verkada)

- B. Alert – A visual and/or auditory notice that is triggered when the LPR system receives a potential “hit” on a license plate.
  
- C. Hit – A read matched to a plate that has previously been registered on an agency’s “hot list” of vehicle plates related to stolen vehicles, wanted vehicles, or other factors supporting investigation, or which has been manually registered by a user for further investigation.
  
- D. Hot List – License plate numbers of stolen cars, vehicles owned by persons of interest, and vehicles associated with AMBER alerts that are regularly added to “hot lists” circulated among law enforcement agencies. Hot list information can come from a variety of sources, including stolen vehicle information from the National Insurance Crime Bureau and the National Crime Information Center (NCIC), as well as national AMBER Alerts and Department of Homeland Security watch lists. Departments of motor vehicles can provide a list of expired registration tags, and law enforcement agencies can interface their own, locally compiled hot lists to the LPR system. These lists serve an officer safety function as well as an investigatory purpose. In addition to agency-supported hot lists, users may also manually add license plate numbers to hot lists in order to be alerted if and when a vehicle license plate of interest is “read” by the LPR system.
  
- E. Download – Transfer of data from the Virginia State Police database consisting of license plate-associated data done automatically through the FLOCK LPR off-site servers
  
- F. Fixed LPR System – LPR cameras that are permanently affixed to a structure, such as a pole, a traffic barrier, or a bridge.
  
- G. Mobile LPR System – LPR cameras that are affixed, either permanently (hardwired) or temporarily (e.g., magnet-mounted), to a law enforcement vehicle for mobile deployment.
  
- H. Portable LPR System – LPR cameras that are transportable and can be moved and deployed in a variety of venues as needed, such as a traffic barrel or speed radar sign.
  
- I. LPR Coordinator – Designee in the department responsible for managing LPR users. Responsibilities include instructing individual users on the proper procedures for operating the LPR software and adding and removing authorized users to the server. Ensures that users are updating the electronic “Hot Lists” and entries are up to date on a regular basis. The Investigations Division Commander or his designee will be the agency's primary LPR coordinator.

## IV. PROCEDURES

All data collected is property of the Amherst County Sheriff's Office. The use of the ALPR systems is restricted to the public safety related mission of this agency. The system, associated equipment, and databases are authorized for official public safety purposes only. LPR systems and LPR data and associated media are the property of this agency and intended for use in conducting official business with limited exceptions noted elsewhere in this policy. Departmental personnel may only access and use the ALPR camera systems for official and legitimate law enforcement purposes consistent with this policy. Databases for NCIC/VCIN updates are conducted by Flock Group Inc. at every 24 hours.

### A. Permitted/Impermissible Uses

The following uses of the ALPR Camera Systems are permitted:

1. Criminal investigation into alleged violations of the Code of Virginia or any county, city or town ordinance where there is reasonable suspicion of a crime. User should be aware that searches and alerts require reasonable suspicion.
2. Active investigation related to missing and/or endangered persons including persons that may be victim of human trafficking.
3. Receiving notifications from ALPR camera systems for missing and/or endangered persons, outstanding warrants, human trafficking, stolen license plates or stolen vehicles.
4. Data sharing with another Law Enforcement agency within Virginia, a Virginia Commonwealth Attorney, pursuant to a discovery order, court order, or subpoena, or to alert the public in exigent and/or other circumstances.

The following uses of the ALPR systems are specifically prohibited:

1. Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, it is a violation of this policy to utilize the Flock Camera System or Verkada Camera System to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or place to which members of the public have access, such as the parking lot of a shop or other business establishment).
2. Harassment or Intimidation: It is a violation of this policy to use the ALPR camera systems to harass and/or intimidate any individual or group.
3. Use Based on a Protected Characteristic: It is a violation of this policy to use the

LPR system or associated scan files or hot lists solely because of a person's, or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.

4. Personal Use: It is a violation of this policy to use the LPR system or associated files or hot lists for any personal purposes.
5. First Amendment Rights: It is a violation of this policy to use the LPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.
6. Searching or receiving notifications from ALPR camera systems for persons of protective interest, protective order status, sex offender, on supervised release, or other categories. The only acceptable alerts deputies can receive from ALPR camera systems are those mentioned above in permissible uses.
7. Providing information from an ALPR system to agencies outside of the state of Virginia, including Federal Agencies even if there are based in Virginia, are prohibited by code section §2.2-5517. Outside agencies may seek an Order of Discovery or Court Order so that information may be disseminated.
8. System and audit trail data are not subject to disclosure under VA FOIA.

Anyone who engages in an impermissible use of the LPR system or associated scan files or hot lists may be subject to:

- criminal prosecution,
- civil liability, and/or
- administrative sanctions, up to and including termination, pursuant to and consistent with the relevant collective bargaining agreements and department policies.

#### B. LPR Users

1. It shall be the responsibility of each LPR user to verify the most current "Hot List."
2. Upon receiving a notification and before any stop is conducted, the user must determine the accuracy of the "Hit." The LPR user will visually verify that the actual vehicle tag and the read on the LPR screen are the same (same state, same numerical/alphabetic characters). The tag will be confirmed with dispatch and ran through NCIC/VCIN prior to a traffic stop occurring.
3. The user will ensure that they are in a position to safely determine the accuracy of the "Hit" in accordance with **OPR 200, Vehicle Operations**.

4. Additional information may be entered into the LPR system at any time. Broadcast information received during a tour of duty should be manually entered immediately upon receipt by the LPR user. The reason for the entry should be noted in the entry screen (i.e. stolen vehicle, missing person, abduction, Amber Alert, robbery suspect, etc.), as well as the case number (if the incident occurred in Amherst County), the date of entry, and contact information for the entering officer.
5. Upon completing a manual entry, the user should query the LPR data to determine if the license plate was scanned previously. Users are required to remove Hot List entries at the completion of their investigation.
6. Users may access data when investigating any specific crime where the data may be able to provide suspect information. Data can be searched and filtered based on vehicle type, camera location, and date/time. All searches of data will require a search reason. Officers will use the full CAD event/report number related to the case they are searching for, as well as the search reason.
7. Should a traffic stop or interaction occur that was based off of an ALPR alert, the deputy must record the incident in the RMS reporting system and notify a Flock Administrator with the incident number.

## **VI. TRAINING**

All authorized users of the Amherst County Sheriff's Office shall complete initial and refresher training. Refresher training shall be completed biannually.

## **V. DATA RETENTION, ACCESS, AND DISSEMINATION**

### **Flock**

A. Access to the Flock LPR systems is achieved through individualized login to Flock's web-based server with two-factor authentication. Once logged in, officers will be able to receive "Hot List" alerts within the system and can view and search data. Officers will be required to enter a case number/event number and a search reason for auditing purposes.

B. Flock is Criminal Justice Information Services (CJIS) compliant, and all information is encrypted at rest in the cloud using Amazon Web Services (AWS) Key Management Service (KMS) Keys, which use Federal Information Processing Standards (FIPS) 140-2 validated hardware security modules to generate and store the keys. All logins and queries will be stored and monitored, including:

1. Username;
2. Date;
3. Time;

4. Purpose of query; and
  5. License plate and other elements used to query the system.
- C. Flock Group Inc., the LPR vendor, will store the data (data hosting) and ensure proper maintenance and security of data stored in their cloud-based system. Flock will also oversee purging data at the end of the 21-day storage period. Users are responsible for extracting, downloading, and archiving footage from Flock on its own storage devices for auditing, prosecutorial, and administrative purposes. ALPR audit trail data may be retained for a period of two years unless:
- a. System or audit trail data that is part of an ongoing investigation, prosecution, civil action, may be retained until:
    - i. The investigation concludes without any criminal charges or
    - ii. The final disposition of any criminal or civil matter related to the data, including any direct appeals and any writs of habeas corpus.

### **Verkada**

- A. Verkada camera systems are restricted within the Amherst Sheriff's Office to users that have been approved by the Sheriff or his designee. Verkada uses multiple security layers to protect unauthorized access and cloud storage encryption including Argon2id password hashing and AES encryption with derived keys.
- B. Verkada camera systems include an LPR system, PTZ, and sentry mode primarily for investigative purposes. Cloud storage is purged in accordance with Virginia Code 2.2-5517. Users are responsible for extracting, downloading, and archiving footage their own storage devices for auditing, prosecutorial, and administrative purposes.
- C. civil action, may be retained until:
  - a. The investigation concludes without any criminal charges or
  - b. The final disposition of any criminal or civil matter related to the data, including any direct appeals and any writs of habeas corpus.

### **ALPR Systems**

- A. Any data requiring preservation past 90 days, will require a preservation request or search warrant.
- B. The ALPR System Coordinators are responsible for the management of user accounts. Authorized users shall be limited to current employees who are legally authorized to review LPR data for crime prevention and detection purposes.
- C. LPR data is considered a record of a criminal investigation and is confidential, and not a public record. Data shall not be disclosed outside of the Amherst County Sheriff's Office, except for safety purposes pursuant to a written or electronic request of another law enforcement agency. The request must indicate the agency's incident number and why the agency is requesting the PLR data, (i.e., missing person, wanted subject,

stolen vehicle, etc.).

D. LPR users shall not access information in an LPR system by using a name or password that was assigned to another person, including another user.

E. Flock databases are updated several times within a 24-hour period

## **VI. AUDIT**

- Audits must be conducted monthly in accordance with Virginia Code §2.2-5517 every 30 days.
- Administrators will use the “ALPR Audit Form” for the following:
  - i. Assurance that Out-of-State sharing is revoked
  - ii. National Lookup is disabled
  - iii. Only approved alert topics mentioned above in Permissible Uses are being searched and/or alerted to deputies via FlockOS and Verkada Command.
  - iv. Case numbers and search reasons are being entered appropriately.
  - v. Vehicles Read, Searches, and Hot List Hits will be downloaded and saved.

## **VII. REPORTING**

By April 1 of the following year, in accordance with Virginia Code §2.2-5517, mandatory reporting of the following shall be made to Virginia State Police:

- a. Total number of ALPR cameras owned or leased,
- b. A list of all state and federal databases with which data was compared,
- c. Total number of searches, including the purpose of the search and offense type,
- d. Which agencies have been granted access to data,
- b. Number of vehicles stopped based on alerts,
- c. Race, ethnicity, age, and gender of the driver of the motor vehicle stopped based on an alert,
- d. Race, ethnicity, age, and gender of the individual charged with a criminal offense as a result of a search,
- e. Number of instances of unauthorized use of or access to the ALPR system including the nature and circumstances of the unauthorized use,
- f. Number of subpoena duces tecum, search warrants, and any other requests received.

## **VIII. PUBLIC AWARENESS**

To promote awareness of the ALPR systems, the Amherst County Sheriff's Office will publicly post our policy and the annual results by either social media or through another website with the pertinent information included such as the Transparency Portal through Flock Group Inc.