

I. PURPOSE AND SCOPE

An Automated License Plate Reader is an information technology system with the capability for quick scanning and matching capabilities of license plates displayed for public view. The purpose of this policy is to establish guidelines regarding the deployment, maintenance, training, data storage, and use of Automated License Plate Reader (ALPR) maintained by the Gallatin County Sheriff's Office (GCSO). It is the purpose of this policy to serve as a reference for the use of ALPRs by GCSO deputies in the performance of their official law enforcement duties.

ALPRs are to be used by the GCSO for the sole purpose of scanning, detecting, and identifying a license plate number to identify a vehicle that is:

- a. stolen;
- b. associated with a wanted, missing, or endangered person;
- c. registered to a person against whom there is an outstanding warrant;
- d. in violation of commercial trucking requirement;
- e. involved in case-specific criminal investigative surveillance;
- f. involved in a homicide, shooting, or other major crime incident; or
- g. in the vicinity of a recent crime and may be connected to that crime.

II. AUTHORITY

The Gallatin County Sheriff's Office is authorized and required by § 46-5-117, Montana Code Annotated (MCA), to adopt this policy for the use of ALPRs.

III. LIMITATION ON DATA USE

As provided by law, the operation and access to data collected by the GCSO ALPR must be obtained, accessed, preserved, or disclosed for official law enforcement or criminal justice purposes only.

IV. COLLECTION OF ALPR DATA

- a. The GCSO through its ALPR program will directly collect ALPR Data that:
 - i. Is based on a potential threat to public safety or the enforcement of the criminal law;
 - ii. Is based on a reasonable suspicion that an identifiable individual or organization has committed a criminal offense or is involved in or planning criminal conduct or activity that presents a threat to any individual, the community, the state, or the nation and that the information is relevant to the criminal conduct or activity;
 - iii. Is relevant to the investigation and prosecution of suspected criminal incidents; or
 - iv. Is directly related to an investigation or mission of the GCSO.

- b. The GCSO through its ALPR system will indirectly acquire ALPR data from other law enforcement agencies in accordance with inter-local agreements established between the GCSO and other law enforcement agencies for law enforcement and criminal justice purposes.

V. DEFINITIONS

- a. Automated License Plate Reader system: As defined at § 46-5-117(3)(b), MCA, a device principally designed and primarily used for determining the ownership of a motor vehicle, the mileage or route traveled by a motor vehicle, the location or identity of a motor vehicle, or the identity of a motor vehicle's occupants on the public highways, as defined in 60-1-103, MCA, through the use of a camera or other imaging device or any other device, including but not limited to a transponder, cellular telephone, global positioning satellite, automated electronic toll collection system, automated license plate recognition system, or radio frequency identification device that by itself or in conjunction with other devices or information can be used to determine the ownership of a motor vehicle or the identity of a motor vehicle's occupants or the mileage, location, or route traveled by the motor vehicle.
- b. Hot-List Information: A database of information which is considered confidential information to the extent permitted by law and may include license plate numbers of stolen vehicles, stolen license plates, wanted persons with a license plate associated with the record, and suspended or revoked registrations, or other information regarding investigations in which license plates may serve to further the investigation from databases maintained by Montana agencies. It also includes national data (i.e. NCIC, NICB) for similar categories, and for license plates associated with AMBER Alerts, terrorist watch lists and the like. License plates may also be entered manually for crimes that recently occurred in other jurisdictions or for other investigative targets.
- c. ALPR Administrator: Command level staff employee designated by the Sheriff who is responsible for supervisory oversight of the ALPR system including its administration, troubleshooting, training, repairing, and coordinating all aspects of the ALPR system.
- d. Missouri River Drug Task Force (MRDTF) Commander: Command level staff employee who will share designated duties with the ALPR Administrator.
- e. ALPR Operator: An employee of Gallatin County, or designee, with approved CJIN terminal access, or an investigator assigned to the MRDTF, who has been approved and properly trained in the use of the GCSO ALPR system.

- f. ALPR Data: All information, including GPS coordinates, date and time of a license plate reading, the optical character recognition interpreted data, and any ALPR-generated digital photographic image(s) of the license plate and vehicle, generated entirely through the use of and by the ALPR equipment.

VI. DATA RETENTION AND USE

- a. The GSCO shall maintain a record of users who access the ALPR data indefinitely as prescribed by Montana Law. License plate data collected by the ALPR, which has not been found to be of evidentiary value, will be maintained by the GSCO in compliance with all applicable State Local Government Retention Schedules and shall be kept in a manner that makes such records readily accessible to any person authorized by this Policy to audit the department's use of ALPRs and ALPR-generated data. ALPR system maintenance and calibration schedules and records must also be kept on file in accordance with applicable State Local Government Retention Schedules.
- b. This retention policy applies only to the ALPR information contained in the GSCO ALPR system itself. Once ALPR information is downloaded and incorporated into a criminal intelligence record or an investigative case file, the ALPR information is then considered intelligence or investigative information and the laws, regulations, and policies applicable to that type of information or intelligence govern its use.
- c. If the ALPR record has become, or there is reason to believe that it will become, evidence, including evidence that tends to inculcate or exculpate a suspect in a specific criminal or other law enforcement investigation or action, it may be retained within the ALPR system for longer than outlined in this policy pursuant to applicable Local Government Records Retention Schedules.
- d. Automated alert information by the ALPR system can be related to any Hot-List information obtained through standard law enforcement channels or through requests made through law enforcement agencies for the purpose of comparison to ALPR data.

VII. SUPERVISORY OVERSIGHT OF ALPR SYSTEM

The Gallatin County Sheriff will designate an ALPR Administrator who will be responsible for the following:

- a. Overseeing and administering the ALPR program.
- b. Ensuring that stored ALPR information is automatically purged from the LPR database, unless determined to be of evidentiary value, in compliance with the retention requirements of this Policy (refer to Section IV, Data Retention and Use).

- c. Confirming, through random audits, that ALPR information is purged in accordance with this policy.
- d. Acting as the authorizing official for individual access to ALPR information.
- e. Ensuring and documenting that all personnel with authorized access to ALPR information are trained prior to using the system.
- f. Conducting an annual audit of the ALPR system use and effectiveness and report the findings to the Sheriff.
- g. Ensuring that NCIC provided Hot-List data is updated every 24 hours if an update is available or as soon as practicable after an update becomes available.
- h. Filing and storing of system maintenance records and calibration schedules for ALPRs.

VIII. ACCESS TO AND SECURITY OF DATA

- a. All ALPR stored data shall be kept in a secure data storage system maintained by the GCSO with access restricted to authorized persons.
- b. The GCSO shall indefinitely maintain a record of all access to stored ALPR data. The department's ALPR data record keeping system, which may be automated, shall document the following information: the date and time of access, the authorized user who accessed the stored data; and the designated supervisor who reviewed and approved any disclosure of personal identifying information.

IX. SHARING OF APLR DATA

- a. Access to ALPR data is restricted to authorized personnel in furtherance of a criminal justice purpose. ALPR data may be shared by an authorized user of the database with another law enforcement agency as defined by § 44-11-303(1), MCA. Any other use of this data is strictly forbidden. When ALPR data is made accessible to or otherwise shared with or transferred to another law enforcement agency, the agency that collected the ALPR data shall document the identity of the other agency and the specific officer(s) or civilian employee(s) of that agency who were provided the information.

X. ACCESS TO ALPR DATA NOT OPERATED BY THE GCSO.

- a. The GCSO may obtain data from other law enforcement agencies operating ALPR's.

XI. ACTING ON ALERTS FROM ALPRS

- a. A positive alert by an ALPR alone does not constitute reasonable suspicion as grounds for a law enforcement officer to stop a vehicle. The officer shall:
 - i. Develop independent reasonable suspicion for the stop; or
 - ii. Immediately confirm visually that the license plate on a vehicle matches the image of the license plate displayed on the license plate reader and confirm by other means that the license plate number meets one of the criteria specified in section I ("Purpose and Scope").

XII. TRAINING OF AUTOMATIC LIENSE PLATE READER OPERATORS

- a. All authorized users of the ALPR database and ALPR operators shall complete all required training courses.
 - i. The ALPR administrator is responsible for creating, updating, and maintaining all training materials, programs and courses for ALPR database authorized users.
 - ii. At a minimum, ALPR database authorized user courses shall include training regarding this policy, the use and maintenance of the ALPR database, and applicable laws and regulations related to compliance.
 - iii. At a minimum, ALPR operator training courses shall include training regarding this policy, the use and maintenance of ALPRs, and applicable laws and regulations related to compliance.

XIII. POLICY VIOLATIONS

- a. If any GCSO personnel are found to have violated this policy, the ALPR Administrator may:
 - i. Suspend or discontinue access to the ALPR database, and/or ALPR machines by the offending GCSO personnel;
 - ii. Apply appropriate disciplinary or administrative actions or sanctions to the offending personnel.
- b. If outside agency users are found to have violated this policy, the ALPR Administrator may:
 - i. Request that the outside agency user's employer initiate disciplinary proceedings to enforce the policy's provisions;
 - ii. Suspend or discontinue access to the ALPR database by the offending outside agency user.

