



LINCOLN POLICE DEPARTMENT GENERAL ORDERS

NUMBER: 2080
TOPIC: AUTOMATED LICENSE PLATE READERS
ISSUED BY: MICHON MORROW, CHIEF OF POLICE
DATE: 2-9-2024
SUPERSEDES: New 2024
REFERENCE: G.O. 2060, N.R.S. 60-3202 to 60-3209, 84-712 to 84-712.09

I. POLICY (41.3.9)

It is the policy of the Lincoln Police Department to utilize Automatic License Plate Reader (ALPR) technology for legitimate public safety purposes and in furtherance of law enforcement investigations. This technology can assist officers in criminal investigation and locating stolen property, and also in helping locate missing persons. The use of this technology and any data collected will be in accordance with the Nebraska Automatic License Plate Reader Privacy Act, N.R.S. §60-3202 through 60-3209 and applicable General Orders.

II. PROCEDURE

A. Definitions

1. Alert: Data held by the Department of Motor Vehicles, each criminal justice information system maintained in this state, the Federal Bureau of Investigation National Crime Information Center, the Federal Bureau of Investigation Kidnappings and Missing Persons list, the Missing Persons Information Clearinghouse established under N.R.S. §29-214.01, and license plate numbers that have been manually entered into the automatic license plate reader system upon a law enforcement officer's determination that the vehicles or individuals associated with the license plate numbers are relevant and material to an ongoing criminal or missing persons investigation;
2. Authorized User: A Lincoln Police Department employee trained in the lawful use of the ALPR system with access granted by the chief of police or assistant chief of operations. Training will include, but not limited to, operation of the equipment, ethics, policy, and law.
3. Automatic License Plate Reader System (ALPR): One or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to convert images of license plates into computer-readable data;
4. Captured Plate Data: Global positioning system coordinates, date and time information, photographs, license plate numbers, and any other data captured by or derived from any automatic license plate reader system;
5. Governmental Entity: A department or agency of this state, the federal government, another state, or a political subdivision or an individual acting for or as an agent of any of such entities and;
6. Secured Area: A place, enclosed by clear boundaries, to which access is limited and not open to the public and into which entry is only obtainable through specific access-control points.

B. Guidelines for Use (41.3.9)

1. Only staff who have been properly trained in the use and operational guidelines of ALPR's are permitted to use them.
2. Staff using ALPR's shall update the ALPR system databases at the beginning of their shift if updates are available.
3. With the approval of the chief of police or assistant chief of operations, staff may manually enter and/or query a captured license plate only if staff determines the vehicle or individuals associated with the license plate number are relevant and material to an ongoing criminal or missing person investigation subject to the following limitations;

- a. The staff must document the reason for the manual entry and/or query; and
 - b. The manual entry must be automatically purged at the end of the staff's shift, unless the criminal or missing person investigation remains ongoing.
4. Prior to initiating a traffic stop based off an ALPR alert, the officer shall:
- a. Verify the license plate number on the vehicle matches the license plate number and state of issuance as noted in the ALPR alert, and;
 - b. Verify the status of the license plate number on the vehicle either by contacting CH16 or via an MDT query.
 - c. Document in reports the use of the ALPR and verification.

C. Permitted Usage

1. The use of ALPR technology is restricted to legitimate public safety purposes and may be used by officers for the purposes of identifying:
 - a. Outstanding parking or traffic violations;
 - b. Unregistered or uninsured vehicles;
 - c. A vehicle in violation of the vehicle equipment requirements set forth under the Nebraska Rules of the Road;
 - d. A vehicle in violation of any other vehicle registration requirement;
 - e. A vehicle registered to an individual for whom there is an outstanding warrant;
 - f. A vehicle associated with a missing person;
 - g. A vehicle that has been reported as stolen; or
 - h. A vehicle that is relevant and material to an ongoing criminal investigation.

D. Requests for ALPR Information

1. The Lincoln Police Department shall take all necessary steps to preserve ALPR captured data in its possession pending the issuance of a warrant, subpoena, or order of a court. The requesting governmental entity or defendant in a criminal case must specify in a written sworn statement the:
 - a. Particular camera or cameras for which captured plate data must be preserved or the particular license plate for which captured plate data must be preserved; and
 - b. Date or dates and timeframes for which captured plate data must be preserved.
2. A governmental entity or defendant in a criminal case may apply for a court order for disclosure of captured ALPR data, which shall be issued by the court if the governmental entity or defendant in a criminal case offers specific and articulable facts showing there are reasonable grounds to believe the captured plate data is relevant and material to the criminal or civil action.
3. Captured ALPR data held by the Lincoln Police Department is not considered a public record for purposes of Nebraska Revised Statutes 84-712 through 84-712.09 and shall only be disclosed to the person to whom the vehicle is registered or with the prior written consent of the person to whom the vehicle is registered or pursuant to a disclosure as outlined in section II,D,2 of this General Order or as the result of a match as outlined in section II,C,1 of this General Order.

E. Data Storage and Retention (41.3.9)

1. Captured license plate data shall not be retained for more than one hundred eighty (180) days unless the captured license plate data is:
 - a. Evidence related to a purpose listed in section II,C,1 of this policy;
 - b. Subject to a preservation request under section II,D,1 of this policy; or
 - c. The subject of a warrant, subpoena, or court order.
2. ALPR data shall be uploaded to a server for storage in accordance with this policy with access restricted to authorized personnel only.

F Annual Reporting Requirements

1. The Management Services Unit shall report annually to the Nebraska Commission on Law Enforcement and Criminal Justice on its ALPR practices and usage. This report will also be made available on the Lincoln Police Department public website. This report will include the following information, if captured by an ALPR system;
 - a. The names of each list against which captured plate data was checked;
 - b. The number of confirmed matches;
 - c. The number of matches that upon further investigation did not correlate to an alert; and
 - d. The number of manually entered license plate numbers as described in section II,B,3 of this general order.

G. Violations.

1. Per N.R.S. 60-3208, any person who violates the Automatic License Plate Reader Privacy Act shall be liable for damages that proximately cause injury to the business, person, or reputation of another individual or entity.
2. Discipline as provided in the department's General Orders.

