

Washtenaw County Sheriff's Office

Procedural Guideline

License Plate Reader (LPR)

Reference Number: <xx.xx> PG



Jerry L. Clayton, Sheriff

Subject: License Plate Reader (LPR)
Chapter:
Status: New
Compliance: Class 2
Supersedes: All Previous Directives
Standards Reference: <NIC, CALEA, other standards>
Prepared by: Keith Flores, Commander
Reviewed by: Mark Ptaszek, Undersheriff
Issued by: Mark Ptaszek, Undersheriff
Issuing Authority: Jerry L. Clayton, Sheriff
Date of Issue: <xx-xx-xx>
Public Facing: Yes

I. PURPOSE

A. To authorize and regulate the use and operation of License Plate Readers (LPR) as a tool for Washtenaw County Sheriff's Office staff to capture evidence to assist with solving violent and nonviolent crimes. LPRs capture computer readable images of license plates, body types, vehicle makes, vehicle color, license plate state and unique features like decals, bumper stickers, bike racks and other accessories that create a traceable vehicle fingerprint. This allows law enforcement agencies to capture and compare unbiased investigative leads such as plate numbers and other identifiable features against those of stolen cars or cars driven by people known or suspected of being involved in criminal activities.

B. All equipment, installation costs, data storage, equipment maintenance, security costs, customer service and ownership related to LPRs will be the sole responsibility of Ypsilanti Township.

Special Note: All FOIA requests will be directed and handled by Ypsilanti Township staff.

II. SCOPE

A. This procedural guideline applies to all full-time and part-time Sheriff's Office employees assigned to, or working with, license plate reader technology while in the performance of their assigned duties.

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III. DEFINITIONS

A. LPR-License Plate Reader-Cameras that take still photographs of motor vehicles passing through the lens. LPR's cannot follow or track vehicles once they leave the camera's view. All LPRs will be fixed to a pole, structure, traffic barrier, or some other permanently mounted device.

B. NCIC – National Crime Information Center

C. PII-Personally Identifiable Information-Identifiable information related to a person that is driving or riding in a vehicle.

D. Flock Safety Falcon-Solar powered motion activated and infrastructure free camera that takes a snapshot photograph of the critical detail of a vehicle that passes by it.

E. LTE-Long Term Evolution-wireless broadband communication for mobile devices and data terminals.

F. Hot List – Database populated with items of specific concern to an investigation and/or enforcement interest. This may include vehicles:

1. Involved in criminal activity
2. Occupied by a missing person or Amber alert victim
3. Driven by a wanted felon or serious misdemeanor suspect

Note: All "Hot Lists" shall be updated every 6 hours

G. Scan – An individual read of each license plate and/or other identifier.

H. Hit – A positive indication, by visual or audible signal, of a potential match between data on the "hot list" and a license plate or other identifiable markers on a vehicle. A hit is not a conclusive confirmation that a vehicle or license plate is wanted. Additional investigation will always be necessary when a hit is indicated.

I. Confirmation – Each LPR hit will be verified through NCIC and/or any in house data base prior to any deputy initiating an investigation and/or traffic stop.

IV. POLICY

A. It is the policy of the Washtenaw County Sheriffs' Office that all police-initiated actions, including all investigative detentions, traffic stops, arrests, or searches and seizures of persons and/or property by employees will be based on a standard of reasonable suspicion or probable cause consistent with the Fourth

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Amendment of the United States Constitution. Employees must be able to articulate specific facts, circumstances and conclusions that support probable cause or reasonable suspicion for the investigative detention, traffic stops, arrests, and searches and seizures of persons and/or property.

B. LPR Uses and Accountability

1. Washtenaw County staff will only use LPR technology according to our mission and core values. The Washtenaw County Sheriff's Office is dedicated to respecting citizens' privacy and committed to treating all people equitably, regardless of race, ethnicity, gender, sexual orientation, class, background, etc. LPR technology is purpose-built to remove human bias from crime fighting. LPR technology is engineered to capture vehicle characteristics and license plates, which are cross-checked against state and federal records to ensure data accuracy and minimize errors.
2. Sheriff's Office staff will be required to enter a purpose or reason for each search made utilizing the LPR system.
3. A search history will be retained for up to 30 days to determine the purpose for utilizing the system.
4. All data captured by LPR technology will automatically be deleted after 30 days unless the data is pertinent to criminal or civil investigation. In such cases, that data will be retained by the Washtenaw County Sheriff's Office until a court orders the termination of evidence.
5. Hot List audit trails will be checked on a monthly basis by the Operational Captain or designee to ensure "vehicles of interest" should remain on the list and are not there indefinitely. A monthly report will be completed to include:
 - a) Deputy conducting the search
 - b) Date and times of the search
 - c) Camera location being searched
 - d) Reason for the search
 - e) Number of searches
 - f) Number of hits

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Note: Customized Hot Lists will expire after 90 days, unless a specific expiration is set to increase the length of time or the hot list is extended for investigative purposes.

6. An LPR “hit” or alert will not constitute reasonable suspicion or probable cause to conduct a traffic stop or take enforcement actions. A deputy may not detain an individual based on an alert from the LPR system unless the deputy has reasonable suspicion or probable cause that such person is involved in criminal activity.
 - a) Deputies must make visual confirmation that the license plate and/or vehicle identifier matches the “Hot List” from NCIC and/or other data base.
 - b) Deputies should attempt to visually verify that the vehicle description and any other descriptors provided are consistent between the alert and the vehicle/person in question.
 - c) In the event the offense at issue is associated with the registered owner of the vehicle, the deputy should make every effort to confirm that the driver is consistent with the description of the registered owner.

C. LPR Prohibited Uses

1. LPRs do not collect information on who is driving or riding in the vehicle as it is not considered personally identifiable information (PII). The cameras only capture the back of vehicles for license plates and/or objective evidence, so it is not possible for the camera to detect race, gender, number of occupants in the vehicle, etc.
2. LPRs do not include facial recognition, footage of passersby or pedestrians.
3. LPRs do not record names, phone numbers, or addresses.
4. LPRs do not engage in predictive policing or make predictions or judgments on specific locations, neighborhoods, or areas.
5. LPRs will not be used to monitor to track individuals who are subject of an active criminal investigation unless authorized by a warrant, issued upon probable cause or exigent circumstances, or activity that would justify the use without obtaining a warrant.

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V. TECHNOLOGY

A. Flock safety cameras utilize the FBI's NCIC federal and state Hot Lists which are updated every 6 hours/4 times per 24 hours. This will send real-time alerts to law enforcement agencies when a wanted or stolen vehicle is detected. This can be used to:

1. Make arrests for violent and non-violent crimes
2. Recover stolen vehicles and property
3. Follow up on amber alerts or missing person reports

Special Note: LPRs and Hot Lists will not be utilized to enforce civil infractions, offenses enforceable by citations, federal immigration enforcement violations, or outstanding warrants arising from a failure to pay fines and fees.

B. Cameras will all be stationary and non-mobile at various intersections within Ypsilanti Twp.

C. Cameras can start taking still photographs in less than a tenth of a second and can capture multiple frames of a vehicle traveling up to 100mph. The cameras do not take live video.

D. Cameras' infrared capability captures highly accurate, clear still-photographs, day or night.

E. Cameras are solar powered.

F. All storage is fully encrypted and cloud-based, utilizing LTE.

G. All search histories can be easily accessed and displayed for police leadership to determine the purpose for utilizing the system.

H. Data will never be shared outside of other law enforcement agencies or sold to third parties without written approval from the Ypsilanti Township Supervisor and the Washtenaw County Sheriff or his/her designee.

Special Note: An interagency MOU will be signed by each law enforcement agency that will outline conditions under which information will be shared. Generally, this will consist of a scanned plate and/or Hot List information. This Agreement is meant to be a "single sign on" agreement where there are multiple law enforcement agency parties. An agency party can pick any or all agency parties with which to share

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data.

I. Accuracy Rates of Flock Safety's Falcon Camera captures an average of 97% of vehicle traffic (98% single lane and 97% two lane) and automatically detects vehicle characteristics (license plate, vehicle make, color, and vehicle classification). A further breakdown of accuracy results are as follows:

1. 93% license plate characters accuracy
2. 95% vehicle color (daytime) accuracy
3. 92% vehicle make accuracy
4. 98% vehicle type accuracy

VI. TRAINING

A. All staff utilizing the LPR Technology will receive training from Flock Safety prior to using LPR equipment and technology. This will consist of live, virtual training sessions and previously recorded sessions with a customer success officer assigned specifically to Washtenaw County.

1. A separate administrator training will receive:
 - a) Unlimited access to the system
 - b) Ability to assign online permissions
 - c) Ability to assign specific usernames and passwords for all qualified staff
2. Virtual training will be held live for all assigned staff utilizing the LPR system. A training option will also be recorded for staff to view at any time.

Note: All staff will have their own dedicated username and password for access and tracking within the LPR system.

VII. MODIFICATION

A. The Sheriff or Undersheriff may modify the provisions of this procedural guideline.

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VIII. COMPLIANCE

A. All employees shall comply with all provisions of this procedural guideline. A violation of any section is a Class 2 offense and may result in corrective discipline.

B. A violation of this procedural guideline may also be a violation of other Sheriff's Office Professional Conduct Standards which may result in corrective disciplinary action up to and including discharge.

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