

	ISLE OF WIGHT COUNTY SHERIFF'S OFFICE		GENERAL ORDERS
	SUBJECT: AUTOMATED LICENSE PLATE RECOGNITION		NUMBER: 2- 66
	EFFECTIVE DATE: JULY 1, 2025		REVIEW DATE: ANNUALLY
	AMENDS/SUPERSEDES:		APPROVED: <i>James R. Clarke Jr.</i> SHERIFF
	VLEPSC STANDARDS:		

NOTE:

This rule or regulation is for internal use only and does not enlarge a deputy'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 agency, and then only in a non-judicial administrative setting.

INDEX WORDS:

I. POLICY:

The use of LPR equipment is intended to provide law enforcement personnel with a method of identifying vehicles and license plates (and by association the specific owners or operators of those vehicles) without direct intervention by the officer. Locating vehicles identified as having a specific interest to law enforcement is consistent with the mission of the Isle of Wight County Sheriff's Office in delivering the greatest measure of safety and the highest level of service to the citizens and visitors to the County.

The assignment of LPR equipment within the agency is made by the Sheriff or designee based upon the needs of the agency.

The use of LPR equipment shall be for law enforcement purposes only and done in a manner consistent with the manufacturer's recommendations and this policy.

II. PURPOSE:

The purpose of this General Order is to establish a policy regarding the issuance, operation, and administration of automated License Plate Recognition ("LPR") equipment.

III. PROCEDURES:

- A. All operators shall receive training prior to using the LPR system.
- B. Upon receiving an alarm, the LPR operator shall determine the accuracy of the alarm. The LPR operator will visually verify that the

subject tag and the tag on the LPR software are the same. The operator will confirm the alarm is still valid by running the information through NCIC/VCIN. Receipt of an LPR alarm is not sufficient probable cause to warrant an arrest or detention without additional verification.

- C. Additional license plate information may be entered into the LPR system at any time by an operator or administrator. Broadcast information received following the initial download should be manually entered immediately upon receipt by the LPR operator. The reason for the entry shall be included in the "note" portion of the entry screen (i.e., stolen vehicle, missing person, abduction, Amber Alert, robbery suspect, etc.).
- D. Upon completing a manual entry, the operator will query the LPR data to determine if the license plate was scanned previously. If an alarm is recorded, the information will be relayed to the appropriate person (i.e., the investigating officer and/or the Emergency Communications Center).
- E. The LPR operator shall ensure that the GPS is connected and operating properly.
- F. Additional specific instructions may be provided by the supervisor of a particular unit.

IV. INVESTIGATIONS:

- A. The use of LPR data may only be for one of the following uses:
 - 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; or
 - 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; or
 - 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.
- B. To ensure proper auditing and reporting, the following information shall be logged for each use of the system:
 - 1. Date and time of access.
 - 2. License plate number or other data elements used to query the system.
 - 4. specific purpose, as set forth in subsection D, for accessing or querying the

system, including the offense type for any criminal investigation.

5. Associated call for service or case number; and
6. Username of the person or persons who accessed or queried the system.

C. It is the responsibility of each user to validate the accuracy of any return.

1. A notification by a system for purposes set forth in subsection D does not, by itself, constitute reasonable suspicion as grounds for law enforcement to stop a vehicle. Prior to stopping a vehicle based on a notification, a law-enforcement officer 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.
 - c) Any person who willfully and intentionally queries, accesses, or uses a system for a purpose other than set forth in code of Virginia, or who willfully and intentionally sells, shares, or disseminates system data or audit trail data, is guilty of a Class 1 misdemeanor.
 - d) Any evidence obtained as the result of a violation of the code of Virginia is not admissible by the Commonwealth in any criminal or civil proceeding, but such evidence may be admitted by a defendant in a criminal proceeding or a litigant, other than the Commonwealth, in a civil proceeding.

D. LPR system data may only be shared for the following purposes:

1. With another law-enforcement agency, within the Commonwealth of Virginia, for purposes set forth in subsection D, 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 of this section;
2. With the attorney for the Commonwealth for purposes set forth in subsection D or for complying with discovery or a court order in a criminal proceeding;
3. With a defendant or his counsel for purposes of complying with discovery or a court order in a criminal proceeding;
4. Pursuant to a court order or a court-issued subpoena duces tecum in any criminal or civil proceeding;

5. With the vendor for maintenance or quality assurance purposes; or
6. 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.

V. TRAINING:

All deputies with access to LPR data shall receive initial training on LPR systems, appropriate uses, data requirements, and how to confirm the accuracy of returns per the Code of Virginia.

VI. MAINTENANCE:

- A. Under no circumstances should an LPR operator attempt to modify the LPR equipment or software.
- B. Damage to the LPR equipment shall be immediately reported to an on-duty supervisor and the LPR System Administrator.
- C. The supervisor shall document (and investigate, if necessary) the damage in accordance with agency policy.
- D. The lieutenant or designee from the Special Investigations Division shall be notified of any LPR equipment requiring maintenance or repair. Maintenance and repair will be coordinated with the appropriate vendor.

VII. ADMINISTRATION:

- A. The databases used by the system to provide notifications as set forth in subsection D are updated at least every 24 hours, or as soon as practicable after such updates become available; and per the code of Virginia.
- B. LPR data will be maintained for a period of 21 days on the LPR Server. Data retention will be in accordance with limits created by the Code of Virginia. Notwithstanding such limits, the retention period may be reduced depending on the amount of data collected, the ability of the server to retain such data, and the needs of pending investigations. In serious criminal investigations where a general location for a suspect vehicle or a crime pattern has been identified, information captured by the LPR system may be downloaded.
- C. All FOIA requests will be submitted to the Sheriff or his/her designee for review. Per the Code of Virginia. System data and audit trail data shall not be subject to disclosure under the Virginia Freedom of Information Act, per the code of Virginia.
- D. All purchases of LPR equipment and software will be made from the list of approved equipment maintained by the Commonwealth Division of Purchases and

Supply.

- E. The sharing of LPR data among other agencies shall be dictated in accordance with Memorandum's of Understanding (MOUs) or established agency policies.
- F. All users of the LPR software shall be approved by the Sheriff or his/her designee.
- G. System usage will be audited at least every 30 days for compliance with the policies outlined in this General Order.