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"INTEGRITY...FAIRNESS...SERVICE"

SPECIAL ORDER # 2016-02

DATE: May 18, 2016

TO: All Police Department Personnel. To be Announced at Roll Call and a Copy Posted on the Department's Intranet Site.

RE: Automatic License Plate Readers (ALPRs).

EFFECTIVE: Immediately.

BACKGROUND: An Automatic License Plate Reader (ALPR) is an automated system that remotely reads license plate numbers and is able to compare them to the National Crime Information Center (NCIC) and Maryland Motor Vehicle Administration (MVA) databases. There are two types of ALPR systems. Mobile systems are mounted within a vehicle, and consist of a camera and processing unit that is networked into the police vehicle's mobile data computer. Fixed systems can be mounted to a stationary object and consist of an integrated camera and central processing unit (CPU). The ALPR can be used as an investigative tool to assist officers with their investigations whenever vehicles are involved in a crime.

During the 2014 session of the Maryland General Assembly, legislation was introduced addressing the use of ALPR systems. Many of the concerns in reference to the use of ALPRs stem from law enforcement's use of the historical data contained in the ALPR databases. This historical data can be used to determine the dates, times, and locations when a license plate came into the view of an ALPR. To ensure law enforcement officers are properly using historical ALPR data, a new law was passed. This law provides criminal penalties for anyone who misuses ALPR data, and requires officers to document justification for the queries of historical ALPR data they conduct. The law also establishes an auditing procedure for these queries.

The Maryland Coordination and Analysis Center (MCAC) will now be operating a central server to store ALPR data provided by law enforcement agencies from across the state. This server is referred to as the MCAC Operational Center. The data contained in the server will be retained for one year. Members can contact the MCAC Operational Center and request a search of its historical data. Members conducting searches in this manner will not need to take any additional action, and the MCAC Operational Center will log the justification supporting the search. Baltimore County also maintains a server to store ALPR data obtained from the Department's ALPRs. This server is referred to as the Baltimore County Operational Center. Members may request to have direct access to the data maintained by Baltimore County. Members approved to access the Baltimore County Operational Center directly do not need to contact the MCAC to conduct searches of historical Baltimore County ALPR data, but they are responsible for documenting the justification for their searches. The Form 335, Automatic License Plate Reader (ALPR) Data Query Tracking Form, has been created for members to use when they are required to document their ALPR data searches.

The Maryland State Police has also begun collecting data on ALPR use in the DeltaPlus system. Members conducting a traffic stop resulting from the use of an ALPR are now required to complete additional fields in the DeltaPlus system.

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The Form 336, Automatic License Plate Reader Data Collection, has been created to collect data from traffic stops resulting from use of an ALPR when members are not using the DeltaPlus system.

PURPOSE: To establish procedures for the deployment, use, and maintenance of the ALPR equipment, technology, and historical data.

RELATIONSHIP TO DEPARTMENTAL VALUES: By establishing these procedures, we demonstrate our commitment to providing the highest levels of **INTEGRITY** and **SERVICE** to the communities of Baltimore County. These procedures allow Department members to use available technology to detect and solve crimes, and ensure the proper use of all data collected.

POLICY: It is the policy of the Department to ensure the proper use of ALPR technology and data. ALPR technology and data will only be used for valid work-related purposes.

PROCEDURES:

DEFINITIONS:

- Batch Plate Search Data - a search of historical ALPR data to determine what license plate numbers were observed at a particular place and time.
- First Amendment Activities - any activities involving constitutionally protected speech or association; or conduct related to freedom of speech, free exercise of religion, freedom of the press, the right to assemble, or the right to petition the government.
- Legitimate Law Enforcement Purpose - the investigation, detection, or analysis of a crime or a violation of the Maryland vehicle laws or the operation of terrorist or missing or endangered person searches or alerts.

AUTOMATIC LICENSE PLATE READER (ALPR) UNITS

- Listed on the appropriate Form 75, Vehicle Condition Report.
- Operated by trained personnel only.

MEMBERS ASSIGNED TO USE AN AUTOMATIC LICENSE PLATE READER (ALPR)

- Will not monitor persons attending religious services, entering medical facilities, or at staging areas for persons attending first amendment activities, unless the use is directly related to a nexus of criminal conduct or activity.
- Inspect the unit for any damage or missing parts prior to use.
- Document any physical damage on a Form 12L, Intra-Department Correspondence, and forward to the Technology & Communications Section (TCS).
NOTE: Members discovering physical damage to an ALPR must also document the damage on the vehicle's Form 75, Vehicle Condition Report.
- Contact the Baltimore County Office of Information Technology (OIT) Help Desk for any software, electrical, or hardware issues.
- Complete the logbook documenting use and status of the equipment.
- Confirm all hits (e.g., stolen vehicles, stolen license plates, wanted persons, suspended drivers, vehicle registration violations, etc.) generated by the ALPR through the active NCIC and/or MVA files to ensure the information is current.
NOTE: Active hits are sufficient to establish reasonable suspicion to initiate a traffic stop if the hit is in reference to the vehicle (e.g., stolen vehicle, stolen registration plate, suspended registration, etc.). Members receiving an active hit in reference to the operator (e.g., suspended license, open warrant, etc.) must possess reasonable suspicion that the driver is the person listed in the hit prior to initiating a traffic stop.
- Enter license plate numbers received from lookouts given over the police radio (e.g., recently stolen vehicles, vehicles involved in other criminal activity, etc.).
- Document daily all enforcement actions taken as the result of an alert generated by a grant funded ALPR.

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- Ensure all equipment is removed by Baltimore County Electronic Services, prior to dropping off an ALPR equipped vehicle at a body shop for repairs.
- Complete all ALPR related fields in the DeltaPlus system for each traffic stop resulting from the use of an ALPR, if the member is using the DeltaPlus system.
- Complete and forward to their supervisor a Form 336 for each traffic stop resulting from the use of an ALPR, if the member is not using the DeltaPlus system.

AUTOMATIC LICENSE PLATE READER (ALPR) HISTORICAL DATA

- Are official documents of the Baltimore County Police Department and the Maryland Coordination and Analysis Center (MCAC) and are subject to any and all existing policies and procedures concerning the release of official records.
- Accessed by authorized personnel only, to conduct searches for investigative purposes.
NOTE: Members may request access to the Baltimore County Operational Center by submitting a Form 12L to the Technology & Communications Section (TCS) through their commander, stating why they need access.

MEMBERS APPROVED TO QUERY THE BALTIMORE COUNTY OPERATIONAL CENTER

- Document information supporting each query on a Form 335.
EXCEPTION: Follow-up queries resulting from an earlier batch plate data search are considered part of the original query, and do not require additional documentation.
- Forward a copy of all completed Forms 335 to the TCS at the end of each month.

SUPERVISORS

- Ensure that the ALPR is used properly during patrol/investigative operations by trained personnel.
- Designate areas for deployment of the equipment.
- Ensure Forms 335 are completed by subordinates approved to query the Baltimore County Operational Center.
- Ensure completed Forms 335 are forwarded monthly to the TCS.
- Review and approve Forms 336 and forward to Information & Records Management Unit (IRMU).

AUTOMATIC LICENSE PLATE READER (ALPR) COORDINATORS

- Conduct periodic inspections during operations of the ALPR to ensure all components are accounted for and are in proper working condition. Any discrepancies or problems will be brought to the attention of the TCS.
- Forward documentation of all enforcement actions resulting from an alert generated by a grant funded ALPR to the TCS on a monthly basis.

PRECINCT/SECTION COMMANDERS

- Ensure that an appropriately trained member of their command is designated as an ALPR coordinator, if applicable.
- Maintain all records for the ALPR units assigned to his/her command.
- Contact the TCS to schedule appointments for service with the vendor/manufacture, when necessary.
- Conduct periodic inspections of all ALPR units to ensure that they are in good condition and all components are accounted for.
- Follow up on any discrepancies, lost equipment, or problems that occur with the ALPR units, by contacting the ALPR coordinator.
- Notify and coordinate with the TCS when additional training seminars are necessary.

TECHNOLOGY & COMMUNICATIONS SECTION (TCS)

- Provides "Train the Trainer" seminars for personnel tasked with training ALPR users.

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- Collects, evaluates, files, and conducts an annual audit of the ALPR statistical data.
NOTE: Materials collected and used to complete each annual audit will be maintained by the TCS for a minimum of three years.
- Acts as a primary contact for ALPR maintenance.
- Ensures the ALPR data file obtained from the reads is expunged one year from the date it was originally obtained.
- Maintains a list of authorized users with ALPR data access.

TECHNOLOGY & COMMUNICATIONS SECTION (TCS) COMMANDER

- Serves as the Department's ALPR program manager.
- Appoints a member of the TCS to serve as the auditor of the Department's ALPR program.
- Screens members' requests for access to the Baltimore County Operational Center, to determine if a legitimate law enforcement purpose exists justifying their access to the data based upon their current assignment within the Department.

INFORMATION & RECORDS MANAGEMENT UNIT

- Reviews Forms 336 and enters the information into the DeltaPlus system.

TECHNICAL SERVICES DIVISION COMMANDER

- Serves as the Department's certifying official for the ALPR audits.
- Provides ALPR audit results to the Chief of Police for reporting to the Maryland General Assembly.

IMPLEMENTATION: This Special Order will be distributed electronically to all Department members. Shift/unit supervisors will be responsible for the referencing of this Special Order.

By order of,

Chief James W. Johnson
Chief of Police