


# Floyd County Sheriff's Office

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| Type of Directive: General Order   | Number: 16-025             |
| <b>Automatic License Plate Recognition</b>   | Effective Date: 07/01/2025 |
| VLEPSC Standard:   |                            |
| Review Date: 1/01/2026   |                            |
| Authorization:   |                            |
| <br>_____<br>Sheriff |                            |

## I. POLICY

The Floyd County Sheriff's Office, in coordination with Flock Safety, utilizes Automatic License Plate Recognition (ALPR) located in predetermined locations within the jurisdiction of Floyd County. Floyd County Sheriff's Office and its members shall follow the guidelines set forth in 2.2-5517 of the Code of Virginia.

## II. DEFINITIONS

*Automatic License Plate Recognition (ALPR)* – A system of one or more high-speed cameras used in combination with computer algorithms to convert images of license plates, vehicles, or a combination of both into computer-readable data.

*Query* – A search of ALPR system data based on information entered by the user, including a full or partial license plate number, any identifying characteristics of a vehicle, the date, time, or location of an image, or any other data that is searchable with in the ALPR system.

*Notification* – An alert from an ALPR system that a license plate or vehicle matches a license plate or vehicle in a database utilized by the ALPR system for comparison purposes.

*System Data* – All forms of data collected or generated by an ALPR system, including images of license plates, vehicles, any identifying characteristics of vehicles, the date, time, and location of an image, and any peripheral images collected from which analytical data may be extracted.

*Audit Trail* – All records of queries and responses in an ALPR system, and all records of actions in which system data is accessed, entered, updated, shared, or disseminated, including the:

- a. Date and time accessed,
- b. License plate number or other data elements used to query the system
- c. Specific purpose for accessing or querying the system including offense type for any criminal investigation
- d. Associated call for service or case number
- e. Identifying information of the person who accessed or queried the system

*Audit Trail Data* – all forms of data collected or generated by an ALPR system for purposes of producing an audit trail.

### III. PROCEDURES

- A. Deputies with the Floyd County Sheriff's Office who utilize the ALPR system shall be familiar with the rules and guidelines set forth in 2.2-5517 of the Code of Virginia.
- B. Deputies shall not use the ALPR system for the purpose of interfering with individuals engaged in lawful activities or tracking individuals on the basis of the content of lawfully protected speech.
- C. Deputies shall only use the ALPR system for the following incidents:
  - a. As part of a criminal investigation into an alleged violation of the Code of Virginia where there is a reasonable suspicion that a crime was committed,
  - b. As part of an active investigation or to receive notifications related to a missing or endangered person,
  - c. As part of an active investigation or to receive notification for human trafficking,
  - d. To receive notifications for a person with an outstanding warrant,
  - e. To receive notifications for a stolen vehicle or stolen license plate,
- D. Deputies who receive an update in their investigation must update the ALPR system with the new information within 24 hours.
- E. Any person who willfully and intentionally queries, accesses, or uses the ALPR system for purposes other than set forth in section B, or who willfully and

intentionally sells, shares, or disseminates system data or audit trail data other than set forth in section D, is in violation of 2.2-5517 and is guilty of a Class 1 misdemeanor.

- D. Deputies shall not share system data or audit trail data with, or disseminate such data to, any database of any other state, federal, private, or commercial entity. Deputies may share system data or audit trail data for the following purposes:
- a. With another law-enforcement agency for purposes set forth in section B,
  - b. With Commonwealth Attorney for complying with discovery or court order in criminal proceedings,
  - c. With a defendant or their counsel for the purpose of complying with discovery or a court order in a criminal proceeding,
  - d. Pursuant to a court order or a court-issued subpoena duces tecum in any criminal or civil proceeding,
  - e. To alert the public in an emergency situation, a missing or endangered person, a person associated with human trafficking, or a person with outstanding warrant
- E. System data and audit trail data shall not be subject to disclosure under the Virginia Freedom of Information Act.
- F. Deputies who receive notifications from an ALPR system shall not use the notification as reasonable suspicion to conduct a traffic stop. Deputies shall verify the reason for the notification through the original reporting agency or develop their own reasonable suspicion prior to conducting a stop.

#### IV. RETENSION

- A. System data collected by ALPR system must be destroyed and not recoverable after 21 days from the date captured.
- B. Audit trail data collected by ALPR systems must be destroyed and not recoverable after 2 years from date captured.
- C. If system data or audit trail data is part of an ongoing investigation, prosecution, or civil action, such data shall be retained by the agency until the investigation concludes or the final disposition of any criminal or civil matter related to the data, including any direct appeals and any writs of habeas corpus, or federal law, in accordance with applicable records retention policy.

V. REPORTING

- A. The agency must report to the Department of State Police by April 1 of each year in a format determined by the Department of State Police on the use of the ALPR system during the preceding calendar year which shall include the following data:
- a. Total number of cameras owned or leased by the agency at the conclusion of the calendar year,
  - b. A list of all state and federal databases with which the system data was compared, unless the existence of any such database itself is not public,
  - c. Total number of times the system was queried, including the specific purposes of the queries, and the offense types for any criminal investigations,
  - d. The race, ethnicity, age, and gender of any individual identified as a suspect and charged with a criminal offense as a result of a query of the system as part of a criminal investigation,
  - e. The number of motor vehicles stopped based on notifications from the system, including the specific reasons for the notifications.
  - f. The race, ethnicity, age, and gender of the driver of any motor vehicle stopped based on a notification from the ALPR system
  - g. Whether the agency allows any other law-enforcement agencies to access the system data, and if so, which agencies have been granted access,
  - h. The number of instances of unauthorized use of or access to the system including the nature and circumstances of such instances,
  - i. Number of subpoenas, search warrants, and other requests received from third party for system data or audit trail data to include the identity of the requesting entity; and whether any data was provided to such entity.