Automated License Plate Readers (ALPR)

428.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition (LPR), provides automated detection of license plates. The ALPR technology is used by the Fargo Police Department to convert data associated with vehicle license plates and use it for official law enforcement purposes only. This includes, but is not limited to identifying stolen or wanted vehicles, stolen license plates, wanted persons associated with a vehicle, missing or endangered persons, and reckless, fleeing or dangerous driving violators. The ALPR may also be used to gather information and intelligence related to active criminal warrants, homeland security, electronic surveillance, suspect criminal interdiction and stolen property recovery.

ALPR data is collected in the public venue, in which there is no expectation of privacy for the public. ALPR data shall not be collected from any place that is protected from government intrusion via the 4th Amendment to the U.S. Constitution, unless a valid warrant is first obtained or other legal exceptions apply.

ALPR technology is installed in all Neighborhood Services Division patrol vehicles and may be installed in other department vehicles or technology as approved by the Chief. See the Public Safety Video Surveillance System policy (336) for additional information.

428.2 DEFINITIONS

Automated License Plate Readers (ALPR) - Equipment consisting of cameras and computer software used to automatically recognize and interpret characters on vehicle license plates, and capture digital images of the license plate(s), as well as any unique physical characteristics of a vehicle.

Automated License Plate Reader (ALPR) Operator - Any department member utilizing ALPR equipment or databases.

Digital Evidence Management Software (DEMS) - A Criminal Justice Information System (CJIS) compliant system for user maintenance, date queries, import and export of data, and notification functions of the central repository of data collected by any ALPR system the Department may operate. This application can be accessed and reviewed for investigative and administrative purposes by authorized users.

Hit Alert - An indication by visual and/or auditory notice of a potential match between data stored and a license plate scanned by the system. A hit alert is not conclusive confirmation of a match and further investigation is always required before taking enforcement action.

Hot List - A database populated with full or partial license plates or unique vehicle identifiers for which a concern to officer safety or investigative interest exists.

Copyright Lexipol, LLC 2025/03/25, All Rights Reserved.
Published with permission by Fargo Police Department

428.3 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment shall be managed by the Assistant Chief of Police or assigned designee. The Assistant Chief shall assign personnel under their command to administer the day-to-day operations of all ALPR equipment and associated data management.

428.4 ALPR OPERATION

Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose. Use of ALPR equipment and databases is restricted to the purposes and processes outlined below:

(a) An ALPR shall only be used for official and legitimate law enforcement business. No member shall access Criminal Justice Information Sharing (CJIS) data unless authorized by law and in conformity with the Protected Information policy (805).

(b) An ALPR may be used in conjunction with any patrol operation or official department investigation. Because the data is captured in the public venue, where there is no legal expectation of privacy, reasonable suspicion or probable cause is not required to use an ALPR device.

(c) Upon receiving a hit alert, and prior to taking enforcement action, the ALPR operator shall utilize all information available to determine the accuracy of the hit alert. Receipt of a hit alert does not establish sufficient reasonable suspicion to initiate a stop or other enforcement action without verification.

    (a) Operators shall visually verify the vehicle license plate numbers and state of issuance on all hit alerts.

    (b) If an operator verifies a hit alert is accurate and active, the operator shall take the appropriate enforcement action in accordance with department policy and procedures.

    (c) Operators shall report any action taken via their Mobile Digital Computer (MDC), noting if hot list information needs to be updated or purged.

(d) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to canvassing areas surrounding homicides, shootings and other major incidents. Partial license plates and other unique physical characteristics of a vehicle reported during a major crime should be entered into the ALPR system in an attempt to identify suspect vehicles.

(e) No member of the department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

428.4.1 ALPR HOT LISTS

Department members requesting to add information to a Hot List shall do the following:

(a) Fill out an Intelligence and Analysis Unit (IAU) submission form, include the case or incident number, and forward it via the Department-approved database to an on-duty supervisor.

Copyright Lexipol, LLC 2025/03/25, All Rights Reserved.
Published with permission by Fargo Police Department

(b) The IAU form must be reviewed and approved by an on-duty supervisor, who shall enter the information onto the appropriate Hot List within all department ALPR databases. The on-duty supervisor shall note their approval by forwarding the form to the IAU.

(c) IAU members shall regularly review the information entered by supervisors to ensure entries are placed on the appropriate Hot List.

(d) It is the responsibility of the requesting member to notify their supervisor or IAU if the information is no longer needed on the Hot List.

(e) The IAU shall review and remove information from the Hot List that is 30 days old, unless the information is the subject of an ongoing criminal investigation. Retention of information beyond 30 days requires the approval of the Criminal Investigations Division (CID) Special Operations Unit (SOU) Lieutenant and shall be reviewed every 30 days for continued retention.

428.5 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Fargo Police Department. Because such data may contain confidential criminal investigative or intelligence information and the location of any stationary ALPR equipment is critical to anticipate, prevent and monitor such activity, the data and locations are considered exempt records and not open to public review pursuant to this policy and North Dakota Century Code (NDCC) § 44-04-18.7. ALPR information gathered and retained by the Department may be shared with prosecutors, other law enforcement entities or others as required by law.

The Criminal Investigations Division (CID) commander is responsible to ensure proper collection and retention of all ALPR data. Except as otherwise permitted in this policy, no member shall upload data into an ALPR system without approval from their on-duty supervisor.

All ALPR data should be maintained in conformity with the Department records retention schedule contained in the Records Maintenance and Release policy (804). ALPR data shall be automatically purged from the DEMS unless it has become, or it is reasonable to believe will become evidence in a criminal or civil action or is subject to a lawful action to produce records, as approved by the Special Operations Unit (SOU) Lieutenant. In those circumstances, the applicable data should be converted to evidence through DEMS.

The CID SOU Lieutenant may authorize assigned Intelligence and Analysis Unit (IAU) personnel to authorize the sharing of vendor-specific department cameras with other law enforcement entities that have the same vendor equipment for a legitimate law enforcement purpose only.

428.5.1 ALPR DATA COLLECTION FROM PRIVATE BUSINESS CAMERAS

The Department may enter into a memorandum of understanding (MOU) to provide the opportunity for a private business to participate in vendor specific ALPR data collection that may be shared with the Department upon request to further the purpose and scope of this policy. Additionally, the Department may enter into an MOU that may allow general consensual access for the Department

Copyright Lexipol, LLC 2025/03/25, All Rights Reserved.
Published with permission by Fargo Police Department

to access a business entities ALPR system that comports to department ALPR equipment and technology.

The use and access of private business ALPR data shall be governed by the same accountability and safeguards noted in this policy and applicable law.

428.6 ACCOUNTABILITY AND SAFEGUARDS

All saved ALPR data shall be closely safeguarded and protected by both procedural and technological means. The Fargo Police Department shall observe the following safeguards regarding access to and use of stored ALPR data:

(a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Unit Office Manager and processed in accordance with this policy and applicable law.

(b) ALPR data is only accessible through a DEMS, which is a login, password-protected system capable of documenting all access of information by name, date and time.

(c) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relates to a specific criminal investigation, criminal intelligence or department-related civil or administrative action.

(d) Any incidents of unauthorized access or use of any ALPR database shall be immediately reported through the chain of command to the Assistant Chief.

(e) ALPR data may be released to a prosecutor to facilitate criminal justice process or other authorized law enforcement officials or agencies at any time for legitimate law enforcement purposes only and in conformity with vendor specific requirements. An audit record shall be maintained of all ALPR information provided to such authorized entities.

(f) ALPR system audits shall be conducted monthly by the CID-Special Operations Unit Lieutenant who shall review the report, specifically noting any areas of concern or unauthorized access, suggestions for operational or policy changes, and forward the report to the CID commander.

(g) The CID commander shall review the report, recommend any necessary operational or policy changes or action relative to unauthorized access, and forward the report to the Assistant Chief for review and action as appropriate.

428.7 REVISION DATE 03/25/2025

Copyright Lexipol, LLC 2025/03/25, All Rights Reserved.
Published with permission by Fargo Police Department