



**Law  
Enforcement  
Operations**

**Number:** 05-24-01  
**Subject:** Automatic License Plate Reader  
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## I. Purpose

It is the purpose of this policy to provide Nebraska State Patrol personnel with guidelines and principles for the collection, access, use, dissemination, retention, and purging of automatic license plate reader information to ensure that the information is used for legitimate law enforcement purposes only and the privacy, civil rights, and civil liberties of individuals are not violated.

## II. Policy

The Nebraska State Patrol may utilize automatic license plate reader technology to promote public safety and in furtherance of law enforcement investigations. All use of automatic license plate reader technology shall be in accordance with the Nebraska Automatic License Plate Reader Privacy Act, Neb. Rev. Stat. §§ 60-3201 through 60-3209, and Nebraska State Patrol policies and procedures.

### A. Definitions

1. Automatic license plate reader system, as defined in Neb. Rev. Stat. § 60-3202, means one or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to convert images of license plates into computer-readable data.
2. Captured plate data, as defined in Neb. Rev. Stat. § 60-3202, means global positioning system coordinates, date and time information, photographs, license plate numbers, and any other data captured by or derived from any automatic license plate reader system.
3. Confirmed match means a hit that upon further investigation was determined to correctly meet specific hotlist criteria.
4. Hit means captured plate data meets specific hotlist criteria.
5. Hotlist means a dataset to which captured plate data is compared to determine if a vehicle meets specific criteria. Hotlists can be comprised of data held by the Department of Motor Vehicles, each criminal justice information system maintained in Nebraska, the

Federal Bureau of Investigation National Crime Information Center, the Federal Bureau of Investigation Kidnappings and Missing Persons List, the Missing Persons Information Clearinghouse established under Neb. Rev. Stat. § 29-214.01, and license plate numbers that have been manually entered into automatic license plate reader systems upon a law enforcement officer's determination that the vehicles or individuals associated with the license plate numbers are relevant and material to an ongoing criminal or missing persons investigation.

6. Manual entry means a temporary entry of a license plate into any automatic license plate reader system for the purpose of creating a hit to obtain future captured plate information from any automatic license plate reader system upon a law enforcement officer's determination that the vehicles or individuals associated with the license plate numbers are relevant and material to an ongoing criminal or missing persons investigation.
7. Non-correlated match means a hit that upon further investigation was found to not meet specific hotlist criteria (e.g., captured plate data misread).
8. Query means to search any automatic license plate reader system data for the purpose of viewing historical captured plate data.

### III. Permissible Uses

- A. Only employees that have been trained in this policy and the Nebraska Automatic License Plate Reader Privacy Act shall access automatic license plate reader systems and associated data. Employees shall only access systems in which they have been trained.
  1. Any systems not maintained and operated by the Nebraska State Patrol can only be accessed after a written agreement or memorandum of understanding has been signed with the operating entity, and when the system is in compliance with Nebraska Automatic License Plate Reader Privacy Act and other applicable law.
  2. Employees may access any automatic license plate reader system maintained and operated by the Federal Drug Enforcement Administration with supervisory approval. A written agreement or memorandum of understanding at the agency level is not required.

- B. Automatic license plate reader systems may only be used for the purpose of identifying:
1. Outstanding parking or traffic violations.
  2. An unregistered or uninsured vehicle.
  3. A vehicle in violation of the vehicle equipment requirements set forth under the Nebraska Rules of the Road.
  4. A vehicle in violation of any other vehicle registration requirement.
  5. A vehicle registered to an individual for whom there is an outstanding warrant.
  6. A vehicle associated with a missing person. This would include “Amber Alerts,” or “Emergency Missing Advisories (EMAs)” as further provided in Nebraska State Patrol Policy 06-08, Agency Response to Missing/Abducted Children and Endangered Missing People; and Policy 06-10, Missing Persons.
  7. A vehicle that has been reported as stolen.
  8. A vehicle that is relevant and material to an ongoing criminal investigation.
  9. To assist weighing stations in performing their duties under Neb. Rev. Stat. § 60-1301.
- C. Employees may query an automatic license plate reader system for captured plate data only for the above purposes as authorized by Nebraska law.
1. Employees may query captured plate data at the request of an employee with an allied law enforcement agency only for the above purposes as authorized by Nebraska law. This section is not limited to only those employees under the Nebraska Information Analysis Center (NIAC).
  2. Each time an employee queries captured plate data they shall document the authorized purpose and reason for the manual entry in the system. The reason for the manual entry must include the law enforcement officer’s name and agency and include a CFS or IR number.

- D. Employees may manually enter a license plate into an automatic license plate reader system only when a law enforcement officer determines that the vehicles or individuals associated with the license plate numbers are relevant and material to an ongoing criminal or missing persons investigation. This would include “Amber Alerts,” or “Emergency Missing Advisories (EMAs)” as further provided in Nebraska State Patrol Policy 06-08, Agency Response to Missing/Abducted Children and Endangered Missing People; and Policy 06-10, Missing Persons.
1. Employees under the NIAC may manually enter a license plate at the request of an officer with an allied law enforcement agency. Requests from allied law enforcement agencies will be made using the Automatic License Plate Reader Manual Entry Request form. The Nebraska State Patrol and its employees and designees reserve all rights to deny a request for any reason. The Automatic License Plate Reader Manual Entry Request form shall not be required if the Nebraska State Patrol is working in conjunction with an allied law enforcement agency on an ongoing criminal or missing persons investigation.
  2. Each time an employee manually enters a license plate they shall document the authorized purpose and reason for the manual entry in the system. The reason for the manual entry must include the law enforcement officer’s name and agency and include a CFS or IR number.
  3. Each time an employee manually enters a license plate they shall complete the ALPR Manual Entry form in TraCS. This section includes automatic license plate reader systems not maintained or operated by the Nebraska State Patrol.  
  
The ALPR Manual Entry form is not required for manually entered license plates when the purpose is to assist weighing stations in performing their duties under Neb. Rev. Stat. § 60-1301.
  4. Manual entries must be purged by the person making the entry at the end of each shift unless the criminal investigation or missing persons investigation remains ongoing. Manual entries shall be purged when there is no longer an investigative need.
- E. Employees may use automatic license plate reader systems not maintained or operated by the Nebraska State Patrol, but only when it’s done in compliance with this policy and authorized by Nebraska law.
- F. Automatic license plate reader systems may only be used in areas available to public view.

- G. Accessing Automatic license plate reader systems including through the use of a mobile application on devices not owned by the State of Nebraska is strictly prohibited.
- H. Employees will not share or allow anyone else to use their credentials for accessing any automatic license plate reader system.
- I. Any other use which is not specifically listed in the preceding section is prohibited and may be subject to discipline up to and including termination per Nebraska State Patrol policy and applicable state statutes. Employees with knowledge of automatic license plate reader system usage in violation of this policy shall report such information to their supervisor before the end of their shift.

#### IV. Active Hit Protocol

- A. When an officer locates a vehicle in response to a hit, and before initiating a traffic stop or citizen contact, the officer shall:
  - 1. Verify that the alphabetical and/or numeric characters and issuing state indicated in the hit criteria matches the characters physically observed or pictured on the license plate and utilize physical observations and/or the contextual imagery to further verify that the hit information makes sense compared to the hit criteria (e.g., vehicle color, make, and model, distinguishing attributes/markings).
    - a. If the hit is verified, the hit will be treated as a confirmed match.
    - b. If the hit is not verified, the hit will be treated as a non-correlated match.
  - 2. If the match is confirmed, validate the hit against the hotlist source. If the hotlist source is NCIC, conduct a NCIC records check through a Nebraska State Patrol Communications Center to ensure that the hit is still valid. If the hotlist source is a law enforcement or governmental agency, contact the agency or case agent to determine if the hit is still valid.
    - a. If the hit is valid, the officer can take enforcement action.
    - b. If the hit is not valid, the hit will be treated as a non-correlated match.
  - 3. If the match is non-correlated (e.g., captured plate data misread), the vehicle will not be stopped or contacted solely based on the hit.

4. In each case in which a vehicle is stopped or contacted as the result of a hit, or if there is a non-correlated match, the officer shall record the hit disposition on the ALPR Hit form in TraCS. The TraCS form is to be completed by the end of the officer's shift.
5. The active hit protocol should be followed by the officer ultimately taking action. This ensures that the officer can act responsibly through reliance on self-verified information.

#### V. Hotlists

- A. Hotlists used by Nebraska State Patrol maintained and operated automatic license plate reader systems must be updated at least twice daily, if such updates are available.
- B. The Nebraska State Patrol will update its NCIC hotlist as NCIC extracts become available, thereby, ensuring that license plate numbers and other vehicle information that have been deleted from the NCIC System are also deleted from all the NCIC hotlist.

#### VI. Records Retention

- A. Captured plate data may be retained for a maximum of 180 days unless the data is evidence related to a purpose listed in Neb. Rev. Stat. § 60-3203, subject to a preservation request pursuant to Neb. Rev. Stat. § 60-3205, or the subject of a search warrant, subpoena, or court order.
- B. Captured plate data that is evidence related to a purpose listed in Neb. Rev. Stat. § 60-3203, shall be printed, copied, or downloaded by the investigating officer or analyst and uploaded to the Getac Enterprise System as assets. The assets shall be properly categorized.

#### VII. Data Sharing

The Nebraska State Patrol may enter into written agreements including memorandums of understanding with any allied law enforcement or governmental entity for sharing captured plate data and/or hotlist information for purposes as authorized by the Nebraska Automatic License Plate Reader Privacy Act, Neb. Rev. Stat. § 60-3201 through § 60-3209.

#### VIII. Commercial/Non-Governmental Systems

Employees may use automatic license plate reader systems maintained and operated by private, non-governmental entities, including captured plate data from those systems. Although these systems are not regulated by Nebraska law, employees will only use them in compliance with this policy and as authorized by

the Nebraska Automatic License Plate Reader Privacy Act, Neb. Rev. Stat. § 60-3201 through § 60-3209.

IX. Responsibilities

A. A system administrator, designated by the Colonel, shall be responsible for:

1. Establishing protocols for the use of automatic license plate reader systems.
2. Ensuring that Nebraska State Patrol maintained and operated automatic license plate reader systems are functioning properly.
3. Establishing training for employees on the use of automatic license plate reader systems. This training should include this policy and the Nebraska Automatic License Plate Reader Privacy Act.
4. Ensuring that only employees who have been trained in this policy have access to Nebraska State Patrol maintained and operated automatic license plate reader systems.
5. Conducting random audits of Nebraska State Patrol maintained and operated automatic license plate reader systems, verifying:
  - a. Captured plate data and manually entered plates are purged in accordance with this policy and Nebraska law.
  - b. That individual users are only accessing captured plate data in accordance with this policy and Nebraska law.

B. Communications Centers shall be responsible for:

1. Monitoring automatic license plate reader systems for hits, and when possible, disseminating hits to appropriate sworn personnel.
2. Confirming hits through NCIC, if applicable.

C. Information Technology shall be responsible for:

1. Updating the NCIC hotlist as NCIC extracts become available.
2. Developing and maintaining the ALPR Hit form and ALPR Manual Entry form in TraCS.
3. Developing reports from the data entered in the ALPR Hit form and ALPR Manual Entry form in TraCS.

D. Professional Standards shall be responsible for:

1. Processing preservation requests and court orders regarding the disclosure of captured plate data per Neb. Rev. Stat. § 60-3205.
2. Compiling information on the Nebraska State Patrol's automatic license plate reader systems practices and usage.
3. Submitting an annual report to the Nebraska Commission on Law Enforcement and Criminal Justice.
4. Submitting an annual report to the Public Information Officer for posting on the Nebraska State Patrol's website.

E. The NIAC shall be responsible for:

Processing requests from allied law enforcement agencies to make a manual entry into or query a Nebraska State Patrol maintained and operated automatic license plate reader system.

1. Completing the ALPR Manual Entry form in TraCS when a manual entry is made.
2. Notifying allied law enforcement agencies if a hit is received as a result of a manual entry made by NIAC personnel.
3. Purging all manual entries made by NIAC personnel as mandated in this policy.

X. Reporting

A. When an automatic license plate reader system is maintained and operated by the Nebraska State Patrol, and not otherwise exempted by statute from reporting, or is used by Nebraska State Patrol employees, the following information shall be retained and reported annually according to Neb. Rev. Stat. § 60-3206:

1. Names of each hotlist against which captured plate data was checked.
  - a. Number of confirmed matches.
  - b. Number of non-correlated matches.
2. Number of manually entered license plate numbers.



- a. Number of confirmed matches.
  - b. Number of non-correlated matches.
- B. The reporting requirements in this section includes automatic license plate reader systems not maintained or operated by the Nebraska State Patrol.
- C. The reporting requirements in this section do not apply to automatic license plate reader systems used to assist weighing stations in performing their duties under Neb. Rev. Stat. § 60-1301.
- D. A report will be sent to the Nebraska Commission on Law Enforcement and Criminal Justice, annually. This report will include the Nebraska State Patrol's automatic license plate reader systems practices and usage.
- This report will be made on the form provided by the Nebraska Commission on Law Enforcement and Criminal Justice, if such form is provided.
- E. The ALPR Hit form and ALPR Manual Entry form in TraCS will be used to collect the usage information required in the annual report.

## XI. Privacy Policy

- A. Employees may not disclose or otherwise disseminate captured plate data, or any information obtained from such data, to any individual or agency unless specifically authorized by Nebraska law.

Pursuant to Neb. Rev. Stat. § 60-3205 and § 60-3209, captured plate data shall only be disclosed:

1. To the person to whom the vehicle is registered or with the prior written consent of the person to whom the vehicle is registered, or pursuant to a disclosure order, or as the result of a match pursuant to Neb. Rev. Stat. § 60-3203.
2. Upon the presentation to a governmental entity of a valid, outstanding protection order pursuant to the Protection from Domestic Abuse Act, the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, or Neb. Rev. Stat. § 28-311.09 or Neb. Rev. Stat. § 28-311.10 protecting the driver of a vehicle jointly registered with or registered solely in the name of the individual against whom the order was issued, captured plate data may not be disclosed except pursuant to a disclosure order, or as the result of a match pursuant to Neb. Rev. Stat. § 60-3203.
3. To the parties to a criminal or civil action.

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4. For administrative purposes.
  5. To alert the public of an emergency situation.
  6. Related to a missing person.
- B. Captured plate data is not considered a public record for purposes of Neb. Rev. Stat. § 84-712 to § 84-712.09.
- C. This section does not prevent employees from sharing captured plate data with law enforcement and prosecutorial agencies for their official use and as authorized by Nebraska law.