



## MODEL AUDIT POLICY FOR ACCESS TO AND USE OF AUTOMATIC LICENSE PLATE READER DATA

### **Introduction**

In 2014 the Maryland General Assembly replaced language in the Maryland Annotated Code, Sections 3-509 and 4-326 to address authorized uses of Automatic License Plate Readers, also referred to as LPR, and captured plate data. As a result, Maryland law enforcement agencies and the Maryland Coordination and Analysis Center must implement certain procedures and regulations. This law went into effect October 1, 2014.

According to Maryland Annotated Code, Section 4-326 the Maryland Coordination and Analysis Center with the cooperation of the Maryland Chiefs of Police Association and the Maryland Sheriff's Association was required to develop a model audit policy for access to, and use of, automatic license plate reader data.

The audit procedures in this model policy have been developed to assess the performance of agencies responsible for the operation of LPR systems within their jurisdiction. To assess agency performance, auditors will review policy and procedures regarding the proper use of LPR technology/systems.

Reporting requirements and audit results are due to the State Judicial Proceedings Committee, the House Judiciary Committee, and the Legislative Policy Committee, based on data from the previous year on or before March 1 of each year, beginning in 2016.

### **Purpose**

The purpose of this model policy is to aid law enforcement agencies by establishing audit guidelines for the assessment of access to, and use of, Automatic License Plate Reader data.

### **Responsibilities**

Each law enforcement agency head will have overall responsibility for implementation of procedures as they relate to access to, and use of, Automatic License Plate Reader systems and the data collected and stored by their agency. This includes ensuring appropriate personnel are screened and trained in the proper use of LPR systems.

Each law enforcement agency head and/or his/her designee shall designate an LPR Program Manager and/or Coordinator to oversee the daily operations of the agency's LPR Program. The *[LPR Program Manager/Coordinator]* will ensure records relating to access to, and use of, information within an LPR database are available for audit.

Each law enforcement agency head and/or his/her designee will implement audit procedures to include appointment of an auditor and the identification of a certifying official. The Chief/Sheriff and/or his/her designee shall be the certifying and submitting official.

An Auditor(s) will have responsibility for implementing audit procedures, conducting reviews of appropriate documents and records, interviewing appropriate personnel, and reporting results of an audit to the law enforcement agency head. Authorized LPR database users are required to provide full cooperation with auditors.

The Certifying Official is responsible for approving results of an audit. This includes ensuring audit procedures were followed, appropriate reviews were conducted, and audit documents conform with generally accepted audit practices. The Certifying Official shall not be directly associated with the operation of the LPR Program and is not required to be assigned to the law enforcement agency.

Each law enforcement agency head will have responsibility for submission of the audit results and will have responsibility to present results of a certified audit to the appropriate legislative entities.

### **General Procedures**

Access to data captured, stored, generated, or otherwise produced by LPR technology shall incorporate safeguards that provide system security and ensure only authorized users are accessing the data for legitimate law enforcement purposes. Each agency must adopt an audit process to ensure that only authorized users are accessing and sharing captured plate data for legitimate law enforcement purposes.

Agencies shall ensure that an audit trail is maintained that will ensure compliance of all relevant laws and regulations. Such audit trail shall include an electronic or written record to be maintained as verification that captured plate data is being accessed and used for legitimate law enforcement purposes. These records will be made available to auditors upon request for purposes of conducting inspections and to evaluate compliance with policy, procedures and law. The records to be maintained for the audit are:

- The personnel in the law enforcement agency that are authorized to query captured plate data gathered by an Automatic License Plate Reader system.
- The procedures and safeguards to ensure that the personnel within the law enforcement agency with access to the Automatic License Plate Reader Database are adequately screened and trained (Maintain records of all training curricula for relevancy and proficiency affirmation)

- Individual requests made by any Law Enforcement Officer or Agency for data collected by an LPR system or stored in an LPR database operated by the law enforcement agency.

*An example of recommended language for use in LPR Policy development addressing the training and audit trail requirements may be found in Appendix B.*

### **Compliance Auditing**

Each agency shall submit to an annual audit, at minimum and shall include the elements of compliance. The audit will provide the following basic objectives:

- Reasonable assurance that appropriate control systems have been established by the agency administrator to ensure compliance with relevant laws, rules, regulations and established procedures.
- Reasonable assurance that those with access to, and use of, LPR data have been properly screened and trained.
- Reasonable assurance the agency has instituted sufficient controls to guarantee queries are for legitimate law enforcement purposes only.
- Reasonable assurance that the law enforcement agency using LPR systems has adopted adequate procedures relating to the operation and use of the system.
- Reasonable assurance that requests to query captured plate data, made to the law enforcement agency that maintains an LPR database, were conducted for a legitimate law enforcement purpose.
- Reasonable assurance that the information obtained through the use of an LPR system is shared and/or disseminated for legitimate law enforcement purposes only.
- To identify any breaches or unauthorized uses of the LPR database.

*Sample audit checklists/worksheets may be found in Appendix C.*

### **Audit Procedure**

Each law enforcement agency shall submit, minimally, to an internal annual audit, conducted by the Auditor.

The audit shall consist of a random sampling size of all relevant requests of data stored in any LPR database. The sampling shall be a random selection of relevant requests for that audit period, but no fewer than 50 records. The audit sample rate shall be 1% or a minimum of 50 up to 10,000 requests. In the event the total of requests is less than 50 records, all requests will be audited. The following two steps shall be used to assess compliance:

1. **Administrative Interview:** An interview shall be conducted with *[each law enforcement agency will identify the appropriate staff position]* to review agency procedures relating to the operation and use of LPR systems. To include completion of sample questionnaire in Appendix C.
2. **Data Quality Review:** In conjunction with the interview, a data quality review shall be conducted with *[identity of staff position]*. This will entail a comparison of requests to query the LPR database against agency case files and consultation with agency representatives. The accuracy, completeness, and validity of each record audited shall be verified during the data quality review.

Audit results will be captured and recorded. Auditors will compile a report of audit results. Records containing inaccurate or incomplete data shall be documented by the Auditor and provided to the law enforcement agency head or designee for appropriate action.

A record that requires corrective action may be categorized as inaccurate, unable to locate, or incomplete. Below is a description of each category:

- *Inaccurate:* Key fields in the LPR query record did not match the report, warrant, investigation or supporting document.
- *Unable to locate:* The report, warrant, investigation and/or supporting documentation that substantiates the LPR query could not be located.
- *Incomplete:* the report, warrant, investigation, or supporting documentation contains additional data that should be included in the LPR request record.

The Auditors report, with appropriate additional documentation (worksheets, etc.), shall be provided to the certifying official for validation.

On or before March 1 of each year, beginning in 2016, each law enforcement agency and the Maryland Coordination and Analysis Center shall report to the Senate Judicial Proceedings Committee, the House Judiciary Committee, and the Legislative Policy Committee, in accordance with Section 2-1246 of the State Government Article, on the lists of audits that were completed and their results.

## Appendix A

## Definitions

***Captured Plate Data:*** Any characters appearing on a license plate, dates and times of record collection, photographs, global positioning system coordinates, and any other data collected by or derived from an Automatic License Plate Recognition System. Captured plate data includes both active and historical data.

***Historical Data:*** Any data collected by an LPR system and stored for future investigative or analytical use. The database which houses historical data may contain, but is not limited to dates, times, characters appearing on a license plate, location of the read and an image of the individual motor vehicle license plate. Any data collected by an LPR system in accordance with this policy shall be collected for a legitimate law enforcement purpose.

***Law enforcement Agency:*** A federal, state or local law enforcement agency, police department, or sheriff's office. A law enforcement agency may also be a municipal corporation that; by statute, ordinance, or common law is authorized to enforce the general criminal and traffic laws of the State.

***Legitimate Law Enforcement Purpose:*** Applies to the access of LPR Data and means the investigation, detection, analysis or enforcement of a crime; violations of the Maryland Motor Vehicle Administration (MVA) laws; for the operation of AMBER, SILVER or BLUE alerts for missing, endangered, or wanted person searches, terrorist watch list alerts, and for public safety. NOTE: "Legitimate law enforcement purpose" does not include video tolling, a technique using video or still images of a vehicle's license plate to identify the vehicle for payment.

## Appendix B

### Sample Language for Establishing Training requirements and an Audit Trail within agency LPR Policy

The *[name of agency]* uses and has access to data captured, stored, generated, or otherwise produced by LPR technology. Safeguards are in place to provide system security and ensure only authorized users are able to access the data for legitimate law enforcement purposes.

It is the responsibility of *[identify a staff position(s)]* to ensure only appropriate staff with the right and need to know have access to necessary systems and portals for LPR systems and captured plate data.

The *[name of agency]* will ensure that *[identity of position/unit]* is properly trained on the use of LPR systems and captured plate data as well as the privacy policy in effect. *[Identity of position/unit]* is required to complete the following training prior to accessing any LPR systems: *[List all training requirements]*

*Training #1: Proper use of Car System*

*Training #2: Proper use of Operations Center*

*Training#3: Privacy Policy*

The only authorized users are *[identity of position/unit or document which contains record of training]*

An audit trail shall be kept for all individual requests for data stored in an LPR database operated by *[name of agency]*. The following information shall be maintained.

1. Date and time of the request
2. Purpose of the request
3. Incident or report number (physical record number) related to the query
4. The identity of the agency requesting the query (including if the requester is from a local, state, federal or out-of-state agency)
5. The requester's name and contact information
6. The license plate number or other data elements used to query the LPR system.

The audit trail of requests shall be maintained for a period of no less than three years.

## Appendix C

### SAMPLE AUDIT QUESTIONS (Step 1)

Goal	Question	Answer	Comments
1	Have procedures been adopted relating to the operation and use of the LPR system? [Cite policy number]	YES NO	
2	Are staff with access to the Automatic License Plate Reader database adequately screened and trained in the proper use of the system and all privacy policies relating thereto?	YES NO	
3	Does the agency maintain training records for each user?	YES NO	
4	Is the training curricula maintained?	YES NO	
5	Are training records annually reviewed for relevancy and effectiveness?	YES NO	
6	Does the agency accept law enforcement requests for license plate data collected by an LPR system?	YES NO	
7	If historical data is accessed, does the agency have an audit trail?	YES NO	
8	Is the audit trail maintained for at least 3 years?	YES NO	
9	Have audit procedures been adopted to ensure that information obtained through the use of an LPR system is used only for legitimate law enforcement purposes?	YES NO	
AGENCY:		SCOPE OF AUDIT:	
COMPLETED BY:		DATE COMPLETED:	
REVIEWED BY:		DATE REVIEWED:	

### SAMPLE AUDIT QUESTIONS ( Step 2)

	Question # 1	Question #2	Question # 3	Question # 4	Question #5	Results
Record #	Report/Incident Number	Is the date and time of request documented?	Is the purpose of the request documented?	Does the request include the identity of the agency requesting the query?	Has the request been validated through the requesters agency?	Findings shall be listed as: Accurate, Inaccurate, Unable to locate or Incompletd
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