Law Enforcement Use of Automatic License Plate Recognition (ALPR)

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VIRGINIA ALPR STATUTE

- Virginia's ALPR statute went into effect July 1, 2025.
  - Virginia had no statewide laws, regulations, or policies governing law enforcement use of ALPR before this date.
  - Some provisions had a delayed effect.
- The statute contains numerous requirements for law enforcement agencies.
- The Policing Project of the NYU School of Law scored Virginia's ALPR statute among the top four states on their "*License Plate Reader Policy Scorecard.*"

VIRGINIA ALPR STATUTE COMPONENTS

- Limits on permissible uses (investigations, missing persons, etc.);
- 21-day retention period for system data;
- Restrictions on data sharing;
- Internal audits at least every 30 days;
- Promotion of public awareness;
- Data reporting;
- Adoption and public posting of an agency ALPR use policy;
- Vendor approval process;
- Criminal penalty for unauthorized use; and,
- Exclusion of evidence obtained in violation of the law.

Virginia Case Law

- The Virginia Court of Appeals (criminal case) recently held that the warrantless use of ALPR did not violate the Fourth Amendment.

- The U.S. District Court for the Eastern District of Virginia (civil case) also recently held that the use of ALPR cameras did not violate the Fourth Amendment.

- However, courts in Virginia have noted that as ALPR use expands, the number of ALPR cameras in use could reach a point where this technology infringes on a person's reasonable expectation of privacy.

Other State ALPR Laws

- 25 states, including Virginia, have statewide laws governing law enforcement use of ALPR.

- No state currently bans law enforcement use of ALPR.
  - A Vermont law authorizing law enforcement use of ALPR expires in July 2027, when such use will be prohibited, unless legislation to extend this authorization is enacted during their 2027 Session.

2026 Law Enforcement ALPR Use Survey

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- Crime Commission staff surveyed all Virginia law enforcement agencies on ALPR use in August 2026.
  - 98% (351 of 359) of agencies responded.
- 54% (191 of 351) of agencies reported using ALPR.
- Since the survey was disseminated, law enforcement use of ALPR in Virginia has rapidly changed, with some agencies ending, suspending, pausing, or re-evaluating its use.

ALPR Use Survey Key Findings

- Most agencies reported complying with the following components of the ALPR statute:
  - Public posting of agency policy;
  - Data retention;
  - Data sharing;
  - Use of approved vendors;
  - Promoting public awareness;
  - Audit process; and,
  - Authorized uses.
- Some agencies reported <u>not</u> complying with these components.

ALPR Cameras

- The number and type of ALPR cameras used by agencies varied significantly:

Type of ALPR Camera	Total Agencies	% Agencies	Range (# of cameras)
Fixed ALPR Cameras	170	89%	1 to 150
Mobile ALPR Cameras	63	33%	1 to 1,194
Portable ALPR Cameras	42	22%	1 to 74

- 52 agencies reported acts of vandalism to their ALPR cameras.

Agency Policy

- Agencies are required to have an ALPR policy and publicly post that policy on their agency or locality website.
  - 93% (178 of 191) of agencies that use ALPR systems reported having a policy.
  - While two-thirds of agencies using ALPR publicly post their policy, the remaining one-third of agencies do not appear to publicly post their policy.

Data Retention

- ALPR system data must be purged after 21 days from its capture, unless it is part of an ongoing investigation, prosecution, or civil action.

- 7 agencies reported data retention periods over 21 days.
  - Retention periods ranged from 27 days to 90 days.

Data Sharing – Virginia

- Law enforcement agencies may share ALPR system data with other Virginia law enforcement agencies.
  - 152 agencies reported providing other Virginia law enforcement agencies with continuous access to their ALPR system data.

- Law enforcement agencies may receive ALPR system data from private entities or other non-law enforcement government agencies.
  - 64 agencies reported having continuous access to the ALPR system data of other private entities or non-law enforcement government agencies.

DATA SHARING - FEDERAL

- Law enforcement agencies cannot share ALPR system data with federal law enforcement agencies, except pursuant to a court order or court-issued subpoena duces tecum.
  - 1 agency reported continuously sharing ALPR system data with federal law enforcement agencies; however, that agency is no longer using an ALPR system.
  - 5 agencies reported specific incidents of sharing ALPR system data with a federal law enforcement agency without some form of legal process.

DATA SHARING – OTHER STATES

- Law enforcement agencies cannot share ALPR system data with out-of-state law enforcement agencies, except pursuant to a court order or court-issued subpoena duces tecum.
  - 4 agencies reported continuously sharing ALPR system data with out-of-state law enforcement agencies.
  - 4 agencies reported specific incidents of sharing ALPR system data with an out-of-state law enforcement agency without some form of legal process.

VENDORS

- Law enforcement agencies must use ALPR vendors that have been approved by the Division of Purchases and Supply (DPS).
  - Flock Safety was reported as the most widely used vendor.

- 8 agencies reported using an ALPR system that is <u>not</u> on the DPS approved list.

PUBLIC AWARENESS

- Law enforcement agencies must promote public awareness of their ALPR use prior to or when such use begins.
  - 155 agencies reported ALPR public awareness measures.
  - 27 agencies reported that they had not engaged in any public awareness measures.

AUDITS

- Law enforcement agencies must conduct an internal audit of ALPR use at least every 30 days.
  - 17 agencies reported conducting audits over 30 days (ranging from quarterly to annually).
- Law enforcement agencies must purge audit trail data after 2 years from its capture, unless such data is part of an ongoing investigation, prosecution, or civil action.
  - 18 agencies reported retaining such data for more than two years (ranging from 3 years to indefinitely).

Unauthorized Use

- Unauthorized use of an ALPR system is a Class 1 misdemeanor.
- 20 agencies reported unauthorized use of their ALPR systems.
- 7 charges of unauthorized ALPR use have been filed in two different Virginia general district courts as of October 2026.
  - Cases are currently pending and appear to be related to allegations of unauthorized use in James City County and Chesterfield County.
  - There have not been any charges filed under this statute in any circuit court, or any convictions yet in any Virginia court.

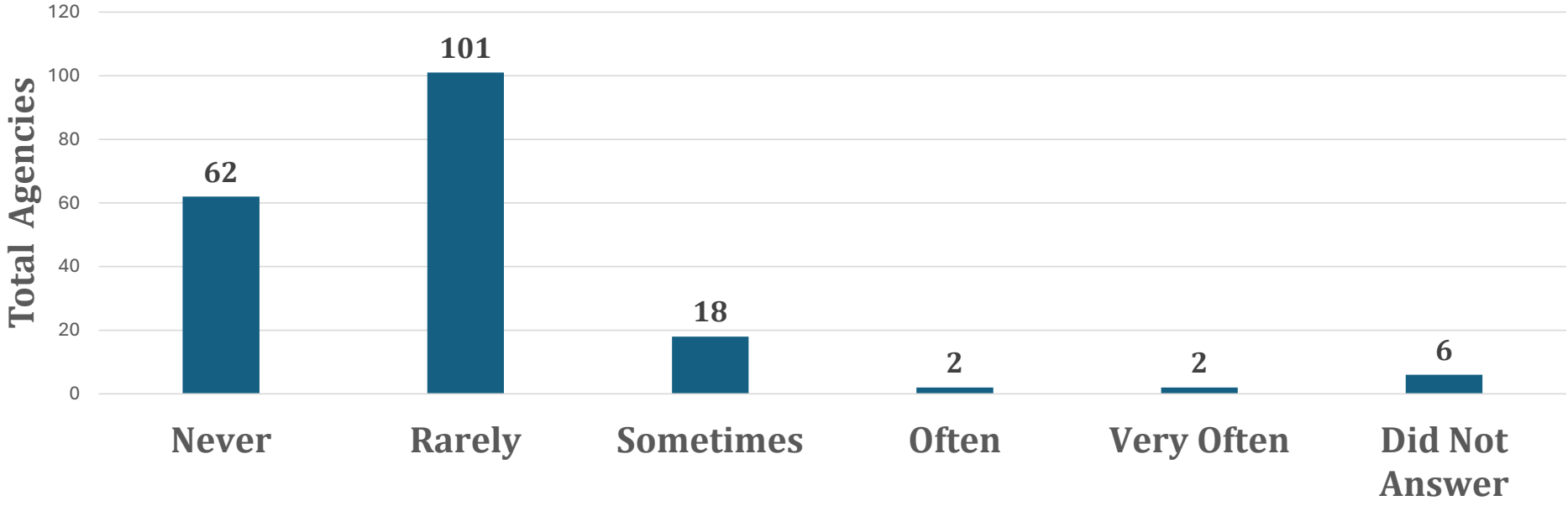
UNAUTHORIZED USE

- Media reports identified other incidents of alleged unauthorized use of an ALPR system in Richmond City, Henrico County, and Smithfield that did not result in criminal charges.

- A media report also highlighted an incident of ALPR misuse in South Hill that pre-dates when the penalty in the ALPR statute took effect.
  - That violation was prosecuted under the computer invasion of privacy statute (Va. Code § 18.2-152.5).

Error Rates

- Most agencies (163) reported that their ALPR systems "never" to "rarely" provided false positive hits or notifications; however, some agencies (22) reported that their systems "sometimes" to "very often" provided false positive hits or notifications.



Integration with Other Technology

- 48 agencies reported that their ALPR system is integrated or interfaced with other technologies:
  - Audio recording
  - Body-worn camera
  - Computer-aided dispatch (CAD)
  - Data synthesis
  - Gunshot detection
  - Real-time crime center
  - Record management system
  - Video recording

ALPR Searches and Training

- Various agency employees are authorized to conduct ALPR system data searches (e.g., all or certain officers, all or certain civilian employees, dispatchers, crime analysts).

- Agencies reported that training generally took place before employees used the ALPR system; however, training varied:
  - Whether it was in-person or online;
  - Who conducted the training;
  - Content of the training; and,
  - Frequency of any refresher training.

USE IN INVESTIGATIONS

- Most common criminal investigations where ALPR assisted:

Type of Investigation	
1. Motor Vehicle Theft	6. Vandalism
2. Larceny	7. Drugs/Narcotics
3. Criminal Traffic	8. Weapon Law Violations
4. Burglary/B&E	9. Robberies
5. Assaults	10. Rape/Other sexual assaults

- No agencies reported using ALPR technology to enforce civil immigration laws.

COMMUNITY POLICING ACT (CPA)

- Agencies began reporting data on ALPR-related traffic and other investigatory stops under the CPA on January 1, 2026.

- Less than 1% (759 of 987,347) of reported stops between January 1 and September 30, 2026, were ALPR-related:
  - 29% (217) for an "other criminal investigation";
  - 23% (178) for a stolen vehicle;
  - 23% (175) for a stolen license plate;
  - 20% (153) for an outstanding warrant or wanted person;
  - 4% (29) for a missing person;
  - 1% (6) for an endangered person; and,
  - 1% (4) for human trafficking.

COMMUNITY POLICING ACT (CPA)

- Based on an analysis of preliminary CPA data, there is a disparate impact in ALPR-related stops.
- 789 persons were subject to ALPR-related stops:
  - 74% (582) were male.
    - Males comprise ~49% of Virginia's population.
  - 42% (332) were Black and 52% (412) were White.
    - Black persons comprise ~20% of Virginia's population.
  - 32% (253) were Black males and 38% (303) were White males.
    - Black males comprise ~9% of Virginia's population.

Future Reports

- Virginia law requires comprehensive annual reporting on ALPR use beginning in 2027.
  - Agencies must report data on ALPR use to the Virginia State Police (VSP) by April 1, 2027, and publicly post that data on their agency or locality website.
  - VSP must publish the first statewide report by July 1, 2027.
  - The Crime Commission will also report on ALPR use by July 1, 2027, and for the five years thereafter.

CONCLUSION

- Virginia's ALPR statute contains numerous requirements. Most agencies reported complying with the following components:
  - Public posting of agency policy;
  - Data retention;
  - Data sharing;
  - Use of approved vendors;
  - Promoting public awareness;
  - Audit process; and,
  - Authorized uses.
- Some agencies reported not complying with certain components.
- Additional requirements could be added to monitor and enforce compliance.

Discussion