

Township of Lakewood

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Mary Ann Del Mastro, RMC
Municipal Clerk

August 8, 2012

Mr. Thomas W. MacLeod
American Civil Liberties Union
Post Office Box 32159
Newark, New Jersey 07102

Re: OPRA Request dated July 30, 2012

Dear Mr. MacLeod:

The following is a response to your OPRA request, dated, July 30, 2012.

1. In response to your request for "all policies, procedures and other general guidelines for procuring and using ALPR technology, and for storing, accessing and sharing data scanned with ALPR Technology." Lakewood follows NJ State Policy as put forth in "Directive No. 2010-5" (attached).
2. In response to your request regarding the procurement of ALPR technology. Attached you will find, the Resolution; Purchase Order; Invoice; Vendor Contract; and memos requesting and authorizing the purchase.
3. In response to your request regarding the use of ALPR technology detailing: "All types of data scanned, recorded, or otherwise captured; the number of license plates scanned per day, week, month and year, and the average numbers for each period; The number of units or systems acquired; the number of vehicles equipped with such units or systems; The number and physical locations of stationary units or systems; All technical capabilities and specifications of each type of unit or system used." The request is denied, the records requested are "Criminal Investigatory records", and are exempt, per N.J.S.A. 47:1A-1 et seq.
4. In response to your request regarding the storage of data scanned with ALPR technology, records detailing: "All types of data stored for any period longer than one hour; The length of time that each type of data is stored; The number of individual license plate scans currently stored by your agency; The length of time after which data may be discarded; The length of time after which data must be

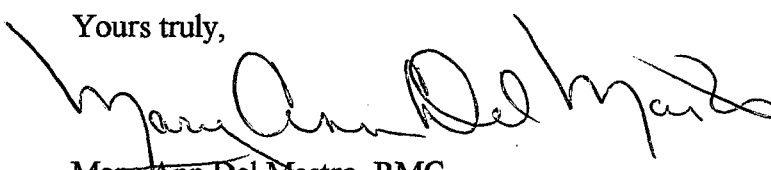


discarded." The request is denied, the records requested are "Criminal Investigatory records", and are exempt, per N.J.S.A. 47:1A-1 et seq.

5. In response to your request regarding the accessing ALPR data, records detailing: "All purposes for which the data may be accessed; All purposes for which the data cannot be accessed; Who may access the data, what legal justification is required to obtain access, what procedures must be followed, and who must authorize access; All systems or methods used to record who accesses the data, and under what circumstances;" The request is denied, the records requested are "Criminal Investigatory records", and are exempt, per N.J.S.A. 47:1A-1 et seq.
6. In response to your request regarding the sharing ALPR data, records detailing: "All types of data shared by and with your agency; All public or private individuals or entities that have access to your agency's ALPR data, the procedures they must follow to gain such access, and the restrictions placed on them respect to further sharing of data, including but not limited to sharing agreements and other documents identifying the databases to which your agency supplies data; All public or private individuals or entities that provide your agency with access to ALPR data, the procedures your agency must follow to gain such access, and the restrictions places on your agency with respect to further sharing of data, including but not limited to sharing agreements and other documents identifying the databases from which your agency receives data;" The request is denied, the records requested are "Criminal Investigatory records", and are exempt, per N.J.S.A. 47:1A-1 et seq.
7. In response to your request for all training materials, please see attached. Information redacted includes: User name and password; Type of Software: List of vehicles; Critical infrastructure; Authorized Users: This information is exempt, per N.J.S.A. 47:1A-1 et seq.

If you have any questions regarding this matter, please contact me at (732) 905-5970 or mdelmastro@lakewoodnj.gov.

Yours truly,



Mary Ann Del Mastro, RMC
Township Clerk



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lieutenant Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
PO Box 080
TRENTON, NJ 08625-0080

PAULA T. DOW
Attorney General

DIRECTIVE NO. 2010-5

TO: Director, Office of Homeland Security and Preparedness
Director, Division of Criminal Justice
Superintendent, New Jersey State Police
All County Prosecutors
All County Sheriffs
All Police Chiefs
All Law Enforcement Chief Executives

FROM: Paula T. Dow, Attorney General

DATE: December 3, 2010

SUBJECT: Law Enforcement Directive Promulgating Attorney General Guidelines for the Use of Automated License Plate Readers (ALPRs) and Stored ALPR Data

In order to fulfill the mission of protecting the public, the New Jersey law enforcement community must take full advantage of new crime-fighting technologies as they become available. Automated license plate readers (ALPRs) are now being used by a number of law enforcement agencies around the nation, and a number of police agencies in New Jersey have recently acquired these devices or are planning to do so in the near future. License plate recognition technology can be used to support a wide range of law enforcement operations and activities, including homeland security, criminal and terrorist suspect interdiction, revoked/suspended driver interdiction, stolen property recovery, stay-away order enforcement and, of course, the apprehension of individuals who are subject to an outstanding arrest warrant.

These devices enable police officers to recognize and take immediate action against vehicles and persons who are subject to an investigative detention or arrest based on a "Be on the Lookout" bulletin. The data collected by ALPRs can also provide solid investigative leads if, for example, a device happened to be scanning license plates near a crime scene, allowing police to locate potential suspects, witnesses, or victims by identifying vehicles that were in the vicinity at the time of the



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offense. A careful analysis of stored ALPR data can also be used to detect suspicious activities that are consistent with the *modus operandi* of criminals. This new technology can in this way serve an especially important role in protecting our homeland from terrorist attack, as shown by the fact that many of the devices that are now or soon will be in operation in this State were purchased with homeland security grant monies.

While license plate recognition technology can help to protect public safety, the widespread deployment and use of ALPRs, and especially the collection and storage of data pertaining to individuals who are not reasonably believed to be involved in unlawful activity, raise legal and policy issues. Notably, the New Jersey Supreme Court has held that while police are permitted to "run the plates" of any vehicle they encounter while on patrol, and need not have a particularized reason before checking a vehicle's license plates against a government database, police in this State may not as a result of any such lookup be shown personal identifying information about a motorist unless there is a particularized basis for further police action. See *State v. Donis*, 157 N.J. 44 (1998). The Guidelines attached hereto are designed to protect the legitimate privacy interests of motorists by implementing the non-disclosure rule established in *Donis* and by adapting the *Donis* Court's rationale to the context and capabilities of ALPR technology.

Recognizing that our experience with this new and evolving technology is limited, and that we still have much to learn about how best to incorporate these devices into our arsenal of investigative techniques, it is appropriate for me as the State's chief law enforcement officer to issue uniform statewide guidelines to ensure that ALPRs are used only for *bona fide* law enforcement purposes, and that the data collected by these devices are used in accordance with substantive standards and procedural safeguards that appropriately balance the need for law enforcement agencies to prevent and respond to terrorism and other forms of crime against the legitimate privacy interests of persons operating motor vehicles on the roadways of this State.

THEREFORE, I, Paula Dow, Attorney General of the State of New Jersey, pursuant to the authority granted to me by the Constitution of the State of New Jersey and by the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 et seq., and in consultation with the Director of the New Jersey Office of Homeland Security and Preparedness, hereby Direct the following:

1. Adoption of Guidelines

The "Attorney General Guidelines for the Use of Automated License Plate Readers and Stored ALPR Data" (dated December 3, 2010) attached to this Directive and incorporated by reference into this Directive are hereby adopted and shall be followed and enforced by all law enforcement agencies and officers operating under

the authority of the laws of the State of New Jersey.

2. Implementation

Every law enforcement agency operating under the authority of the laws of the State of New Jersey that possesses or uses one or more automated license plate readers shall, within 45 days of the issuance of this Directive, promulgate and enforce a rule, regulation, standard operating procedure, directive, or order, in a form as may be appropriate given the customs and practices of the agency, which shall comply with and implement the provisions of the attached Guidelines, and which shall provide that any sworn officer or civilian employee of the agency who knowingly violates the agency's rule, regulation, standard operating procedure, directive, or order shall be subject to discipline. A law enforcement agency operating under the authority of the laws of the State of New Jersey that purchases an automated license plate reader on or after the effective date of this Directive shall not operate the device without having promulgated a rule, regulation, standing operating procedure, directive, or order in accordance with this section.

3. Scope

The provisions of this Directive and of the attached Guidelines pertaining to stored ALPR data apply to all law enforcement agencies operating under the authority of the laws of the State of New Jersey that access or use stored ALPR data, even if the agency does not own or operate an ALPR.

4. Questions and Controversies

All questions concerning the interpretation, implementation, or enforcement of this Directive, or of the attached Guidelines, shall be addressed to the Attorney General or his or her designee.

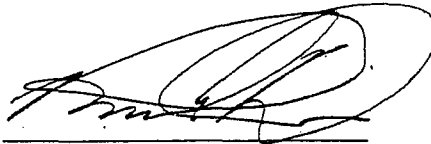
5. Periodic Review

The Director of the Division of Criminal Justice, in consultation with the Superintendent of the New Jersey State Police, the Director of the Office of Homeland Security, the County Prosecutors, the County Sheriffs, and the New Jersey Association of Chiefs of Police, shall, within one year of the effective date of this

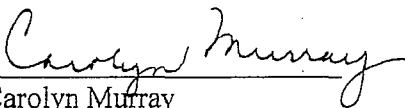
Directive, report to the Attorney General on the implementation of this Directive, and on any recommendations for revising the attached Guidelines.

6. Effective Date

This Directive shall take effect 45 days after it is issued in order to provide an opportunity for law enforcement agencies to comply with its requirements and to establish and enforce policies and procedures consistent with the attached Guidelines. Once effective, this Directive shall remain in force and effect unless and until a repealed, amended, or superseded by Order of the Attorney General.



Paula T. Dow
Attorney General

Attest: 
Carolyn Murray
Counsel to the Attorney General

Issued on: December 3, 2010
Effective on : January 18, 2011

ATTORNEY GENERAL GUIDELINES FOR THE USE OF AUTOMATED LICENSE PLATE READERS (ALPRs) AND STORED ALPR DATA

(Issued December 3, 2010; Effective January 18, 2011)

1. PURPOSE AND SCOPE

1.1 Reasons for Promulgating Uniform Statewide Guidelines

The purpose of these Guidelines is to provide direction to law enforcement agencies and officers on the appropriate use of Automated License Plate Readers (ALPRs) and the data that are collected by these devices and stored for future law enforcement use. These Guidelines are not intended to serve as a comprehensive operational manual. Rather, they are meant to ensure that ALPRs and ALPR-generated data are used in an appropriate manner and only for *bona fide* public safety purposes.

The following Guidelines, which are promulgated pursuant to Attorney General Law Enforcement Directive 2010-5, should be interpreted and applied so as to achieve the following objectives:

- to ensure that "BOLO lists" (the compilation of targeted license plates that an ALPR is "on the lookout" for) that are programmed into the internal memory of an ALPR or that are compared against stored ALPR data are comprised only of license plates that are associated with specific vehicles or persons for which or whom there is a legitimate and documented law enforcement reason to identify and locate, or for which there is a legitimate and documented law enforcement reason to determine the subject vehicle's past location(s) through the analysis of stored ALPR data;
- to ensure that data that are captured by an ALPR can only be accessed by appropriate law enforcement personnel and can only be used for legitimate, specified, and documented law enforcement purposes;
- to permit a thorough analysis of stored ALPR data to detect crime and protect the homeland from terrorist attack while safeguarding the personal privacy rights of motorists by ensuring that the analysis of stored ALPR data is not used as a means to disclose personal identifying information about an individual unless there is a legitimate and documented law enforcement reason for disclosing such personal information to a law enforcement officer or civilian crime analyst; and
- to ensure that stored ALPR data are purged after a reasonable period of time so as to

minimize the potential for misuse or accidental disclosure.

1.2 Applicability of Guidelines

These Guidelines apply to all law enforcement agencies that operate under the authority of the laws of the State of New Jersey that own or operate one or more ALPRs, that collect and maintain ALPR data, and/or that receive or are provided access to ALPR data collected by another agency.

1.3 Non-Enforceability of Rights by Third Parties

These Guidelines are issued pursuant to the Attorney General's authority under the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 et seq., to ensure the uniform and efficient enforcement of the laws. These Guidelines impose limitations on the exercise of law enforcement discretion and the use of and access to ALPR-related data that may extend beyond the requirements of the United States and New Jersey Constitutions, and federal and state statutory law. Nothing in these Guidelines should be construed in any way to create any rights beyond those established under the Constitutions, statutes, and regulations of the United States and the State of New Jersey. The provisions of these Guidelines are intended to be implemented and enforced by law enforcement agencies that possess or use ALPRs, the New Jersey Office of Homeland Security and Preparedness, the County Prosecutors, and the Department of Law and Public Safety, and these provisions do not create any rights that may be enforced by any other persons or entities.

3. **DEFINITIONS**

As used in these Guidelines:

"Automated License Plate Reader" or "ALPR" means a system consisting of a camera, or cameras, and related equipment that automatically and without direct human control locates, focuses on, and photographs license plates and vehicles that come into range of the device, that automatically converts digital photographic images of scanned license plates into electronic text documents, that is capable of comparing scanned license plate text data with data files for vehicles on a BOLO (be on the lookout) list programmed into the device's electronic memory, and that notifies police, whether by an audible alert or by other means, when a scanned license plate matches the license plate on the programmed BOLO list. The term includes both devices that are placed at a stationary location (whether permanently mounted, or portable devices positioned at a stationary location) and mobile devices affixed to a police vehicle and capable of operating while the vehicle is in motion.

"BOLO (Be on the Lookout)" or "BOLO situation" refers to a determination by a law

enforcement agency that there is a legitimate and specific law enforcement reason to identify or locate a particular vehicle, or, in the case of a post-scan BOLO, there is a legitimate and specific reason to ascertain the past location(s) of a particular vehicle.

"BOLO list," sometimes referred to colloquially as a "hot list," is a compilation of one or more license plates, or partial license plates, of a vehicle or vehicles for which a BOLO situation exists that is programmed into an ALPR so that the device will alert if it captures the image of a license plate that matches a license plate included on the BOLO list. The term also includes a compilation of one or more license plates, or partial license plates, that is compared against stored license plate data that had previously been scanned and collected by an ALPR, including scanned license plate data that is stored in a separate data storage device or system.

"Initial BOLO list" refers to the BOLO list that was programmed into an ALPR at the time that the device was being used to scan license plates in the field.

"Post-Scan BOLO list" refers to a BOLO list that is compared against stored data collected by an ALPR, including scanned license plate data that has been transmitted to another device or data storage system.

"Stored data" refers to all information captured by an ALPR and stored in the device's memory or in a separate data storage device or system. The term includes the recorded image of a scanned license plate and optical character recognition data, a contextual photo (*i.e.*, a photo of the scanned vehicle and/or occupants), global positioning system ("GPS") data (when the ALPR is equipped with a GPS receiver) or other location information, and the date and time of the scan. The term applies to both alert data and non-alert data that has been captured and stored by an ALPR or in a separate data storage device or system.

"Alert data" means information captured by an ALPR relating to a license plate that matches the license plate on an initial BOLO list or a post-scan BOLO list.

"Immediate alert" refers to an alert that occurs when a scanned license plate matches the license plate on an initial BOLO list and that is reported to the officer operating the ALPR, by means of an audible alarm or by any other means, at or about the time that the subject vehicle was encountered by the ALPR and its license plate was scanned by the ALPR.

"Non-encounter alert" refers to an immediate alert where the officer operating the ALPR is instructed to notify the agency that put out the BOLO without initiating an investigative detention of the subject vehicle or otherwise revealing to the occupant(s) of that vehicle that its location has been detected or that it is the subject of law enforcement attention (*e.g.*, a Violent Gang or Terrorist Organization File (VGTOF) alert).

"Personal identifying information" means information that identifies one or more specific individuals, including an individual's name, address, social security number, vehicle operator's

license number, or biometric records. The term includes personal identifying information that is included within the data comprising a BOLO list, as well as personal identifying information that is learned by checking a license plate scanned by an ALPR against the Motor Vehicle Commission database or any other data system that contains personal identifying information.

"Scan" refers to the process by which an ALPR automatically focuses on, photographs, and converts to digital text the license plate of a vehicle that comes within range of the ALPR.

"Authorized user" means a sworn or civilian employee of a law enforcement agency who has been authorized by the chief of the agency, or by the Attorney General or a county prosecutor or his or her designee, to operate an ALPR, or to access and use ALPR stored data, and who has successfully completed training provided by the agency on the agency's ALPR policy and on these Guidelines.

"Designated supervisor" means a superior officer assigned by the chief of a law enforcement agency to oversee and administer, or to assist in overseeing and administering, the agency's use of ALPRs and stored ALPR data. A law enforcement agency may have more than one designated supervisor.

"Chief" of a department or agency means the highest ranking sworn officer of a law enforcement agency.

"Post-Scan BOLO query" refers to the process of comparing a post-scan BOLO list against stored ALPR data.

"Crime scene query" refers to the process of accessing and reviewing stored ALPR data that had been originally scanned at or about the time and in the vicinity of a reported criminal event for the purpose of identifying vehicles or persons that might be associated with that specific criminal event as suspects, witnesses, or victims.

"Criminal event" means a specific incident, or series of related specific incidents, that would constitute an indictable crime under the laws of the State of New Jersey, whether or not the incident(s) have occurred or will occur within the State of New Jersey. The term includes an attempt or conspiracy to commit a crime, or actions taken in preparation for the commission of the crime, such as conducting a surveillance of the location to identify and evade or thwart security measures, or conducting a rehearsal of a planned crime. The term includes two or more separate criminal acts or episodes that are linked by common participants or that are reasonably believed to have been undertaken by a criminal organization or as part of an ongoing conspiracy.

"Crime trend analysis" refers to the analytical process by which stored ALPR data is used, whether alone or in conjunction with other sources of information, to detect crime patterns by studying and linking common elements of recurring crimes; to predict when and where future crimes may occur; and to link specific vehicles to potential criminal or terrorist activity. The term includes

an automated process in which a computer program analyzes stored data to identify potentially suspicious activity or other anomalies involving one or more scanned vehicles and where such automated analysis is done without disclosing personal identifying information about any individual to an authorized user or any other person except as may be authorized pursuant to Section 10.2.3 of these Guidelines.

4. DEPLOYMENT OF ALPRS

4.1 Restricted Uses

An ALPR and data generated by an ALPR shall only be used for official and legitimate law enforcement business.

4.2 ALPR Scanning Limited to Vehicles Exposed to Public View

An ALPR shall only be used to scan license plates of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shopping mall or other business establishment).

4.3 Supervisory Approval of All ALPR Deployments

An ALPR shall not be deployed in the field unless the deployment has been authorized by the chief of the department or a designated supervisor, or by the Attorney General or designee or a county prosecutor or designee. Such authorization may be given for repeated or continuous deployment of an ALPR (e.g., mounting the device on a particular police vehicle, or positioning the ALPR at a specific stationary location), in which event the deployment authorization shall remain in force and effect unless and until rescinded or modified by the chief or designated supervisor, or the Attorney General or county prosecutor or designee.

4.4 Trained Operators and Analysts

A sworn officer or civilian employee of the department may operate an ALPR or access or use ALPR stored data only if the person has been designated as an authorized user by the chief of the department, or by the Attorney General or designee or a county prosecutor or designee, and has received training from the department on the proper use and operation of ALPRs, the requirements of Attorney General Law Enforcement Directive 2010-5, and these Guidelines, and any policies and

procedures governing the use of ALPRs and ALPR data issued by the department pursuant to Attorney General Directive 2010-5 and Section 14 of these Guidelines.

5. MAINTENANCE OF RECORDS

5.1 Records Documenting the Deployment of ALPRs

Each department that owns or operates an ALPR shall maintain a written or electronic record that documents the following information:

date and time when the ALPR was deployed;

whether the ALPR was mobile, or was stationed at a fixed specified location;

the identity of the operator;

whether ALPR data was transferred to any other database or data storage device or system.

5.2 Records Documenting the Use of Stored ALPR Data

Each department that stores ALPR data shall maintain a record of all access to stored ALPR data. The department's ALPR data record keeping system, which may be automated, shall document the following information:

the date and time of access, and, in the case of access to stored non-alert data, the type of access authorized by Section 10.2 of these Guidelines (*i.e.*, post-scan BOLO query, crime scene query, or crime trend analysis);

the authorized user who accessed the stored data;

whether an automated software program was used to analyze stored data;

the designated supervisor who reviewed and approved any disclosure of personal identifying information based upon crime trend analysis when such approval is required by Section 10.2.3 of these Guidelines;

the designated supervisor who approved any use of an automated crime trend analysis computer program that would automatically alert and disclose personal identifying

information in accordance with Section 10.2.3;

any other information required to be documented pursuant to Section 10.2 or any other provision of these Guidelines.

5.3 Maintenance of Records

All written or electronic records of ALPR activity and access to ALPR data shall be maintained by the department for a period of five years, and shall be kept in a manner that makes such records readily accessible to any person authorized by these Guidelines to audit the department's use of ALPRs and ALPR-generated data. When a department employs an automated system to record any information that is required to be documented pursuant to these Guidelines, it shall not be necessary for the department to maintain duplicate records of any events or transactions that are documented by the automated record-keeping system.

6. **CONTENT AND APPROVAL OF BOLO LISTS**

6.1 Criteria for and Examples of Legitimate BOLO Situations

A license plate number or partial license plate number shall not be included in an ALPR initial BOLO list unless there is a legitimate and specific law enforcement reason to identify or locate that particular vehicle, or any person or persons who are reasonably believed to be associated with that vehicle. A license plate or partial license plate number shall not be included in a Post-Scan BOLO list unless there is a legitimate and specific law enforcement reason to ascertain the past locations(s) of that particular vehicle, or of any person or persons who are reasonably believed to be associated with that vehicle.

Examples of legitimate and specific reasons include, but are not limited to: persons who are subject to an outstanding arrest warrant; missing persons; AMBER Alerts; stolen vehicles; vehicles that are reasonably believed to be involved in the commission of a crime or disorderly persons offense; vehicles that are registered to or are reasonably believed to be operated by persons who do not have a valid operator's license or who are on the revoked or suspended list; vehicles with expired registrations or other Title 39 violations; persons who are subject to a restraining order or curfew issued by a court or by the Parole Board, or who are subject to any other duly issued order restricting their movements; persons wanted by a law enforcement agency who are of interest in a specific investigation, whether or not such persons are themselves suspected of criminal activity; and persons who are on any watch list issued by a State or federal agency responsible for homeland security.

6.2 Batch Downloading of BOLO List Data

BOLO list information may be downloaded in batch form from other databases, including but not limited to the National Crime Information Center (NCIC), National Insurance Crime Bureau, United States Department of Homeland Security, and Motor Vehicle Commission database.

6.3 Updates to BOLO Lists

An initial BOLO list may be revised at any time. In the event that an initial BOLO list is constructed, in whole or in part, with sets of data downloaded from another database, so as to account for any changes that may have been made in the data maintained in those other databases, updates to the initial BOLO list shall, in the case of a mobile unit attached to a police vehicle, be made at the start of each shift, and in the case of an ALPR positioned at a stationary location, be made as frequently as is practicable, and on not less than a daily basis. Information concerning any license plate that is referenced in an AMBER Alert activated by the New Jersey State Police shall be added to the initial BOLO list as expeditiously as possible, and shall remain in the initial BOLO list until the AMBER Alert expires or is withdrawn.

6.4 Special Instructions for Immediate Alert Response

When practicable, the reason for placing a vehicle on BOLO list shall be included with the BOLO and shall be disclosed to the officer who will react to an immediate alert. If for any reason an officer reacting to an immediate alert should not initiate an investigative detention (*e.g.*, where the license plate was included in the BOLO list because the department or any other agency wanted to be notified of the location of the subject vehicle without alerting the driver/occupants that they are the subject of law enforcement attention, such as in the case of Violent Gang or Terrorist Organization File (VGTOF) alert), to the extent feasible, the information attached to the license plate on the BOLO list shall be entered in such a way as to cause the ALPR to clearly designate an immediate alert as a "non-encounter" alert, and shall provide specific instructions to the officer as to who to notify of the alert. See Section 7, infra.

7. **POLICE ACTIONS IN RESPONSE TO AN IMMEDIATE ALERT**

When an officer operating a vehicle equipped with an ALPR receives an immediate alert, the officer shall take such action in response to the alert as is appropriate in the circumstances. An officer alerted to the fact that an observed motor vehicle's license plate is on the BOLO list may be required to make a reasonable effort to confirm that a wanted person is actually in the vehicle before

the officer would have a lawful basis to stop the vehicle. See State v. Parks, 288 N.J. Super. 407 (App. Div. 1996) (police do not have reasonable suspicion to justify a stop based on a computer check that shows that the operator's license of the registered owner of the vehicle is suspended unless the driver generally matches the owner's physical description (*e.g.*, age and gender)).

An officer reacting to an immediate alert shall consult the database to determine the reason why the vehicle had been placed on the BOLO list and whether the alert has been designated as a non-encounter alert. In the event of a non-encounter alert, the officer shall follow any instructions included in the alert for notifying the law enforcement or homeland security agency that had put out the BOLO. See Section 6.4, supra.

8. SECURITY OF STORED ALPR DATA

8.1 Physical Security and Limited Access

All ALPR stored data shall be kept in a secure data storage system with access restricted to authorized persons. Access to this stored data shall be limited to the purposes described in Section 10 of these Guidelines.

8.2 Differentiation of Stored Positive Alert Data From Non-Alert Data

Stored ALPR data shall be maintained electronically in such a manner as to distinguish alert data from non-alert data so as to ensure that access to and use of non-alert data and any disclosure of personal identifying information resulting from the analysis of non-alert data occurs only as may be authorized pursuant to section 10.2 of these Guidelines. Positive alert data may, as appropriate, be transferred to the appropriate active investigation file, see also Section 10.1, infra, and may as appropriate be placed into evidence in accordance with the department's evidence or records management procedures.

9. RETENTION PERIOD AND PURGING OF STORED DATA

Each law enforcement agency shall, pursuant to the provisions of Section 14 of these Guidelines, establish and enforce procedures for the retention and purging of stored ALPR data in accordance with this Section. ALPR stored data shall be retained for a period of five years, after which, the data shall be purged from the agency's data storage device or system. A law enforcement agency may purge ALPR data before the expiration of the five-year retention period only if the data has been transferred to the State Police Regional Operations Intelligence Center (R.O.I.C.) or any other system that aggregates and stores data collected by two or more law enforcement agencies in accordance with the provisions of these Guidelines. Any ALPR data transferred to another agency

shall indicate the date on which the data had been collected by the ALPR so that the receiving agency may comply with the five-year retention and purging schedule established in this Section. See also Section 11.1 and 11.2, infra.

10. LIMITATIONS ON ACCESS TO AND USE OF STORED ALPR DATA

10.1 Access to Positive Alert Data

An authorized user may access and use stored ALPR alert data as part of an active investigation or for any other legitimate law enforcement purpose, including but not limited to a post-scan BOLO query, a crime scene query, or crime trend analysis. A record shall be made of the access to the data, which may be an automated record, that documents the date of access, and the identity of the authorized user. An authorized user need not obtain approval from the chief or designated supervisor, or Attorney General or county prosecutor or designee, for each occasion on which he or she accesses and uses stored ALPR data. Once positive alert data has been accessed and transferred to an investigation file, it shall not be necessary thereafter to document further access or use of that data pursuant to these Guidelines.

10.2 Access to Non-Alert Data

Access to and use of stored non-alert ALPR data is limited to the following three purposes: a post-scan BOLO query, a crime-scene query, and crime trend analysis. An authorized user does not need to obtain approval from the chief or a designated supervisor, or Attorney General or county prosecutor or designee, for each occasion on which he or she accesses and uses stored non-alert data pursuant to this Section.

10.2.1 Post-Scan BOLO Query

A law enforcement agency is authorized to compare a post-scan BOLO list against stored ALPR data where the results of the query might reasonably lead to the discovery of evidence or information relevant to any active investigation or ongoing law enforcement operation, or where the subject vehicle might be placed on an active initial BOLO list. (For example, a law enforcement agency may review stored non-alert data to determine whether a specific vehicle was present at the time and place where the ALPR data was initially scanned for the purpose of confirming or dispelling an alibi defense, or to develop lead information for the purpose of locating a specified vehicle or person. A law enforcement agency may also check stored data to determine whether a vehicle that was only recently added to an initial BOLO list had been previously observed in the jurisdiction before it had been placed on an initial BOLO list.)

10.2.2 Crime Scene Query

a. A law enforcement agency is authorized to access and use stored non-alert data where such access might reasonably lead to the discovery of evidence or information relevant to the investigation of a specific criminal event as defined in these Guidelines. Note that if the law enforcement agency has reason to believe that a specific person or vehicle was at or near the location of the specific crime at the time of its commission, non-alert stored data might also be examined under the authority of Section 10.2.1 as part of post-scan BOLO query.

b. A crime scene query may not be conducted to review stored non-alert data based on general crime patterns (*i.e.*, *e.g.*, to identify persons traveling in or around a "high crime area"), but rather is limited to situations involving specific criminal events as that term is defined in these Guidelines.

c. The crime scene query of non-alert stored data shall be limited in scope to stored non-alert data that is reasonably related to the specified criminal event, considering the date, time, location, and nature of the specified criminal event. For example, a crime that reasonably involves extensive planning and possible "rehearsals," such as a terrorist attack, would justify examining stored non-alert data that had been scanned and collected days or even weeks or months before the criminal event, and that may have been scanned at a substantial distance from the site of the crime or intended crime (*e.g.*, at any point along a highway leading to the intended crime site). A spontaneous crime, in contrast, might reasonably justify examination of stored non-alert data that was scanned and collected on or about the time of and in closer physical proximity to the criminal event.

d. The law enforcement agency shall document the specific crime or related crimes constituting the criminal event and the date(s) and location(s) of the specific crime(s).

10.2.3 Crime Trend Analysis

a. A law enforcement agency may access and use stored non-alert data for purposes of conducting crime trend analysis, as that term is defined in these Guidelines, when such access and analysis is approved by a designated supervisor and where such analysis is undertaken to produce analytical products that are intended to assist the agency in the performance of its duties. A designated supervisor may authorize one or more authorized users to conduct a method or methods of crime trend analysis on a repeated or continuous basis, in which event such authorization shall remain in force and effect unless and until modified or rescinded by the supervisor. A designated supervisor may also approve the use of an automated software program to analyze stored data to look for potentially suspicious activity or other anomalies that might be consistent with criminal or terrorist activity.

b. Crime trend analysis of stored non-alert data, whether automated or done manually, shall not result in the disclosure of personal identifying information to an authorized user or any other person unless:

- 1) the agency can point to specific and articulable facts that warrant further investigation of possible criminal or terrorist activity by the driver or occupants of a specific vehicle (*i.e.*, unusual behavior consistent with the *modus operandi* of terrorists or other criminals), and access to the personal identifying information based on those specific and articulable facts has been approved by a designated supervisor. Such approval may be given by a designated supervisor in advance when the crime trend analysis reveals the existence of specified suspicious circumstances that would warrant further investigation and that would justify disclosure of personal identifying information to the authorized user conducting the analysis under the "specific and articulable facts that warrant further investigation" standard of proof established in this Section. The supervisor shall document any and all specified suspicious circumstances for which disclosure of personal identifying information is pre-approved if those suspicious circumstances are revealed by authorized crime trend analysis. When an automated crime trend analysis computer program is used, specified suspicious circumstances that would warrant further investigation and that would justify disclosure of personal identifying information to an authorized user under this Section may also be pre-approved by a designated supervisor and built into the computer program so that if the program identifies the existence of the pre-determined suspicious circumstances, it will automatically alert the authorized user of the suspicious activity and provide to him or her the relevant personal identifying information in accordance with the "specific and articulable facts that warrant further investigation" standard of proof established in this Section; or
- 2) Disclosure of personal identifying information concerning any vehicle plate scanned by the ALPR is authorized by a grand jury subpoena.

c. Nothing in this Section shall be construed to prohibit a computer program from accessing and comparing personal identifying information of one or more individuals who are associated with a scanned vehicle as part of the process of analyzing stored non-alert data, provided that such personal identifying information is not disclosed to a person unless the "specific and articulable facts that warrant further investigation" standard is satisfied. The "specific and articulable facts that warrant further investigation" standard set forth in this Section applies only to the crime trend analysis of non-alert data, and nothing in this Section shall be construed to limit disclosure of personal identifying information of a person who is the registered owner of a vehicle that is on an initial or post-scan BOLO list (*i.e.*, alert data).

d. For the purposes of this Section, the "specific and articulable facts that warrant further investigation" standard required for the disclosure of personal identifying based upon crime trend

analysis of stored non-alert data is intended to be comparable to the "specific and articulable facts that warrant heightened caution" standard developed by the New Jersey Supreme Court in State v. Smith, 134 N.J. 599, 616-19 (1994) (establishing the level of individualized suspicion required before an officer may order a passenger to exit a motor vehicle stopped for a traffic violation).

e. The law enforcement agency accessing stored non-alert ALPR data for purposes of conducting crime trend analysis shall document: the nature and purpose of the crime trend analysis; the persons who accessed stored non-alert ALPR data for use in conducting that analysis; and the designated supervisor who approved access to ALPR non-alert data. In any instance where personal identifying information is disclosed based upon crime trend analysis of stored non-alert data, the agency shall document the specific and articulable facts that warrant further investigation and the designated supervisor who reviewed those facts and approved the disclosure of personal identifying information, or who pre-approved disclosure of personal identifying information based upon specified circumstances identified by an automated crime trend analysis computer program, or, where applicable, the fact that access to personal identifying information was authorized by a grand jury subpoena.

11. SHARED LAW ENFORCEMENT ACCESS TO STORED ALPR DATA

11.1 Authorization to Share and Aggregate Data

Any ALPR data that may in conformance with these Guidelines be accessed and used by the law enforcement agency that collected the data may be shared with and provided to any other law enforcement agency. Stored ALPR data may be combined with ALPR data collected by two or more law enforcement agencies (e.g., collection of stored data by the State Police Regional Operations Intelligence Center), provided that such aggregated data shall only be retained, accessed, and used in accordance with the provisions of these Guidelines.

11.2 Record of Shared Access and Responsibilities of the Receiving Agency

When ALPR data is made accessible to or otherwise shared with or transferred to another law enforcement agency, the agency that collected the ALPR data shall document the identity of the other agency and the specific officer(s) or civilian employee(s) of that agency who were provided the information. When the transfer of stored ALPR data is done periodically as part of a system for aggregating data collected by two or more law enforcement agencies (e.g., the scheduled and routine transmittal of data to the State Police Regional Operations Intelligence Center), each agency contributing data to the combined database shall maintain a record of the data transfer, which may be an automated record, and shall have and keep on file a memorandum of understanding or agreement or other memorialization of the arrangement for maintaining and populating a database comprised of stored ALPR data collected by multiple law enforcement agencies. Any agency

provided with access to or use of the ALPR data collected by another agency shall comply with all applicable provisions of these Guidelines concerning stored ALPR data and disclosure of personal identifying information.

13. RELEASE OF ALPR DATA TO NON-LAW ENFORCEMENT PERSONS OR AGENCIES

Stored ALPR data shall be treated as "criminal investigatory records" within the meaning of N.J.S.A. 47:1A-1 et seq., and shall not be shared with or provided to any person, entity, or government agency, other than a law enforcement agency, unless such disclosure is authorized by a subpoena or court order, or unless such disclosure is required by the Rules of Court governing discovery in criminal matters. Any agency receiving a subpoena or court order for the disclosure of ALPR data shall, before complying with the subpoena or court order, provide notice to the County Prosecutor, or to the Division of Criminal Justice in the case of any state-level law enforcement agency.

14. PROMULGATION AND ENFORCEMENT OF DEPARTMENTAL POLICIES

14.1 Required Contents of Departmental Policies

Pursuant to the requirements of Attorney General Law Enforcement Directive 2010-5, every law enforcement agency that possesses or uses an ALPR must promulgate and enforce a rule, regulation, standing operating procedure, directive, or order that establishes a comprehensive policy governing the operation of ALPRs, and governing access to, use, and retention of all stored ALPR data. The ALPR policy promulgated by the department must be consistent with the standards and procedural safeguards established in these Guidelines, and each ALPR policy must include the following provisions:

- a. The ALPR policy shall provide that the chief of the department will designate one or more superior officers to oversee and administer the agency's ALPR program. These designated supervisors will be authorized to: provide or oversee the training of all officers and civilian employees who are authorized to operate an ALPR or to access or use ALPR stored data; review and approve requests to access and use stored ALPR data to conduct crime trend analysis and/or to access personal identifying information based upon crime trend analysis; and generally to ensure compliance with the department's ALPR policy and these Guidelines.
- b. The ALPR policy shall provide that the chief of the department shall designate all

authorized users, and that no officer or civilian employee will be authorized to operate an ALPR, or to access or use ALPR stored data, unless the officer or civilian employee has received training by the department on the proper operation of these devices, and on the provisions of the department's ALPR policy and these Guidelines.

c. The ALPR policy shall implement and enforce the five-years retention period for ALPR stored data established in Section 9 of these Guidelines, and must provide for the purging of all ALPR stored data at the expiration of the five-year term.

d. The ALPR policy shall provide for the documentation of all ALPR-related activities and decisions that are required to be documented by Section 5 or any other provision of these Guidelines, which may be done by an automated record-keeping system, and shall provide that such records documenting the use of ALPRs and ALPR stored data shall be maintained for 5 years and shall be kept in a place and in a manner as to facilitate a review and audit of the department's ALPR program by the County Prosecutor or by the Attorney General or his or her designee.

e. The ALPR policy shall provide that any sworn officer or civilian employee of the agency who knowingly violates the agency's policy, or these Guidelines, shall be subject to discipline.

f. The ALPR policy shall provide that all significant violations of the agency's policy, or of these Guidelines, including but not limited to all instances involving the unauthorized access or use of ALPR stored data, must be reported to the County Prosecutor, or to the Director of the Division of Criminal Justice in cases involving a state-level agency, upon discovery of the violation. Unless the County Prosecutor or Director elects to conduct or oversee the investigation of the violation, such notification of the violation shall be followed up with a report, approved by the chief of the department, explaining to the County Prosecutor, or to the Director, the circumstances of the violation, and the steps that are being taken to prevent future similar violations.

14.2 Notice of ALPR Policies and Revisions Provided to County Prosecutors or the Division of Criminal Justice

The chief of the department shall provide a copy of the agency's written ALPR policy to the County Prosecutor, or to the Division of Criminal Justice in the case of a state-level agency, at or before the time of promulgation, and shall provide to the County Prosecutor, or to the Division, copies of any amendments or revisions to the agency's ALPR policy at or before the time that such amendments take effect.

15. ALPR PROGRAM ACCOUNTABILITY

15.1 ALPR Program Audits

All ALPR records documenting the use of an ALPR, or access to or use of ALPR stored data, whether kept manually or by means of an automated record-keeping system, shall be subject to review and audit by the County Prosecutor, or by the Attorney General or his or her designee.

15.2 Handling of Complaints

Any complaints about a department's ALPR program made by any citizen or entity shall be forwarded to the appropriate County Prosecutor, or to the Director of the Division of Criminal Justice in the case of a State-level agency, for appropriate review and handling. The County Prosecutor, or Director, may conduct an investigation, or may direct the agency that is the subject of the complaint to conduct an investigation and to report back to the County Prosecutor or Director.

16. SANCTIONS FOR NON-COMPLIANCE

If the Attorney General or his or her designee has reason to believe that a law enforcement agency or officer or civilian employee is not complying with or adequately enforcing the provisions of these Guidelines, the Attorney General may temporarily or permanently suspend or revoke the authority of the department, or any officer or civilian employee, to operate an ALPR, or to gain access to or use ALPR stored data. The Attorney General or her designee may initiate disciplinary proceedings, and may take such other actions as the Attorney General in his or her sole discretion deems appropriate to ensure compliance with these Guidelines.

17. AUTHORITY OF ATTORNEY GENERAL TO GRANT EXEMPTIONS OR SPECIAL USE AUTHORIZATIONS

ALPRs, and all ALPR stored data, shall only be used and accessed for the purposes and in the manner authorized by these Guidelines. In recognition of the need to be able to address issues or circumstances that are not contemplated by these Guidelines, the Attorney General or his or her designee may grant an exemption from any provision of these Guidelines, and may authorize the specific use of an ALPR, or the data collected by or derived from an ALPR, that is not expressly authorized by these Guidelines. Any request by a department to use an ALPR or ALPR-generated data for a purpose or in a manner not authorized by these Guidelines shall be made to the Attorney

General or his or her designee through the Director of the Division of Criminal Justice or his or her designee, who shall make recommendations on whether to grant the agency's specific request for an exemption or special authorization. Such requests shall be made in writing unless the circumstances are exigent, in which event the request by the agency and approval or denial by the Attorney General or his or her designee may be given orally, in which event the circumstances of the request and the approval or denial shall be memorialized in writing as soon thereafter as is practicable.

**RESOLUTION OF THE TOWNSHIP OF
LAKEWOOD, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AWARDING A CONTRACT TO
WPCS INTERNATIONAL, INC. (FORMERLY
QUALITY COMMUNICATIONS) FOR THE
PURCHASE OF A MOBILE LAW
ENFORCEMENT AUTOMATED LICENSE
PLATE RECOGNITION SYSTEM PURSUANT
TO AND IN ACCORDANCE WITH N.J.S.A.
40A:11-1 ET SEQ.**

WHEREAS, a contract has heretofore been awarded by the Township to WPCS International, Inc. (formerly Quality Communications) for the purchase of one (1) Mobile Law Enforcement Automated License Plate Recognition (ALPR) System for one (1) vehicle, pursuant to and in accordance with N.J.S.A. 40A:11-1 et seq.; and,

WHEREAS, there exists a need for the purchase of an additional of one (1) Mobile Law Enforcement Automated License Plate Recognition (ALPR) System; and,

WHEREAS, the Township of Lakewood desires to enter into a contract with WPCS International, Inc. Lakewood, New Jersey for the purchase of an additional ALPR System; and,

WHEREAS, N.J.S.A. 40A:11-5 (1)(dd) provides that the Township may by resolution award a contract for the purchase of proprietary computer hardware and software without competitive bids and the contract itself must be made available for public inspection; and,

WHEREAS, the maximum amount of said contract shall not exceed the sum of TWENTY THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND 00/100 (\$20,750.00); and,

WHEREAS, the purchase is to be funded through a grant with the Ocean County Prosecutors Office; and

WHEREAS, no services shall be rendered until the Chief Financial Officer has certified there is sufficient funding available for the aforesaid contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

1. That the Mayor and Clerk be and hereby are authorized to execute a contract with WPCS International, Inc. (formerly Quality Communications) for the aforementioned proprietary system in an amount not to exceed the sum of TWENTY THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND 00/100 (\$20,750.00).

2. That this contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5(1)(dd) of the Local Public Contracts.

3. That the contract to be entered into shall include the mandatory affirmative action language set forth in P.L. 1975, c. 127.

4. That a notice of this action shall be printed once in the official newspaper of the Township.

5. That the award of the contract aforesaid shall be conditioned upon the certification of availability of funds by the Chief Financial Officer. .

6. That the Township Clerk shall forward a certified copy of this Resolution to the following:

- A. Municipal Manager;
- B. Chief Financial Officer;
- C. Purchasing Agent;
- D. WPCS International, Inc.

CERTIFICATION

I, Mary Ann Del Mastro, Township Clerk of the Township of Lakewood, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee of said Township at its meeting held on May 27, 2010.


MARY-ANN DEL MASTRO, RMC
Township Clerk

CONTRACT

THIS CONTRACT made this 27th day of May, 2010, is made between the Township of Lakewood, a municipal corporation of the State of New Jersey, whose address is 231 Third Street, Lakewood, New Jersey 08701, hereinafter referred to as TOWNSHIP, and WPCS International, Inc. (formerly Quality Communications), 1985 Swarthmore Avenue, Lakewood, New Jersey 08701, hereinafter referred to as CONTRACTOR.

1. **PROMISE TO PAY:** The TOWNSHIP will pay CONTRACTOR the sum of TWENTY THOUSAND, SEVEN HUNDRED FIFTY and 00/100 DOLLARS (\$20,750.00), to provide one (1) Mobile Law Enforcement Automated License Plate Recognition (ALPR) System for one (1) vehicle and pursuant to a Township Resolution adopted May 27, 2010.

The TOWNSHIP will pay CONTRACTOR as follows:

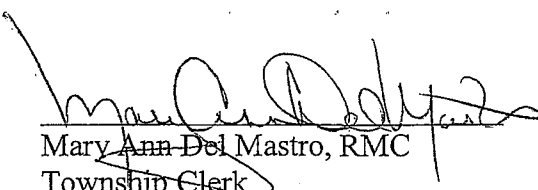
By itemized TOWNSHIP voucher signed and submitted by CONTRACTOR to the Purchasing Agent of the TOWNSHIP and approved by the appropriate TOWNSHIP officials.

2. **AGREEMENT:** It is understood and agreed between the parties that during the performance of this Contract, the parties will comply with the affirmative action requirements as set forth in the rider attached hereto and made a part hereof

3. **SIGNATURES:** The parties hereto sign and agree to the above.

ATTEST:

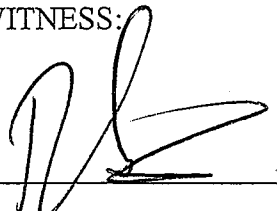
THE TOWNSHIP OF LAKEWOOD


Mary Ann Del Mastro, RMC
Township Clerk

By: 
Steven Langert, Mayor

WITNESS:

WPCS INTERNATIONAL, INC.



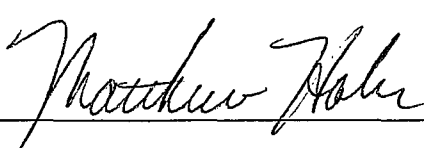
By: 

EXHIBIT A

STATE OF NEW JERSEY MANDATORY EQUAL EMPLOYMENT OPPORTUNITY

LANGUAGE

N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)

N.J.A.C. 17:27 GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE

CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, with regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to afford equal employment opportunities to minority and women workers consistent with good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2, or good faith efforts to meet targeted county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

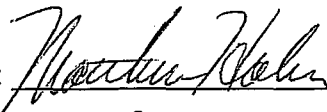
Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

COMPANY: WPCS INTERNATIONAL
PRINT
NAME: Matthew Haber

SIGNATURE: 
TITLE: VP

DATE: 6-09-2010

**RESOLUTION OF THE TOWNSHIP OF
LAKEWOOD, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AWARDING A CONTRACT TO
WPCS INTERNATIONAL, INC. (FORMERLY
QUALITY COMMUNICATIONS) FOR THE
PURCHASE OF A MOBILE LAW
ENFORCEMENT AUTOMATED LICENSE
PLATE RECOGNITION SYSTEM PURSUANT
TO AND IN ACCORDANCE WITH N.J.S.A.
40A:11-1 ET SEQ.**

WHEREAS, a contract has heretofore been awarded by the Township to WPCS International, Inc. (formerly Quality Communications) for the purchase of one (1) Mobile Law Enforcement Automated License Plate Recognition (ALPR) System for one (1) vehicle, pursuant to and in accordance with N.J.S.A. 40A:11-1 et seq.; and,

WHEREAS, there exists a need for the purchase of an additional of one (1) Mobile Law Enforcement Automated License Plate Recognition (ALPR) System; and,

WHEREAS, the Township of Lakewood desires to enter into a contract with WPCS International, Inc. Lakewood, New Jersey for the purchase of an additional ALPR System; and,

WHEREAS, N.J.S.A. 40A:11-5 (1)(dd) provides that the Township may by resolution award a contract for the purchase of proprietary computer hardware and software without competitive bids and the contract itself must be made available for public inspection; and,

WHEREAS, the maximum amount of said contract shall not exceed the sum of TWENTY THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND 00/100 (\$20,750.00); and,

WHEREAS, the purchase is to be funded through a grant with the Ocean County Prosecutors Office; and

WHEREAS, no services shall be rendered until the Chief Financial Officer has certified there is sufficient funding available for the aforesaid contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

1. That the Mayor and Clerk be and hereby are authorized to execute a contract with WPCS International, Inc. (formerly Quality Communications) for the aforementioned proprietary system in an amount not to exceed the sum of TWENTY THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND 00/100 (\$20,750.00).

2. That this contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5(1)(dd) of the Local Public Contracts.

BATHGATE, WEGENER & WOLF

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

ONE AIRPORT ROAD

POST OFFICE BOX 2043

LAKEWOOD, NEW JERSEY 08701

(732) 363-0666

E-Mail: law@bathweg.com

FAX #

(732) 363-9864

June 7, 2010

WPCS International, Inc.
1985 Swarthmore Avenue
Lakewood, NJ 08701

Re: Contract for Professional Services

Mobile Law Enforcement Automated License Plate Recognition (ALPR) System
Our File No.: 12681.0001

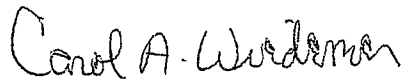
Dear Sir/Madam:

The Lakewood Township Committee, at its regular meeting held on May 27, 2010, adopted a Resolution authorizing a Contract for Professional Services, with regard to the above-captioned matter. In connection therewith, enclosed please find three (3) Contract Agreements with attachments, including a copy of the Resolution.

Please execute the enclosed three (3) copies of the Agreement for Services and return to my office. Once the Township signs the Agreement, a fully executed copy will be forwarded to you.

Please do not hesitate to contact this office should you have any questions or concerns.

Very truly yours,



Carol A. Wiedemer
Legal Assistant to the Township Attorney,
JAN L. WOUTERS, ESQUIRE

/cw

Enclosures

cc: Frank Edwards, Township Manager
Mary Ann Del Mastro, RMC, Township Clerk

BATHGATE, WEGENER & WOLF

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
ONE AIRPORT ROAD
POST OFFICE BOX 2043
LAKEWOOD, NEW JERSEY 08701

(732) 363-0866

E-Mail: law@bathweg.com

FAX #

(732) 363-9864

June 21, 2010

Matthew Haber
WPCS International, Inc.
1985 Swarthmore Avenue
Lakewood, NJ 08701

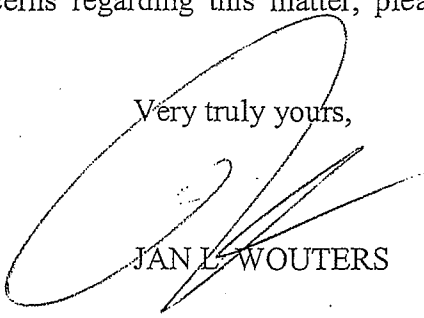
Re: Contract for Professional Services
Mobile Law Enforcement Automated License Plate Recognition (ALPR) System
Our File No.: 12681.0001

Dear Mr. Haber:

Enclosed for your records please find a fully executed copy of the Contract for Professional Services, with attachments.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact this office.

Very truly yours,



JAN L. WOUTERS

JLW:cw
Enclosure(s)

cc: Frank Edwards, Township Manager, with encl.

**RESOLUTION OF THE TOWNSHIP OF
LAKEWOOD, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AWARDING A CONTRACT TO
WPCS INTERNATIONAL, INC. (FORMERLY
QUALITY COMMUNICATIONS) FOR THE
PURCHASE OF A MOBILE LAW
ENFORCEMENT AUTOMATED LICENSE
PLATE RECOGNITION SYSTEM PURSUANT
TO AND IN ACCORDANCE WITH N.J.S.A.
40A:11-1 ET SEQ.**

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WHEREAS, there exists a need for the purchase of an additional of one (1) Mobile Law Enforcement Automated License Plate Recognition (ALPR) System; and,

WHEREAS, the Township of Lakewood desires to enter into a contract with WPCS International, Inc. Lakewood, New Jersey for the purchase of an additional ALPR System; and,

WHEREAS, N.J.S.A. 40A:11-5 (1)(dd) provides that the Township may by resolution award a contract for the purchase of proprietary computer hardware and software without competitive bids and the contract itself must be made available for public inspection; and,

WHEREAS, the maximum amount of said contract shall not exceed the sum of TWENTY THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND 00/100 (\$20,750.00); and,

WHEREAS, the purchase is to be funded through a grant with the Ocean County Prosecutors Office; and

WHEREAS, no services shall be rendered until the Chief Financial Officer has certified there is sufficient funding available for the aforesaid contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

1. That the Mayor and Clerk be and hereby are authorized to execute a contract with WPCS International, Inc. (formerly Quality Communications) for the aforementioned proprietary system in an amount not to exceed the sum of TWENTY THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND 00/100 (\$20,750.00).

2. That this contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5(1)(dd) of the Local Public Contracts.

3. That the contract to be entered into shall include the mandatory affirmative action language set forth in P.L. 1975, c. 127.

4. That a notice of this action shall be printed once in the official newspaper of the Township.

5. That the award of the contract aforesaid shall be conditioned upon the certification of availability of funds by the Chief Financial Officer. .

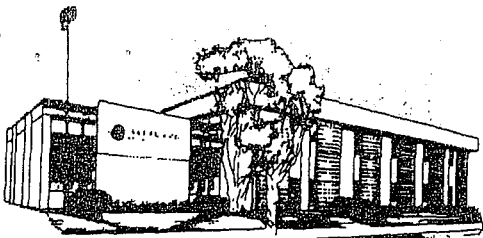
6. That the Township Clerk shall forward a certified copy of this Resolution to the following:

- A. Municipal Manager;
- B. Chief Financial Officer;
- C. Purchasing Agent;
- D. WPCS International, Inc.

CERTIFICATION

I, Mary Ann Del Mastro, Township Clerk of the Township of Lakewood, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee of said Township at its meeting held on May 27, 2010.

MARY ANN DEL MASTRO, RMC
Township Clerk



Township of Lakewood

MUNICIPAL BUILDING
231 THIRD STREET
LAKEWOOD, NEW JERSEY 08701
732-364-2500 • FAX: 732-905-5991



OFFICE OF MUNICIPAL MANAGER
Francis C. Edwards

MEMO TO: JAN WOUTERS, TOWNSHIP ATTORNEY

FROM:  FRANK EDWARDS, MUNICIPAL MANAGER

DATE: MAY 24, 2010

SUBJECT: PURCHASE OF MOBILE LAW ENFORCEMENT
AUTOMATED LICENSE PLATE RECOGNITION
(ALPR)

Attached is correspondence from the Purchasing Agent seeking a resolution to purchase an additional Mobile Law Enforcement Automated License Plate Recognition (ALPR) system. This purchase is to be funded through a grant with the Ocean County Prosecutors office. Funds are available in Account Number G-02-50-707-003-211.

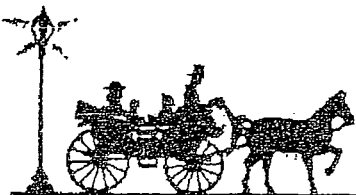
This is proprietary equipment that needs to be compatible with the earlier purchase authorized through competitive bid last year. The price is \$20,750.00.

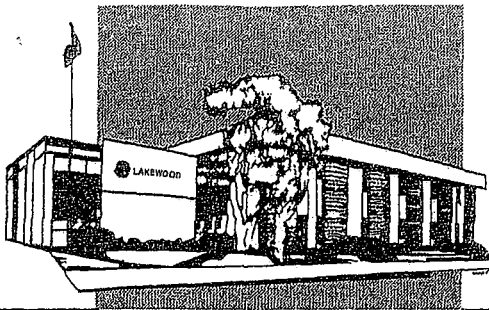
Please have a resolution available for consideration as part of the May 27, 2010 township committee meeting agenda.

FE/enf

Enclosure

cc: Township Committee
Township clerk
CFO
Purchasing Agent
Chief of Police





Township of Lakewood

MUNICIPAL BUILDING
LAKEWOOD, NEW JERSEY 08701
732-364-2500 • FAX: 732-905-5964



AL B. DINEROS
Purchasing Agent
Risk Coordinator



LINDA LEE STUBBS
Assistant Purchasing Agent
Assistant Risk Coordinator

Date: May 20, 2010

To: Frank Edwards, Municipal Manager

From: Al B. Dineros, Purchasing Agent

Subject: Request for a Resolution to Purchase Mobile Law Enforcement Automated License Plate Recognition (ALPR) System

Reference: (a) Chief of Police, LPD Memorandum dated May 05, 2010, same subject

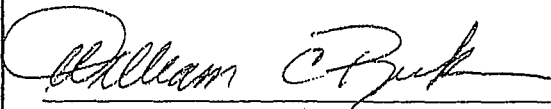
Request a resolution to purchase one ALPR system. The following vendor was awarded the contract via competitive sealed bid on January 14, 2009.

WPCS International Inc (Formerly Quality Communications)
1985 Swarthmore Avenue, Suite 4
Lakewood, NJ 08701-4554

Total price of one system is not to exceed \$20,750.00

Certification of Funds:

I certify that there are sufficient legally appropriated funds for the subject purpose, account number: G-02-50-707-003-211.


William C. Rieker CFO



Memorandum

10002041

APPROVED

RJ 5/10/10

To: Chief Robert C. Lawson

CC: FILE

From: D.C. Frederick Capper *fc#146*

Date: 05/03/2010

Re: A.L.P.R. Purchase

Attached is a quote from WPCS International Incorporated—Lakewood Division to add an automatic license plate recognition system to our existing installation. WPCS was awarded the original contract by competitive bid.

The funding for this project is provided under the Edward Byrne Memorial Justice Assistance Grant 2009-SB-B9-3105.

The corresponding Township account number is G-02-50-707-003-211.

Please note that this grant is being administered by the Office of the Ocean County Prosecutor. Copies of the following items are required for reimbursement of all purchases.

- Purchase Order
- Vendor Invoice
- Township Check—the check can be copied at time of issuance.

WPCS International Inc-Lakewood

1985 Swarthmore Ave
Suite 4
Lakewood, NJ 08701
Phone: 732-730-9000
Fax: 732-730-9005

Billing Address: AcctNo: 97

LAKEWOOD POLICE DEPT.
ATT: PAT GIORDANO
PURCHASING DEPARTMENT
231 THIRD STREET
LAKEWOOD, NJ 08701

Quote No:**Q14504**

Date: 3/22/2010
Prepared for: FRED CAPPER
Terms: Net 30 Days
Department: Data

Service Address:

LAKEWOOD POLICE DEPT.
ATTN: ROB DESIMONE
231 THIRD STREET
LAKEWOOD, NJ 08701

Request: PIPS ALPR

ItemNo	Desc	Qty	Price	Extended
SLATE-810-LE-G	Three Camera Mobile Law Enforcement Package - Includes: 810 nm illumination, SuperRex processor, camera cable/connector(s), GPS module, PAGIS software and dongle, PIPS ALPR/OCR Engine, Client/Server architecture, camera bracket and mount assemblies. MSRP \$16,840.00	1.00	15,500.00	15,500.00
C-TTB-CV	1/2 TRUNK TRAY	1.00	150.00	150.00
3YEAR-WARR	DRIVERS SIDE CROWN VIC 2 Year Ext. Warranty (3 Years Total)	1.00	2,200.00	2,200.00

Sub Total: 20,750.00
Sales Tax: 0.00

Total Quoted Amount: 20,750.00

WPCS International Inc-Lakewood

1985 Swarthmore Ave
Suite 4
Lakewood, NJ 08701
Phone: 732-730-9000
Fax: 732-730-9005

Billing Address: AcctNo: 97

LAKEWOOD POLICE DEPT.
ATT: PAT GIORDANO
PURCHASING DEPARTMENT
231 THIRD STREET
LAKEWOOD, NJ 08701

Quote No:**Q14504**

Date: 3/22/2010
Prepared for: FRED CAPPER
Terms: Net 30 Days
Department: Data

Service Address:

LAKEWOOD POLICE DEPT.
ATTN: ROB DESIMONE
231 THIRD STREET
LAKEWOOD, NJ 08701

DATASERV8**Yearly Ruggedized Computer Service**

1.00

950.00

950.00

Wrap-Around Maintenance for computer and accessories while under MFG's warranty period. Annual cost is 8% of purchase price for Mon-Fri 9am-5pm next business day response for onsite service. NOTE: Prices quoted are only valid for the remaining mfg's warranty period.

Services Included:

- travel time to/from customer's location;
- labor to diagnose problem;
- reloading of hard drive image/modem programming parameters;
- parts and labor to repair equipment installed in vehicle except for antenna and antenna wiring;
- shipping and handling to return equipment to mfg for repair;
- labor to return equipment to customer and testing to ensure proper operation;
- two preventative M/A checks per contract year, one when the contract starts and the second within six months of signing. Included in this check will be repairs to covered equipment that are found that are under the new contract;
- OEM parts or of equal quality;
- routine service procedures as specified by mfg service manuals;
- assurance of proper test equipment being utilized for alignment of equipment;
- assurance that all test equipment will be calibrated to mfg's specifications;
- one service call to diagnose phone line problems;
- overnight replacement of critical components for an off the air condition predicated upon mfg availability of parts.

Services Not Included:

- physical damage, customer installations of equipment or software;
- acts of God such as lightning damage, floods etc.;
- batteries beyond mfg warranty, antennas, or antenna wiring and tower work;
- customer installed software, configuration changes or installation related issues;
- removal and reinstallation of equipment when new vehicles are purchased;
- peripheral wiring, network cabling and LAN infrastructure, router, CSU/DSU or switching equipment;
- coverage for WAN, public or private network access, infrastructure and termination;
- provisions for use of spare equipment supplied by Quality;
- purchases of equipment or software to make other vendor's equipment or software operational;
- installation of patches and service packs for computer operating systems, virus detection and removal.

Sub Total: 20,750.00

Sales Tax: 0.00

Total Quoted Amount: 20,750.00

WPCS International Inc-Lakewood

1985 Swarthmore Ave
 Suite 4
 Lakewood, NJ 08701
 Phone: 732-730-9000
 Fax: 732-730-9005

Billing Address: AcctNo: 97

LAKEWOOD POLICE DEPT.
 ATT: PAT GIORDANO
 PURCHASING DEPARTMENT
 231 THIRD STREET
 LAKEWOOD, NJ 08701

Quote No:

Q14504

Date: 3/22/2010
Prepared for: FRED CAPPER
Terms: Net 30 Days
Department: Data

Service Address:

LAKEWOOD POLICE DEPT.
 ATTN: ROB DESIMONE
 231 THIRD STREET
 LAKEWOOD, NJ 08701

DSGSVC1001	Labor per Hour - Business Hrs - time and materials fee, normal business hours, M-F 9AM-5PM, plus parts. Configuration / Programming of BOSS and PAGIS.	1.00	1,200.00	1,200.00
PP-INSTALL-MD	INSTALLATION OF HARDWARE EQUIPMENT IN VEHICLE:	1.00	750.00	750.00

Sub Total: 20,750.00
Sales Tax: 0.00

Total Quoted Amount: 20,750.00

WPCS International Inc-Lakewood

1985 Swarthmore Ave
Suite 4
Lakewood, NJ 08701
Phone: 732-730-9000
Fax: 732-730-9005

Billing Address: AcctNo: 97

LAKEWOOD POLICE DEPT.
ATT: PAT GIORDANO
PURCHASING DEPARTMENT
231 THIRD STREET
LAKEWOOD, NJ 08701

Quote No:

Q14504

Date: 3/22/2010
Prepared for: FRED CAPPER
Terms: Net 30 Days
Department: Data

Service Address:

LAKEWOOD POLICE DEPT.
ATTN: ROB DESIMONE
231 THIRD STREET
LAKEWOOD, NJ 08701

NOTE

The quote excludes applicable sales tax and freight costs.

0.00

0.00

0.00

NOTE:

1) Only one copy of PIPS-SW-BOSS PRO System Software and one BOSS-SRVR PIPS server is required to support a combination of one or more mobile and/or fixed mobile systems, therefore additional vehicles or fixed cameras will not require Items 2 and 3.

2) This quote excludes applicable sales tax and freight costs, and is subject to the attached PIPS' standard terms, conditions and warranties.

Scope of Work:

This quote includes installation. During that time, our system will be installed in the designated vehicle by our installer. It is assumed that the designated vehicle has a light bar, and that the ALPR cameras will be mounted to the light bar. After installation, you or the appropriate personnel will receive training on both PAGIS and BOSS by our representative.

Our quote includes the cost for our Back Office Server Software (BOSS) that can be installed on a department supplied SQL server. During the installation and training, our engineer will install one copy of this software application that is used for mining of all data collected by each mobile LPR system. The initial cost of installing BOSS for the agency can be utilized for all future PIPS mobile installations within the organization. It can also integrate with other local law enforcement agencies, fixed ALPR sites, or with commercial purchasers of our ALPR systems to provide a comprehensive database of vehicle movement within the surrounding areas where PIPS systems have been deployed.

NOTE 3: This software has a 4GB storage limit (approx. 120,000 license plate reads). It is recommended that the agency use a full Microsoft Sequel License so the only limit to data storage would be the amount of server hard disk space available.

NOTE 4: The above \$3,245 BOSS pricing includes 1 administrative plus 1 user license(\$995) and a block of 5 additional concurrent user licenses(\$2,250) [\$995 + \$2,250 = \$3,245]. Additional concurrent user licenses are priced as follow:

Block of 5	\$2250
Block of 10	\$3500
Block of 25	\$7000

All PIPS equipment hardware and software is covered by a

Sub Total: 20,750.00

Sales Tax: 0.00

Total Quoted Amount: 20,750.00

WPCS International Inc-Lakewood

1985 Swarthmore Ave
Suite 4
Lakewood, NJ 08701
Phone: 732-730-9000
Fax: 732-730-9005

Billing Address: AcctNo: 97

LAKEWOOD POLICE DEPT.
ATT: PAT GIORDANO
PURCHASING DEPARTMENT
231 THIRD STREET
LAKEWOOD, NJ 08701

Quote No:**Q14504**

Date: 3/22/2010
Prepared for: FRED CAPPER
Terms: Net 30 Days
Department: Data

Service Address:

LAKEWOOD POLICE DEPT.
ATTN: ROB DESIMONE
231 THIRD STREET
LAKEWOOD, NJ 08701

one-year parts and labor warranty. Extended warranty agreements are available for the system after the original one-year warranty expires. These agreements supply the end user with upgrades and improvements to our OCR engine for enhanced plate detection capabilities and software upgrades sold by PIPS Technology, Inc. PIPS Technology, Inc. will act as our sub-contractor for this initial deployment.

Sub Total: 20,750.00
Sales Tax: 0.00

Total Quoted Amount: 20,750.00



TOWNSHIP OF LAKEWOOD

231 THIRD STREET
LAKEWOOD, N.J. 08701
TEL (732) 364-2500 • FAX (732) 905-5964

IRS #21-6000784 - TAX EXEMPT UNDER
PROVISIONS OF N.J. SALES & USE TAX
ACT (CHAPTER 30, LAWS OF 1966).

PURCHASE ORDER

THIS NUMBER MUST APPEAR ON ALL INVOICES
PACKING LISTS, CORRESPONDENCE, ETC.

No. 10002272

ORDER DATE: 06/03/10
REQUISITION NO: 10002041
DELIVERY DATE:
STATE CONTRACT NO:
F.O.B. TERMS:

VB

PAYMENT RECORD

VOUCHER & CHECK NO.

9672

DATE PAID

9/3/10

Pg. 1

SHIP TO
VENDOR

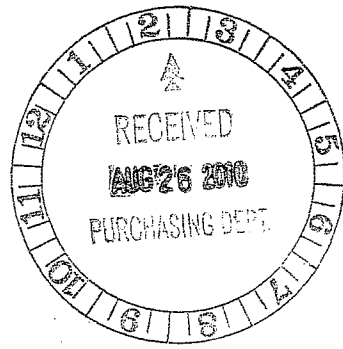
LAKEWOOD POLICE DEPARTMENT
231 THIRD STREET
LAKEWOOD, NEW JERSEY 08701

VENDOR WPC01

WPCS INTERNATIONAL INC.
LAKEWOOD OPERATIONS
1985 SWARTHMORE AVE. - SUITE 4
LAKEWOOD NJ 08701

NOTICE: COMPLETE SHIPMENT OF ALL ITEMS IS DESIRED. ALL PRICES ARE F.O.B. DESTINATION.

QUANTITY/UNIT	DESCRIPTION	ACCOUNT NO.	UNIT PRICE	TOTAL COST
1.00	ALPR SYSTEM PER QOUTE: Q14504 This Contract is being awarded base on Fair and Open Bid awarded to Quality Communications which is now WPCS International, Inc. (Jan 14, 2009).	G-02-50-707-003-211	20,750.0000	20,750.00
			TOTAL	20,750.00



CLAIMANT'S CERTIFICATION & DECLARATION

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

X *Eileen Dougherty*
VENDOR SIGN HERE
8/12/10
DATE
Office Mgr
OFFICIAL POSITION
22-3400116
TAX I.D. NO. OR SOCIAL SECURITY NO.
CORPORATION: ☒ YES ☐ NO

APPROVAL FOR PAYMENT

The items specified in the above account were necessary for the purpose of this department and were authorized by the undersigned, in conformity with the ordinances of the Township of Lakewood for the use and benefit of said Township. Each item has been received and its quality is as ordered. The work specified has been properly done and each price charged is correct. No price is higher than the prevailing market price as far as we can ascertain, or more than the contract price.

SIGNATURE *[Signature]* LIAISON
SIGNATURE *de-Of-Malle* MANAGER
SIGNATURE *[Signature]* DEPARTMENT HEAD
SIGNATURE *[Signature]* FINANCE OFFICER
SIGNATURE *[Signature]* PURCHASING AGENT
- 4655 -

VOUCHER COPY-SIGN AT X AND RETURN TO PURCHASING WITH INVOICE

WPCS International Inc

Lakewood Operations
 1985 Swarthmore Ave
 Suite 4
 Lakewood, NJ 08701
 Phone: 732-730-9000
 Fax: 732-730-9005



AcctNo: 97

Billing Address:

LAKEWOOD POLICE DEPT.
 ATT: PAT GIORDANO
 PURCHASING DEPARTMENT
 231 THIRD STREET
 LAKEWOOD, NJ 08701

Invoice No: 70420

Date: 7/30/2010
 Due Date: 8/29/2010
 Terms: Net 30 Days
 Cust PO: 10002272
 Reference: Order 49636/58128
 FOB: Shipping Point
 HW Order#: 58128

Location Address:

LAKEWOOD POLICE DEPT.
 ATTN: ROB DESIMONE
 231 THIRD STREET
 LAKEWOOD, NJ 08701

Request: PIPS ALPR

Description	Qty	Price	Extended
Three Camera Mobile Law Enforcement Package - Includes: 810 nm illumination, SuperRex processor, camera cable/connector(s), GPS module, PAGIS software and dongle, PIPS ALPR/OCR Engine, Client/Server architecture, camera bracket and mount assemblies. MSRP \$16,840.00	1.00	15,500.00	15,500.00
1/2 TRUNK TRAY DRIVERS SIDE CROWN VIC	1.00	150.00	150.00
Extended Warranty Years 2 & 3	1.00	2,200.00	2,200.00

Remit To:

WPCS International Inc
 Lakewood Operations
 1985 Swarthmore Ave
 Lakewood, NJ 08701
 Phone: 732-730-9000
 Fax: 732-730-9005

Sub Total: 20,750.00
 Sales Tax: 0.00

*** Amount Paid \$20,750.00***

Total Amount Due: \$0.00

WPCS International Inc

Lakewood Operations
1985 Swarthmore Ave
Suite 4
Lakewood, NJ 08701
Phone: 732-730-9000
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AcctNo: 97

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ATT: PAT GIORDANO
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231 THIRD STREET
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Location Address:

LAKEWOOD POLICE DEPT.
ATTN: ROB DESIMONE
231 THIRD STREET
LAKEWOOD, NJ 08701

Yearly Ruggedized Computer Service 8/1/2010 - 7/31/2011	1.00	950.00	950.00
---	------	--------	--------

Wrap-Around Maintenance for computer and accessories while under MFG's warranty period. Annual cost is 8% of purchase price for Mon-Fri 9am-5pm next business day response for onsite service. NOTE: Prices quoted are only valid for the remaining mfg's warranty period.

Services Included:

- travel time to/from customer's location;
- labor to diagnose problem;
- reloading of hard drive image/modem programming parameters;
- parts and labor to repair equipment installed in vehicle except for antenna and antenna wiring;
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- labor to return equipment to customer and testing to ensure proper operation;
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- OEM parts or of equal quality;
- routine service procedures as specified by mfg service manuals;
- assurance of proper test equipment being utilized for alignment of equipment;
- assurance that all test equipment will be calibrated to mfg's specifications;
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- overnight replacement of critical components for an off the air condition predicated upon mfg availability of parts.

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- acts of God such as lightning damage, floods etc.;
- batteries beyond mfg warranty, antennas, or antenna wiring and tower work;
- customer installed software, configuration changes or installation related issues;
- removal and reinstallation of equipment when new vehicles are purchased;
- peripheral wiring, network cabling and LAN infrastructure, router, CSU/DSU or switching equipment;
- coverage for WAN, public or private network access, infrastructure and termination;
- provisions for use of spare equipment supplied by Quality;
- purchases of equipment or software to make other vendor's equipment or software operational;
- installation of patches and service packs for computer operating systems, virus detection and removal.

Labor per Hour - Business Hrs	1.00	1,200.00	1,200.00
- time and materials fee, normal business hours, M-F 9AM-5PM, plus parts.			
Configuration / Programming of BOSS and PAGIS.			

Remit To:

WPCS International Inc
Lakewood Operations
1985 Swarthmore Ave
Lakewood, NJ 08701
Phone: 732-730-9000
Fax: 732-730-9005

Sub Total: 20,750.00
Sales Tax: 0.00

*** Amount Paid \$20,750.00***

Total Amount Due: \$0.00

WPCS International Inc

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 1985 Swarthmore Ave
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Date: 7/30/2010
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 Cust PO: 10002272
 Reference: Order 49636/58128
 FOB: Shipping Point
 HW Order#: 58128

Location Address:

LAKEWOOD POLICE DEPT.
 ATTN: ROB DESIMONE
 231 THIRD STREET
 LAKEWOOD, NJ 08701

INSTALLATION OF HARDWARE EQUIPMENT IN VEHICLE: Equipment installed
 into vehicle # 3391 Ford Cv. Serial # KX021013100057

1.00

750.00

750.00

<u>SerialNo</u>	<u>Type</u>	<u>Location</u>	<u>Desc</u>	<u>Model</u>	<u>Mfg</u>
-----------------	-------------	-----------------	-------------	--------------	------------

Remit To:

WPCS International Inc
 Lakewood Operations
 1985 Swarthmore Ave
 Lakewood, NJ 08701
 Phone: 732-730-9000
 Fax: 732-730-9005

Sub Total: 20,750.00
 Sales Tax: 0.00

*** Amount Paid \$20,750.00***

Total Amount Due: \$0.00

Lakewood Police Department ALPR Policy

I, _____, badge # _____,

Have received the **Lakewood Police Department ALPR Policy.**

I understand all sections of the Policy.

The importance of my compliance the policy has been brought to my attention.

I understand that this "Policy Sign Off" sheet will be placed on file and retained by the Lakewood Police Department.

Signature: _____ Date: _____

Witness: _____

How to Operate PIP LPR System

1. Log onto computer user name password
- 2.
- 3.
4. Log into ~~PIP~~ with your user name and password. Leave the location area Blank unless you are on a special assignment.
5. Sync and update the databases ;
 - a. Hit Administrator
 - b. Database
 - c. Sync
 - d. If sync takes more than 10 minutes exit and restart the software.
6. Syncing the databases will also upload any plate reads that may have been left in the computer.
7. You are now ready to use the system.
8. You can upload your plate reads anytime point.
9. It will take about 1 minute to upload 600 reads.
10. ALL READS MUST BE UPLOADED BY THE END OF YOUR SHIFT
11. You can verify that your reads have been uploaded by going to reads, the number of reads will read zero.

Lakewood Police Department ALPR Policy

APPROVED

R2 2/1/11

PURPOSE The purpose of this directive is to establish a uniform policy and procedure for the use of automated license plate readers (ALPR).

POLICY It is the policy of the Lakewood Police Department to utilize ALPR technology to the extent possible in accordance with New Jersey Attorney General's Directive 2010-5.

PROCEDURES

I. Definitions

- A. Automated License Plate Reader (ALPR) - means a system consisting of a camera(s) and related equipment that:
1. Automatically and without direct human control locates, focuses on; and photographs license plates and vehicles that come into range of the device;
 2. Automatically converts digital photographic images of scanned license plates into electronic text documents;
 3. Is capable of comparing scanned license plate text data with data files for vehicles on a BOLO list programmed into the device's electronic memory; and
 4. Notifies officers, whether by an audible alert or by other means, when a scanned license plate matches the license plate on the programmed BOLO list.
 5. The term includes both devices that are placed at a stationary location (whether permanently mounted or portable devices positioned at a stationary location) and mobile devices affixed to a vehicle and capable of operating while the vehicle is in motion.
- B. Authorized user - means any employee of the Lakewood Police Department, sworn or unsworn, who has been authorized by the Chief of Police to operate an ALPR or to access and use ALPR stored data, and who has successfully completed training in the operation of the ALPR and on this directive and AG Directive 2010-5.
- C. BOLO (Be on the Lookout) or BOLO situation - refers to a determination by a law enforcement agency that there is a legitimate and specific law enforcement reason to identify or locate a particular vehicle, or, in the case of a post-scan BOLO, there is a legitimate and specific reason to ascertain the past location(s) of a particular vehicle.
- D. BOLO list - (also known as a hot list) is a compilation of one or more license plates, or partial license plates, of a vehicle or vehicles for which a BOLO situation exists that is programmed into an ALPR so that the device will alert if it captures the image of a license plate that matches a license plate included on

the BOLO list. The term also includes a compilation of one or more license plates, or partial license plates that is compared against stored license plate data that had previously been scanned and collected by an ALPR, including scanned license plate data that is stored in a separate data storage device or system.

1. Initial BOLO list - refers to the BOLO list that was programmed into an ALPR at the time that the device was being used to scan license plates in the field.
 2. Post-Scan BOLO list - refers to a BOLO list that is compared against stored data collected by an ALPR, including scanned license plate data that has been transmitted to another device or data storage system.
- E. Chief of Police - shall mean the Lakewood Police Department Chief of Police.
- F. Crime scene query - refers to the process of accessing and reviewing stored ALPR data that had been originally scanned at or about the time and in the vicinity of a reported criminal event for the purpose of identifying vehicles or persons that might be associated with that specific criminal event as suspects, witnesses, or victims.
- G. Criminal event - means a specific incident, or series of related specific incidents, that would constitute an indictable crime under the laws of the State of New Jersey, whether or not the incident(s) have occurred or will occur within the State of New Jersey. The term includes an attempt or conspiracy to commit a crime, or actions taken in preparation for the commission of the crime, such as conducting a surveillance of the location to identify and evade or thwart security measures, or conducting a rehearsal of a planned crime. The term includes two or more separate criminal acts or episodes that are linked by common participants or that are reasonably believed to have been undertaken by a criminal organization or as part of an ongoing conspiracy.
- H. Crime trend analysis - refers to the analytical process by which stored ALPR data is used, whether alone or in conjunction with other sources of information, to detect crime patterns by studying and linking common elements of recurring crimes; to predict when and where future crimes may occur; and to link specific vehicles to potential criminal or terrorist activity. The term includes an automated process in which a computer program analyzes stored data to identify potentially suspicious activity or other anomalies involving one or more scanned vehicles and where such automated analysis is done without disclosing personal identifying information about any individual to an authorized user or any other person except as may be authorized pursuant to Section IX, paragraph F. of this directive or Section 10.2.3 of AG Directive 2010-5.
- I. Designated supervisor(s) - means one or more officers assigned by the Chief of Police to oversee and administer or to assist in overseeing and administering the Lakewood Police Department's use of ALPRs and stored ALPR data.

- J. Employee of the Lakewood Police Department- shall include all officers and all clerical/ support staff.
- K. Personal identifying information - means information that identifies one or more specific individuals, including an individual's name, address, social security number, vehicle operator's license number, or biometric records. The term includes personal identifying information that is included within the data comprising a BOLO list, as well as personal identifying information that is included within the data comprising a BOLO list, as well as personal identifying information that is learned by checking a license plate scanned by an ALPR against the Motor Vehicle Commission database or any other data system that contains personal identifying information.
- L. Post-Scan BOLO query - refers to the process of comparing a post-scan BOLO list against stored ALPR data.
- M. Prosecutor- shall mean the Ocean County Prosecutor.
- N. Prosecutor's Office- shall mean the Ocean County Prosecutor's Office
- O. Scan - refers to the process by which an ALPR automatically focuses on, photographs, and converts to digital text the license plate of a vehicle that comes within range of the ALPR.
- P. Stored data - refers to all information captured by an ALPR and stored in the device's memory or in a separate data storage device or system. The term includes the recorded image of a scanned license plate and optical character recognition data, a contextual photo (e.g. a photo of the scanned vehicle and/or occupants), global positioning system (GPS) data (when the ALPR is equipped with a GPS receiver) or other location information, and the date and time of the scan. The term applies to both alert data and non-alert data that has been captured and stored by an ALPR or in a separate data storage device or system.
1. Alert data - means information captured by an ALPR relating to a license plate that matches the license plate on an initial BOLO list or a post-scan BOLO list.
 2. Immediate alert - refers to an alert that occurs when a scanned license plate matches the license plate on an initial BOLO list and that is reported to the officer operating the ALPR, by means of an audible alarm or by any other means, at or about the time that the subject vehicle was encountered by the ALPR and its license plate was scanned by the ALPR.
 3. Non-encounter alert - refers to an immediate alert where the officer operating the ALPR is instructed to notify the agency that put out the BOLO without initiating an investigative detention of the subject vehicle or otherwise revealing to the occupant(s) of that vehicle that its location has been detected or that it is the subject of law enforcement attention (e.g. a Violent Gang or Terrorist Organization File (VGTOF) alert).

- A. ALPR and the data that are collected by these devices stored for future use shall only be used in accordance with Attorney General Directive 2010-5, the manufacturer's use manual, and this directive.
 - 1. ALPRs and ALPR-generated data shall only be used for bona fide public safety purposes.
- B. These procedures apply to any ALPR data that is collected by another law enforcement agency and provided to the Prosecutor's Office or collected by the Prosecutor's Office and provided to another law enforcement agency.
- C. An ALPR and data generated by an ALPR shall only be used for official and legitimate law enforcement business and should be interpreted and applied to achieve the following objectives:
 - 1. To ensure that BOLO lists that are programmed into the internal memory of an ALPR or that are compared against stored ALPR data are comprised only of license plates that are associated with specific vehicles or persons for which or whom there is a legitimate and documented law enforcement reason to identify and locate or for which there is a legitimate and documented law enforcement reason to determine the subject vehicle's past location(s) through the analysis of stored ALPR data;
 - 2. To ensure that data that is captured by an ALPR can only be accessed by appropriate law enforcement personnel and can only be used for legitimate, specified, and documented law enforcement purposes;
 - 3. To permit a thorough analysis of stored ALPR data to detect crime and protect the homeland from terrorist attack (critical infrastructure See Schedule "B" and SARS investigation) while safeguarding the personal privacy rights of motorists by ensuring that the analysis of stored ALPR data is not used as a means to disclose personal identifying information about an individual unless there is a legitimate and documented law enforcement reason for disclosing such personal information to a law enforcement officer or civilian crime analyst; and
 - 4. To ensure that stored ALPR data are purged after a reasonable period of time so as to minimize the potential for misuse or accidental disclosure.
- D. The mission of the Lakewood Police Department is to detect and arrest, offenders who violate the criminal laws of New Jersey. ALPR shall be used in a consistent manner to assist Lakewood Police Department personnel in accomplishing its mission in areas including, but not limited to, homeland security, suspect interdiction, stolen property recovery, detection of crime,

enforcement of State law, identification of stolen vehicles, stolen license plates, wanted and missing persons, AMBER Alert assistance, crime prevention and other matters.

- E. Information obtained through ALPR use shall only be released or disseminated in accordance with NJCJIS User Agreement protocols, applicable State Statutes, and applicable Court Rules. Unauthorized release of any information obtained through an ALPR is subject to criminal, civil, and administrative sanctions.
- F. ALPR is more than an enforcement tool. ALPR should be deployed to capture the license plates of vehicles in the area of a major crime or an area of repeated minor offenses. Captured data can be analyzed and utilized in criminal investigations or in the assignment of staffing based on empirical data.
- G. Designated supervisors shall:
 - 1. Provide or oversee the training of all Lakewood Police Department employees who are authorized to operate an ALPR or to access or use ALPR stored data;
 - 2. Review and approve requests to access and use stored ALPR data to conduct crime trend analyses and/or to access personal identifying information based upon crime trend analyses; and
 - 3. Ensure compliance with this directive and AG Directive 2010-5.
- H. The Chief of Police shall designate all authorized users. No Lakewood Police Department employee will be authorized to operate an ALPR, or access or use ALPR stored data, unless the employee has received training on the proper operation of these devices, and on the provisions of this directive and AG Directive 2010-5.
- I. Any Lakewood Police Department employee who knowingly violates this directive or AG Directive 2010-5 shall be subject to discipline.
- J. Any significant violation of this directive or AG Directive 2010-5, including but not limited to all instances involving the unauthorized access or use of ALPR stored data, must be reported to the County Prosecutor upon discovery of the violation. Investigations into violations of this directive or AG Directive 2010-5 shall be conducted in accordance with the internal affairs process.

III. Deployment of ALPR

- A. An ALPR shall only be used to scan license plates of vehicles that are exposed to public view (e.g., vehicles on a public road or street or that are on private property, but which license plate(s) are visible from a public road, street, or a place to which members

of the public have access, such as the parking lot of a shopping mall or other business establishment).

- B. An ALPR shall not be deployed in the field unless the deployment has been authorized by the Chief of Police. Such authorization may be given for repeated or continuous deployment of an ALPR (e.g., mounting the device on a particular police vehicle, or positioning the ALPR at a specific stationary location), in which event the deployment authorization shall remain in force and effect unless and until rescinded or modified. See Schedule C for authorized deployed devices.
- C. A Lakewood Police Department employee may operate an ALPR or access or use ALPR stored data only if the employee has been designated as an authorized user by the Chief of Police and has received training on the proper use and operation of ALPRs, the requirements of Attorney General Law Enforcement Directive 2010-5, and this directive.
- D. Personnel must ensure that the lenses are free from obstructions before operations. If safe to do so, personnel may remove obstructions such as snow, mud, paper, etc. Under no circumstances are the camera lenses to be wiped with anything other than a clean, soft cloth.
- E. Any damage to the ALPR systems or any problems with the operation of an ALPR system should be immediately reported to a supervisor verbally and then documented by memorandum to the Designated Supervisor.

IV. Maintenance of Records

- A. The Designated Supervisor shall maintain a written or electronic record that documents the following information:
 - 1. Date and time when the ALPR was deployed;
 - 2. Whether the ALPR was mobile, or was stationed at a fixed specified location;
 - 3. The identity of the operator(s);
 - 4. Whether ALPR data was transferred to any other database or data storage device or system.
- B. The Designated Supervisor shall maintain a record of all access to stored ALPR data. The Prosecutor's Office's ALPR data record keeping system, which may be automated, shall document the following information:
 - 1. The date and time of access, and in the case of access to stored non-alert data, the type of access authorized (e.g.,

post-scan BOLO query, crime scene query, or crime trend analysis);

2. The authorized user who accessed the stored data;
 3. Whether an automated software program was used to analyze stored data;
 4. The designated supervisor who reviewed and approved any disclosure of personal identifying information based upon crime trend analysis when such approval is required;
 5. The designated supervisor who approved any use of an automated crime trend analysis computer program that would automatically alert and disclose personal identifying information;
 6. Any other information required to be documented.
- C. All written or electronic records of ALPR activity and access to ALPR data shall be maintained by the Lakewood Police Department for a period of five years and shall be kept in a manner that makes such records readily accessible to any person authorized to audit the Lakewood Police Department use of ALPRs and ALPR-generated data. If an automated system is used to record any information that is required to be documented pursuant to this directive, it shall not be necessary to maintain duplicate records of any events or transactions that are documented by the automated record-keeping system.
- D. All stored data and required documentation and decisions shall be kept in a place and in a manner as to facilitate a review and audit of the Lakewood Police Department's ALPR program internally or by the Attorney General or designee(s).

V. Content and Approval of BOLO Lists

- A. A license plate number or partial license plate number shall not be included in an ALPR Initial BOLO list unless there is a legitimate and specific law enforcement reason to identify or locate that particular vehicle or any person or persons who are reasonably believed to be associated with that vehicle.
- B. A license plate or partial license plate number shall not be included in a Post-Scan BOLO list unless there is a legitimate and specific law enforcement reason to ascertain the past locations(s) of that particular vehicle or of any person or persons who are reasonably believed to be associated with that vehicle.
- C. Examples of legitimate and specific reasons include, but are not limited to:
1. Persons who are subject to an outstanding arrest warrant;

2. Missing persons;
 3. Amber or Silver Alerts;
 4. Stolen vehicles;
 5. Vehicles that are reasonably believed to be involved in the commission of a crime or disorderly persons offense;
 6. Vehicles that are registered to or are reasonably believed to be operated by persons who do not have a valid operator's license or who are on the revoked or suspended list;
 7. Vehicles with expired registrations or other Title 39 violations;
 8. Persons who are subject to a restraining order or curfew issued by a court or by the Parole Board, or who are subject to any other duly issued order restricting their movements;
 9. Persons wanted by a law enforcement agency who are of interest in a specific investigation, whether or not such persons are themselves suspected of criminal activity; and
- D. BOLO list information may be downloaded in batch form from other databases
- E. An initial BOLO list may be revised at any time. In the event that an initial BOLO list is constructed, in whole or in part, with sets of data downloaded from another database, so as to account for any changes that may have been made in the data maintained in those other databases, updates to the initial BOLO list shall, in the case of a mobile unit attached to a police vehicle, be made at the start of each shift, and in the case of an ALPR positioned at a stationary location, be made as frequently as is practicable, and on not less than a daily basis. Information concerning any license plate that is referenced in an Amber or Silver Alert activated by the New Jersey State Police shall be added to the initial BOLO list as expeditiously as possible, and shall remain in the initial BOLO list until the Amber or Silver Alert expires or is withdrawn.
- F. When practicable, the reason for placing a vehicle on BOLO list shall be included with the BOLO and shall be disclosed to the officer who will react to an immediate alert. If for any reason an officer reacting to an immediate alert should not initiate an investigative detention (e.g., where the license plate was included in the BOLO list because the department or any other agency

wanted to be notified of the location of the subject vehicle without alerting the driver/occupants that they are the subject of law enforcement attention, such as in the case of ~~the subject vehicle~~, to the extent feasible, the information attached to the license plate on the BOLO list shall be entered in such a way as to cause the ALPR to clearly designate an immediate alert as a non-encounter alert, and shall provide specific instructions to the officer as to who to notify of the alert.

VI. Actions in Response to an Immediate Alert

- A. When officers operating a vehicle equipped with ALPR receive an immediate alert, the officer shall take such action in response to the alert as is appropriate in the circumstances. Officer(s) alerted to the fact that an observed motor vehicle's license plate is on the BOLO list may be required to make a reasonable effort to confirm that a wanted person is actually in the vehicle before the officer would have a lawful basis to stop the vehicle. (*State v. Parks*, 288 N.J. Super. 407 App. Div. 1996). Police do not have reasonable suspicion to justify a stop based on a computer check that shows that the operator's license of the registered owner of the vehicle is suspended unless the driver generally matches the owner's physical description (e.g., age and gender).
- B. An officer reacting to an immediate alert shall consult the database to determine the reason why the vehicle had been placed on the BOLO list and whether the alert has been designated as a non-encounter alert. In the event of a non-encounter alert, the officer shall follow any instructions included in the alert for notifying the law enforcement or homeland security agency that had put out the BOLO.

VII. Security of Stored ALPR Data

- A. All ALPR stored data shall be kept ~~in a secure database~~ with access restricted to authorized persons. Access to this stored data shall be limited to the purposes described in Section IX.
- B. Stored ALPR data shall be ~~maintained electronically~~ in such a manner as to distinguish alert data from non-alert data so as to ensure that access to and use of non-alert data and any disclosure of personal identifying information resulting from the analysis of non-alert data occurs only as authorized pursuant to Section IX. Positive alert data may, as appropriate, be transferred to the appropriate active investigation file and if appropriate be placed into evidence in accordance with the Prosecutor's Office's evidence or records management procedures.

VIII. Retention Period and Purging of Stored Data

- A. ALPR stored data shall be retained for a period of five years, after which, the data shall be purged from the Lakewood Police Department data storage device or system.

- B. ALPR data may be purged before the expiration of the five-year retention period only if the data has been transferred to the State Police Regional Operations Intelligence Center (R.O.I.C.) or any other system that aggregates and stores data collected by two or more law enforcement agencies in accordance with the provisions of AG Directive 2010-5 § 11 and this directive.
- C. Any ALPR data transferred to another agency shall indicate the date on which the data had been collected by the ALPR so that the receiving agency may comply with the five-year retention and purging schedule established in § 9 of AG Directive 2010-5.

IX. Limitations on Access to and Use of Stored ALPR Data

- A. Authorized users may access and use stored ALPR Alert Data as part of an active investigation or for any other legitimate law enforcement purpose including, but not limited to a post-scan BOLO query, a crime scene query, or crime trend analysis.
 - 1. A record shall be made of all access to ALPR data, which may be an automated record that documents the date of access and the identity of the authorized user.
 - 2. An authorized user does not need to obtain approval from the chief or designated supervisor for each occasion on which he or she accesses and uses stored ALPR data. Once positive alert data has been accessed and transferred to an investigation file, it shall not be necessary thereafter to document further access or use of that data pursuant to this directive.
- B. Access to and use of stored Non-Alert ALPR Data is limited to the following three purposes:
 - 1. A post-scan BOLO query;
 - 2. A crime-scene query; and
 - 3. Crime trend analysis.
- C. An authorized user does not need to obtain approval from the chief or a designated supervisor for each occasion on which he or she accesses and uses stored non-alert data pursuant to this directive.
- D. Post-Scan BOLO Query
 - 1. Authorized users are authorized to compare a post-scan BOLO list against stored ALPR data where the results of the query might reasonably lead to the discovery of evidence or information relevant to any active investigation or ongoing law enforcement operation, or where the subject vehicle might be placed on an active initial BOLO list.

2. Example: an authorized user may review stored non-alert data to determine whether a specific vehicle was present at the time and place where the ALPR data was initially scanned for the purpose of confirming or dispelling an alibi defense, or to develop lead information for the purpose of locating a specified vehicle or person. Authorized users may also check stored data to determine whether a vehicle that was only recently added to an initial BOLO list had been previously observed in the jurisdiction before it had been placed on an initial BOLO list.

E. Crime Scene Query

1. Authorized users are permitted to access and use stored non-alert data where such access might reasonably lead to the discovery of evidence or information relevant to the investigation of a specific criminal event.
 - a. If an investigator has reason to believe that a specific person or vehicle was at or near the location of the specific crime at the time of its commission, non-alert stored data might also be examined as part of post-scan BOLO query.
2. A crime scene query may not be conducted to review stored non-alert data based on general crime patterns (e.g. to identify persons traveling in or around a high crime area), but rather is limited to situations involving specific criminal events.
3. The crime scene query of non-alert stored data shall be limited in scope to stored non-alert data that is reasonably related to the specified criminal event, considering the date, time, location, and nature of the specified criminal event. Examples:
 - a. A crime that reasonably involves extensive planning and possible rehearsals, such as a terrorist attack, would justify examining stored non-alert data that had been scanned and collected days or even weeks or months before the criminal event, and that may have been scanned at a substantial distance from the site of the crime or intended crime (e.g., at any point along a highway leading to the intended crime site).
 - b. A spontaneous crime, in contrast, might reasonably justify examination of stored non-alert data that was scanned and collected on or about the time of and in closer physical proximity to the criminal event.
4. The authorized user shall document the specific crime or related crimes constituting the criminal event and the date(s) and location(s) of the specific crime(s).

F. Crime Trend Analysis

1. An authorized user may access and use stored non-alert data for purposes of conducting crime trend analyses when such access and analyses are approved by a designated supervisor and where such analyses are undertaken to produce analytical products that are intended to assist the Prosecutor's Office in the performance of its duties.
 - a. A designated supervisor may authorize one or more authorized users to conduct a method or methods of crime trend analysis on a repeated or continuous basis, in which event such authorization shall remain in force and effect unless and until modified or rescinded by the supervisor.
 - b. A designated supervisor may also approve the use of an automated software program to analyze stored data to look for potentially suspicious activity or other anomalies that might be consistent with criminal or terrorist activity.
2. Crime trend analyses of stored non-alert data, whether automated or done manually, shall not result in the disclosure of personal identifying information to an authorized user or any other person unless:
 - a. The Lakewood Police Department can point to specific and articulable facts that warrant further investigation of possible criminal or terrorist activity by the driver or occupants of a specific vehicle (*e.g.* unusual behavior consistent with the *modus operandi* of terrorists or other criminals), and access to the personal identifying information based on those specific and articulable facts has been approved by a designated supervisor. Such approval may be given by a designated supervisor in advance when the crime trend analysis reveals the existence of specified suspicious circumstances that would warrant further investigation and that would justify disclosure of personal identifying information to the authorized user conducting the analysis under the specific and articulable facts that warrant further investigation standard of proof. The supervisor shall document any and all specified suspicious circumstances for which disclosure of personal identifying information is pre-approved if those suspicious circumstances are revealed by authorized crime trend analysis. When an automated crime trend analysis computer program is used, specified suspicious circumstances that would warrant further investigation and that would justify disclosure of personal identifying information to an authorized user may also be pre-approved by

a designated supervisor and sent into the computer program so that if the program identifies the existence of the pre-determined suspicious circumstances, it will automatically alert the authorized user of the suspicious activity and provide to him/her the relevant personal identifying information in accordance with the specific and articulable facts that warrant further investigation standard of proof; or

- b. Disclosure of personal identifying information concerning any vehicle plate scanned by the ALPR is authorized by a grand jury subpoena.
3. Nothing in this section shall be construed to prohibit a computer program from accessing and comparing personal identifying information of one or more individuals who are associated with a scanned vehicle as part of the process of analyzing stored non-alert data, provided that such personal identifying information is not disclosed to a person unless the specific and articulable facts that warrant further investigation standard is satisfied. The specific and articulable facts that warrant further investigation standard applies only to the crime trend analysis of non-alert data and nothing in this Section shall be construed to limit disclosure of personal identifying information of a person who is the registered owner of a vehicle that is on an initial or post-scan BOLO list.
4. For the purposes of this Section, the specific and articulable facts that warrant further investigation standard required for the disclosure of personal identifying based upon crime trend analysis of stored non-alert data is intended to be comparable to the specific and articulable facts that warrant heightened caution standard developed by the New Jersey Supreme Court in *State v. Smith*, 134 N.J. 599, 616-19 (1994) (establishing the level of individualized suspicion required before an officer may order a passenger to exit a motor vehicle stopped for a traffic violation).
5. The authorized user accessing stored non-alert ALPR data for purposes of conducting crime trend analysis shall document:
 - a. The nature and purpose of the crime trend analysis;
 - b. The persons who accessed stored non-alert ALPR data for use in conducting that analysis; and
 - c. The designated supervisor who approved access to ALPR non-alert data.
6. In any instance where personal identifying information is disclosed based upon crime trend analysis of stored non-

alert data, the authorized user shall document the specific and articulable facts that warrant further investigation and the designated supervisor who reviewed those facts and approved the disclosure of personal identifying information, or who pre-approved disclosure of personal identifying information based upon specified circumstances identified by an automated crime trend analysis computer program, or, where applicable, the fact that access to personal identifying information was authorized by a grand jury subpoena.

X. Shared Law Enforcement Access to Stored ALPR Data

- A. ALPR data obtained in conformance with this directive can be accessed and used by the Lakewood Police Department and may be shared with and provided to any other law enforcement agencies.
- B. Stored ALPR data may be combined with ALPR data collected by two or more law enforcement agencies (e.g., collection of stored data by the State Police Regional Operations Intelligence Center); provided that such aggregated data shall only be retained, accessed, and used in accordance with the provisions of AG Directive 2010-5 and this directive.
- C. When ALPR data is made accessible to or otherwise shared with or transferred to another law enforcement agency, the Designated Supervisor shall document the identity of the other agency and the specific officer(s) or civilian employee(s) of that agency who were provided the information.
- D. When the transfer of stored ALPR data is performed periodically as part of a system for aggregating data collected by two or more law enforcement agencies (e.g., the scheduled and routine transmittal of data to the State Police Regional Operations Intelligence Center), each agency contributing data to the combined database shall maintain a record of the data transfer, which may be an automated record, and shall have and keep on file a memorandum of understanding or agreement or other memorialization of the arrangement for maintaining and populating a database comprised of stored ALPR data collected by multiple law enforcement agencies. Any agency provided with access to or use of the ALPR data collected by this Prosecutor's Office shall comply with all applicable provisions of AG Directive 2010-5 concerning stored ALPR data and disclosure of personal identifying information.

XI. Release of ALPR Data to Non-Law Enforcement Persons or Agencies

- A. Stored ALPR data shall be considered criminal investigatory records as defined in N.J.S.A. 47:1A-1 *et seq.*, and shall not be shared with or provided to any person, entity, or government agency, other than a law enforcement agency, unless such disclosure is authorized by a subpoena or court order, or unless

such disclosure is required by the Rules of Court governing discovery in criminal matters. Any agency receiving a subpoena or court order for the disclosure of ALPR data shall, before complying with the subpoena or court order, provide notice to the Lakewood Police Department.

XII. Program Accountability

- A. All ALPR records documenting the use of an ALPR or access to or use of ALPR stored data, whether kept manually or by means of an automated record-keeping system, shall be subject to review and audit by the County Prosecutor, or by the Attorney General or designee.
- B. Any complaints about the ALPR program made by any citizen or entity shall be forwarded to the Prosecutor for review. Investigations into violations of this directive shall be conducted in accordance with the internal affairs process.

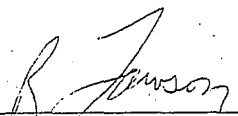
XIII. Application for Exemptions or Special Use Authorizations

Section 17 of AG Directive 2010-5 permits the Attorney General to grant exemptions and special use authorizations in situations not addressed by the guidelines. No application for exemption or special use authorization will be submitted to the Attorney General without authorization by the Prosecutor.

- XV. Pursuant to section III, paragraph B. of this directive, the following personnel may authorize deployment of an ALPR in the field:

XVI. _____ is appointed the "Designated Supervisor" to oversee and administer the Lakewood Police Department use of ALPRs and stored ALPR data in accordance with this directive.

XVII. Upon completion of the required training, the personnel listed on Schedule "A" attached hereto are designated as Authorized Users of ALPR. Additional personnel may be designated in the future.



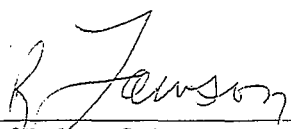
Chief Robert C. Lawson

Date 2/1/11

SCHEDULE "A"

Authorized Users:

7


Chief Robert C. Lawson

Date 2/1/11

SCHEDULE "B"

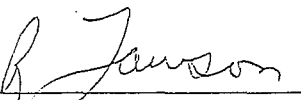
Critical Infrastructure:

R. Jensen

Date 2/1/11

SCHEDULE "C"

Approved AI PR Deployed Systems:



Chief Robert C. Lawson

Date 2/1/11