



Lincoln Police Department
James Peschong, Chief of Police
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Lincoln, Nebraska 68508

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MAYOR CHRIS BEUTLER

lincoln.ne.gov

September 7, 2012

Ms. Amy Miller
ACLU Nebraska Foundation
941 "O" Street, Suite 706
Lincoln, Ne 68508

Re: Public Records Request: Automatic License Plate Readers

Dear Ms. Miller,

This letter is in regards to your letter dated August 24, 2012 for public records maintained by the City of Lincoln's Police Department. Thank you again for amending your original request and allowing the City of Lincoln more time to respond. The following is the City's response to each of the items:

Generally, staff of the Lincoln Police Department reviewed physical files for any information concerning ALPR technology. This search did not include any electronically kept information, emails, or a review of voluminous files such as case files, citations, personnel files.

1. *A copy of any written policies, practices and procedures regarding LPD's procuring and use of ALPR technology, and any written policies, practices, and procedures regarding LPD's storing, accessing and sharing data obtained through ALPR technology.*

The Lincoln Police Department follows the City of Lincoln procurement practices. Please see the following links for the most up to date information concerning written policies, practices and procedures for City purchases:

- a. Article VII of the City's Charter: <http://lincoln.ne.gov/city/attorn/lmc/charter.pdf>
- b. Chapter 2.18 of the Lincoln Municipal Code:
<http://lincoln.ne.gov/city/attorn/lmc/ti02/ch218.pdf>
- c. Purchasing Division's website: <http://lincoln.ne.gov/city/finance/purch/index.htm>

If you would like prior versions of any of the above documents, please let me know.

The Lincoln Police Department does not possess any written policies, practices, and procedures concerning LPD's storing, accessing and sharing data obtained through ALPR



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technology. To clarify, LPD does not share ALPR data with other agencies. This would not include any inquiry made by a prosecutor or defense attorney in an active criminal case, or ordered by a court.

2. A copy of any documents regarding the procurement of ALPR technology, including invoices for the purchase of ALPR technology.

Generally, in August 2009, the Lincoln Police Department purchased equipment to supply two vehicles with ALPR technology, and software rights for one user. The purchase price was \$46,395. The Lincoln Police Department possesses copies of documents concerning the procurement of ALPR technology. There are approximately 70 pages that include the bid specs (09-094) and bidders' response. Some of the pages appear to be duplicates. Please be aware that these documents are only copies and may not be a complete file of the procurement of ALPR. The official files would be with the Purchasing Division and the City Clerk. You may be able to access some of the bid documents on the Purchasing Division's website. If you would like to review or pay for copies of the documents possessed by the Lincoln Police Department, please let me know.

3. A copy of any documents, reports, spreadsheets, summaries or memorandums showing the deployment of ALPR technology by LPD.

The Lincoln Police Department possesses three sets of documents regarding the use of ALPR technology for registration, parking, and stolen vehicle investigations and enforcement. Please be aware that copies are being withheld pursuant to *Neb. Rev. Stat. §84-712.05(5) and (8)*, records developed by law enforcement agency which are part of investigation or strategic information, intelligence information, used for training; and/or intended to prevent or mitigate criminal acts. Please be advised that you may exercise your right to an administrative or judicial review of the decision pursuant to *Neb. Rev. Stat. §84-712.03*.

4. All policies, memorandum or records regarding the storage of data obtained using ALPR technology.

The Lincoln Police Department follows the Nebraska Records Management Act, specifically Schedules 111 and 24. Copies of the schedules are not provided as they are available on the Nebraska Secretary of State's website.

5. All policies and memorandum regarding access of ALPR data by third parties, including any procedures or applications in order to obtain access.

The Lincoln Police Department does not possess any such records. The Lincoln Police Department does not allow access by third parties. This would not include any inquiry made by a prosecutor or defense attorney in an active criminal case, or ordered by a court.

6. All policies and memorandum regarding the sharing of data obtained through ALPR technology, including any MOU or agreements to share ALPR data with outside agencies,

corporations or other entities. This would not include any inquiry by a prosecutor or court for purposes of prosecution.

The Lincoln Police Department does not possess any such records. The Lincoln Police Department does not share data obtained through ALPR technology. This would not include any inquiry made by a prosecutor or defense attorney in an active criminal case, or ordered by a court.

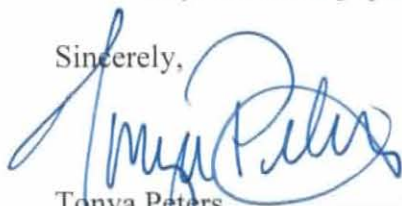
7. All training materials used to instruct members of your agency in ALPR deployment, data management, or operation of automated records systems that contain ALPR data to which any member of your agency has access, including regional or shared ALPR databases.

The Lincoln Police Department does possess documents concerning instruction on ALPR deployment and management of ALPR data. Some of the training material was developed by LPD staff using training material provided by the ALPR provider. Please be aware that copies are being withheld pursuant to *Neb. Rev. Stat. §84-712.05(5) and (8)*, records developed by law enforcement agency which are part of investigation or strategic information, intelligence information, used for training; and/or intended to prevent or mitigate criminal acts; and pursuant to *Neb. Rev. Stat. §84-712.05(3)* for any documents containing trade secrets, or other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose. Please be advised that you may exercise your right to an administrative or judicial review of the decision pursuant to *Neb. Rev. Stat. §84-712.03*.

The Lincoln Police Department does not possess any records concerning regional or shared ALPR databases, nor does it use regional or shared ALPR databases.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tonya Peters', is written over the word 'Sincerely,'.

Tonya Peters
Police Legal Advisor

Enclosure

Neb. Rev. Stat. §84-712.05

Neb. Rev. Stat. §84-712.03

cc: (Letter Only)

Chief Peschong, Lincoln Police Department

Joan Ross, City Clerk's Office