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TO: ALL BERGEN COUNTY CHIEFS OF POLICE, POLICE DIRECTORS, OFFICERS-IN-CHARGE, AND SHERIFF

FROM: PROSECUTOR MARK MUSELLA

RE: BERGEN COUNTY PROSECUTOR'S OFFICE LAW ENFORCEMENT DIRECTIVE NO. 2023-4 GUIDANCE FOR USING AXON FLEET 3 ALPR TECHNOLOGY (IN LIGHT OF PREVIOUS BCPO DIRECTIVE NO. 2023-1, AG 2022-12)

DATE: NOVEMBER 27, 2023

As a result of technology changes within the Axon Fleet 3 ALPR platform, I hereby provide important guidance for those agencies that will elect to use the Axon platform for ALPR integration either now or in the future. This guidance is imperative so that Bergen County law enforcement agencies can operate Axon ALPR technology within the scope of the existing **Attorney General Law Enforcement Directive No. 2022-12 Regulating Use of Automated License Plate Recognition (ALPR) Technology** and the companion implementation of **Bergen County Prosecutor's Office Law Enforcement Directive No. 2023-1 on the Purchase, Implementation, and Use of Automated License Plate Readers**.

GUIDANCE

For the purpose of providing guidance, I will identify Axon's platform as having two parts, namely: the in-vehicle ALPR components (hereafter, "the Vehicle") and the cloud-based interface (hereafter, "the Interface") typically accessed from a computer or workstation at police headquarters.

The Vehicle would remain as is, with no need for a change to the way they are installed per manufacturer instructions or used by officers in the field. However, *the Interface* accessed via



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computer (i.e., an agency's Evidence.com portal) must be limited. In keeping with existing directives, *the Interface* shall only be used to configure database options and system settings, which are chores normally associated with your Axon account administrators. Importantly, and regardless of roles and permissions set within your Axon platform, no user shall access *the Interface* to perform proactive or investigative search activity of ALPRs whatsoever. Searches of that nature must be conducted as they always have been, and in accordance with the existing directives on the matter.

Therefore, examples of bona fide usage within Axon ALPR technology for *the Interface*, and acceptable things agencies can, may and will do with Axon's platform include, but are not limited to:

- Adding ALPR information to the Evidence.com backend for processing.
- Creating/allowing user accounts to utilize the Fleet 3 components in *the Vehicle*.
- Enabling the add/receive function for alerts and B.O.L.O. notices.

Conversely, examples of prohibited usage within Axon ALPR technology apply to *the Interface*, given the existing directives on this issue and include, but are not limited to:

- Adding user accounts with roles and permission that allow ALPR search capability from *the Interface* (i.e., Evidence.com).
- Permitting any personnel to perform proactive ALPR searches from *the Interface*.

In sum, any and all ALPR searches must be conducted through NJ SNAP, Flock Safety (if connected), or Bergen County DEX systems. For your reference, I have attached herewith the original BCPO ALPR Directive No. 2023-1 dated February 8, 2023.

Thank you in advance for your cooperation with this new development in ALPR technology. Should your agency have any questions or installation issues, please contact the County ALPR Coordinators: Sergeant Christopher Whiting or Detective Jon Morgan at alpr@bcpo.net.

Very truly yours,



MARK MUSELLA
BERGEN COUNTY PROSECUTOR