

SAMPLE ALPR PRESERVATION REQUEST LETTER

Notes for counsel (remove this page before sending)

This is a sample letter for North Carolina criminal defense counsel to adapt when automated license plate reader (ALPR) data may be relevant to a client's case. It is provided as general information and is not legal advice. Counsel should verify every citation, confirm the current retention period and vendor for the agency involved, and exercise independent judgment about whether and how to use it.

Why timing matters

Flock Safety, the most common ALPR vendor in North Carolina, announced in August 2026 a recommended default retention period of seven days, and its published License Plate Reader Policy describes data as hard deleted on a rolling seven-day basis unless the customer's law or policy provides otherwise. Individual agencies may retain data for longer or shorter periods. Whatever the period, ALPR images from the relevant window may be purged before counsel is retained. Sending a specific, dated, written request while the data still exists is the single most useful step available to the defense.

Who can preserve the data

Under G.S. 20-183.32(c), the statutory mechanism for preserving captured plate data beyond the normal retention period is available only on the request of a law enforcement agency, a term that includes prosecutors but not the defense. Under G.S. 20-183.32(e), the data is confidential and not a public record. For that reason this letter is addressed to both the District Attorney and the agency, and asks them to take the preservation steps that the defense cannot take directly. A public records request will not reach this material.

Practical suggestions

- Send the letter the day counsel is retained or appointed. Do not wait for formal discovery to open.
- Send it to the District Attorney's office and to the records custodian of every agency that may have queried the system, not only the arresting agency. Flock's network model means neighboring jurisdictions and, in some cases, federal agencies may have searched the same cameras.
- Set the time window wider than the alleged offense. Reads from hours before and after may be the ones that help.
- If the plate is unknown, describe the vehicle and any partial plate, and identify the geographic area and camera locations as best you can.
- Serve by email and by a method that produces proof of delivery. Keep a dated copy. If material is later destroyed, the existence and date of this request is what supports a due process or discovery-sanction argument. See *State v. Taylor*, 362 N.C. 514 (2008); *State v. Williams*, 362 N.C. 628 (2008); G.S. 15A-910.

- Consider copying Flock Safety's legal department. Flock takes the position that the agency, not Flock, owns the data, so the agency is the necessary recipient, but notice to the vendor costs little.
- Follow with a formal discovery request under G.S. 15A-902 and, if necessary, a motion to preserve or compel. This letter is a first step, not a substitute.
- If the agency uses a vendor other than Flock (for example Motorola/Vigilant or Axon), replace the vendor references. The categories of material remain substantially the same.

[LAW FIRM LETTERHEAD]

[Date]

VIA EMAIL AND [CERTIFIED MAIL / HAND DELIVERY]

[Name], District Attorney

Office of the District Attorney, Prosecutorial District [__]

[Street Address]

[City], North Carolina [ZIP]

[Email]

[Name], [Chief of Police / Sheriff]

[Agency Name]

Attention: Records Custodian and ALPR Program Administrator

[Street Address]

[City], North Carolina [ZIP]

[Email]

Re: State v. [Client Name], [County] County File No(s). [_____] Request for Preservation of Automated License Plate Reader Records and Related Materials

Dear [District Attorney Name] and [Chief / Sheriff Name]:

This office represents [Client Name] in the above-referenced matter. I write to request that your offices identify and preserve all automated license plate reader (ALPR) records and related materials described below, and that none of this material be deleted, overwritten, or permitted to expire under any retention schedule while this matter is pending.

1. Why this request is time-sensitive

On information and belief, [Agency Name] operates or has access to an ALPR system supplied by [Flock Safety / other vendor]. Flock Safety's published License Plate Reader Policy describes ALPR data as subject to automatic deletion on a rolling basis, with a default period as short as seven days. Whatever retention period [Agency Name] has adopted, some or all of the material described below may be subject to automatic deletion in the very near term. I therefore ask that you act on this request immediately and treat it as continuing.

2. Scope of this request

This request concerns the following vehicle(s), plate(s), locations, and time period:

- **License plate(s):** [Plate number(s)] (State of issue: [__]). [If unknown, insert any partial plate and so state.]

- **Vehicle description:** [Year, make, model, color, and any distinguishing features such as damage, stickers, or roof rack.]
- **Time period:** [Start date and time] through [End date and time]. This window is intentionally broader than the period of the alleged offense.
- **Locations:** [Known camera locations, intersections, or a described geographic area], together with every other camera in [Agency Name]'s network and every camera in any other agency's network to which [Agency Name] has or had shared access during the time period.

3. Materials to be preserved

For the plate(s), vehicle(s), locations, and time period identified above, please preserve the following, in native electronic form with all associated metadata:

1. All ALPR records, including each license plate image, vehicle image, vehicle characteristic data (make, model, color, and any recorded features), plate number as read, plate state, date, time, camera identifier, camera location, and any confidence score, read-quality indicator, or similar metric associated with each record.
2. All records of alerts, hits, or hotlist matches, including the hotlist or database against which the plate was compared, the source and date of the entry that generated the alert, the content of any notification sent, and the identity of each recipient.
3. All audit, access, and query records showing each search of any ALPR system that involved the plate(s), any partial plate, the vehicle description, or the locations and time period above, including the username, agency, date, time, stated purpose or case number, and the search parameters used, for every user of [Agency Name] and every user of any agency with shared access to [Agency Name]'s cameras.
4. All records reflecting any preservation, archiving, export, download, screenshot, report generation, or designation for retention (including any "Evidence Mode" or similar function) of the material described above, including who took the action and when.
5. Records identifying every camera in [Agency Name]'s network during the time period, including camera identifiers, physical locations, direction of view, and operational status, and records of any camera that was offline, relocated, or removed during the period.
6. Records of data-sharing arrangements in effect during the time period, including which agencies had access to [Agency Name]'s cameras and which other agencies' cameras [Agency Name] searched in connection with this matter.
7. [Agency Name]'s written ALPR policy adopted pursuant to G.S. 20-183.31(a), including the data retention period in effect during the time period, and any publicly posted transparency disclosures concerning the system.

8. Maintenance and calibration schedules and records for each relevant camera, as required to be kept on file under G.S. 20-183.31(c).
9. All communications between [Agency Name] and the ALPR vendor concerning this matter, the plate(s) or vehicle(s) identified above, or the retention, preservation, or deletion of any material described in this letter.
10. Any record reflecting that material described above has already been deleted, expired, or become unavailable, including the date on which that occurred and the retention rule that caused it.

4. Actions requested

- (a) Preserve all material described in Section 3 and suspend the operation of any automatic deletion or retention schedule that would otherwise apply to it.
- (b) To the extent captured plate data cannot be retained beyond the applicable retention period without a preservation request under G.S. 20-183.32(c) or a search warrant under G.S. 20-183.32(b), submit such a request or obtain such a warrant. The defense has no independent statutory means of preserving this data, and the material may be favorable to the defense.
- (c) Within [seven] days of the date of this letter, confirm in writing (a) the retention period in effect for the system during the time period; (b) whether any material described above has already been deleted and, if so, when; and (c) the steps taken to preserve the remainder.
- (d) Provide written notice to this office before any material described above is deleted or permitted to expire for any reason.

5. Basis for this request

The material described above forms part of the complete files of the law enforcement and investigatory agencies involved in this matter, which the State is obligated to make available under G.S. 15A-903(a)(1). To the extent any of it is favorable to the defense, the State's obligation to preserve and disclose it arises under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny as applied in North Carolina, including *State v. Taylor*, 362 N.C. 514 (2008), and *State v. Williams*, 362 N.C. 628 (2008). Destruction of material after receipt of this request may be raised with the court under G.S. 15A-910 and G.S. 15A-954.

This letter is not a waiver of any other discovery right or request and does not limit the scope of any formal discovery request or motion that may follow. Please direct any questions about the scope of this request to me at the contact information below.

Thank you for your prompt attention to this matter.

Sincerely,

[Attorney Name]

[Bar Number]

Counsel for [Client Name]

[Firm]

[Phone]

[Email]

cc: [Other agencies with shared camera access, with records custodian contact]
[Flock Safety, Inc., Attn: Legal Department (optional)]
Client file