

2011 AAMVA Workshop and Law Institute

License Plate Readers; Privacy Policy and Practice

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License Plate Readers

❖ 3 Types

- Mobile – Cameras are mounted to the vehicle
 - Can be hardwired or magnet mounted
- Fixed – Cameras are permanently fixed to a structure
 - E.g.: Light pole, overhead sign, bridge
- Portable – Cameras can be moved as needed
 - E.g.: Traffic barrel



Capabilities

- ❖ Force Multiplier
 - Large amount of vehicles/plates checked automatically
 - Mobile: Can read upwards of 5000-6000 plates per shift
 - Fixed: Reads plates 24/7
- ❖ Can read plates in various lighting conditions and at varying speeds
- ❖ Check against any hot list or manual database or any manual entries

Consider the Parallels

Officer in the Vehicle

- ❖ Observe plates as able
- ❖ Check any plate
- ❖ Can pick and choose
- ❖ Can write down/record info
- ❖ Can hold info until needed or relevant
- ❖ Can provide to investigator
- ❖ Past info may be relevant to crime later discovered
- ❖ Weakness – Officer must record, remember, recover, and report when info needed

LPR System

- ❖ Always observing
- ❖ Check many plates
- ❖ Captures are unbiased
- ❖ Automatically captures info
- ❖ Holds data in searchable form until needed
- ❖ Accessible to investigator
- ❖ Retrospective data may be of great value in series crimes or those with suspect vehicle info, particularly partial plate

Patrol Operations

- ❖ General Patrol
 - Stolen vehicles
 - Parking /Traffic Scofflaws
- ❖ Incident Response
- ❖ Traffic Safety Initiatives
 - Safety checkpoints
 - Suspended/revoked drivers
- ❖ BOLOs / AMBER alerts



Investigations

- ❖ Identify potential suspects
 - Case Study
 - ATM business owner was robbed and murdered
 - Vehicle description but no plate
 - Victimology 101

- ❖ Missing Persons
 - Case Study
 - Missing person broadcast included vehicle information associated with the individual
 - Plate had been captured a number of times in a concentrated area within a few days prior to the individual going missing

- ❖ Surveillance
 - Covert units, Geo-fencing, Special Operations

A Picture...



...is Worth 1000 Words.



Trends and Issues

- ❖ Merging of LPR with in-car video systems
 - Use of video-based LPR is new and accuracy and effectiveness is undetermined
- ❖ Proliferation of private LPR scout cars
 - How will this information be integrated/accessed?
 - What control, if any, over this data?
- ❖ Data Sharing
- ❖ Off-site data storage

What are the Concerns?

- ❖ Potential chilling effects of LPR on social and political activities
- ❖ Identification of individuals via license plate numbers
- ❖ Secondary uses of LPR data
- ❖ Aggregation of LPR data
 - “the subjects had a privacy interest in the aggregated – whole distinct from their interest in the — bits of information of which it was composed”
Reporter’s case
- ❖ Potential misuses of LPR data
- ❖ What kind of data is LPR and to whom is it available?

Privacy Impact Assessment for the Utilization of License Plate Readers

- ❖ Plates exist to identify a vehicle
 - Every state requires the display license plates
- ❖ LPR data is **NOT** personally identifiable information



“A license plate number identifies a specific vehicle, not a specific person. Although a license plate may be linked or otherwise associated with an identifiable person, *this potential can only be realized through a distinct, separate step.*”

U.S. vs. Wilcox

- ❖ Defense claimed LPR invaded the defendant's privacy interest in “anonymous and free movement across the city” – a 4th Amendment violation
- ❖ US District Court Magistrate, N. Georgia held:
 - No 4th amendment protection
 - Law requires plate display – no privacy
 - License check not a search
 - Cited rulings from 5th, 6th, 8th, 9th, and 10th Circuits

U.S. vs. Maynard/U.S. vs. Jones

- ❖ US Circuit Court of Appeals, DC (Aug 6, 2010)
- ❖ Facts: “[P]olice used the GPS device...to track [Defendant] 24 hours a day for 28 days as he moved among scores of places, thereby discovering the totality and pattern of his movements from place to place”
- ❖ “Society recognizes [Defendant’s] expectation of privacy in his movements over the course of a month as reasonable, and the use of the GPS device to monitor those movements defeated that reasonable expectation.”

Working with the Public

- ❖ Court of Public Opinion can trump you
- ❖ Be ready to answer concerns
- ❖ Emphasize the *Business Value*
- ❖ Law enforcement **MUST** be careful about the uses and assumptions

Developing Retention Guidelines

- ❖ Local and state guidelines/retention schedules
- ❖ Know the realities that exist within your jurisdiction
 - Political, technical, monetary
- ❖ Stated purpose of LPR
- ❖ Potential future usefulness of LPR data
- ❖ Potential evidentiary value

Some Lessons Learned

- ❖ Implement and train to policy
- ❖ Get IT involved in the beginning
- ❖ Use Wildcards frequently
- ❖ Remember to check victims
- ❖ Deployment strategies
- ❖ Move to wireless update/download
- ❖ Data sharing is the key

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