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?
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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