

**MEMORANDUM**

March 27, 2012

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: **Briefing: License Plate Readers on Police Cars**

Today the Committee will be briefed on the Police Department's use of license plate readers. Those expected to brief the Committee are:

Assistant Chief Russell Hamill, Police Department  
Captain Thomas Didone, Police Department

**OVERVIEW**

The use of automatic license-plate recognition technology is becoming increasingly more common among police departments throughout the country. According to a recent study<sup>1</sup> about one third of large police departments are using this technology. Cameras, or license plate readers (LPRs), are deployed in various ways and are linked to a database system for storage, retrieval, and analysis. The LPRs scan license plates of both moving and parked vehicles. This image can be used in two primary ways. A police officer can check the image against a database of in an attempt to locate a vehicle recently used in a crime or associated with a missing person (e.g. Amber Alert). The image and associated information (date, time, and location of vehicle) can also be stored for later use in criminal investigations.

As the use of this technology increases, there has been a growing concern about how the data is used, stored, and accessed. According to a recent news article, each LPR can read more than 1,000 plates per hour. When this data is stored along with the date, time, and location of the

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<sup>1</sup> *License Plate Recognition Technology*, Center for Evidence-Based Crime Policy, George Mason University (September 2010).

license plate number, there is a concern that such data can be used in a way that may erode privacy rights. As the use of the technology becomes more prevalent, many jurisdictions are just beginning to grapple with how they should govern the use and retention of the data they collect.

## **MONTGOMERY COUNTY**

The County currently has 22 LPRs that can be deployed throughout the County as needed. Most of these units were acquired in the past year. MCPD staff will provide an overview of the program, including the uses of the technology in the County, and the methods by which MCPD stores, retains, and retrieves data.

### **This Packet Contains the Following Attachments:**

<i>Montgomery County Police Cameras Take Pictures of Thousands of Cars Daily,</i> The Gazette (02/15/2012)	© 1-4
<i>License Plate Readers: A useful tool for police comes with privacy concerns,</i> Washington Post (11/19/2011)	5-11

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## Maryland Community News

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*Published: Wednesday, February 15, 2012*

**Montgomery County police cameras take pictures of thousands of cars daily** by *Jessica Ablamsky*  
*Staff Writer*

Smile, you're on camera.

### Weigh in

Should police departments set limits on how long they keep data from license plate readers? Share your comments on this story at [www.gazette.net](http://www.gazette.net).

Law enforcement agencies in Montgomery County have assembled an array of technology capable of monitoring our daily lives.

Police said newly-popular technology such as license plate readers is used to identify criminals, but privacy rights activists worry that in the absence of limitations, the data could be abused.

"They are tracking people — cars are just the instrument," said Darian Unger, an assistant professor at the Howard University School of Business in Washington, D.C.

Unger also is chairman of Silver Spring's Transportation/Pedestrian Safety Committee. The committee was in favor of speed cameras before the program was implemented 2007, but Unger has reservations about the widespread use of license plate readers.

"If it's not controlled or regulated, its use could be unlimited," he said.

#### Data collection in Montgomery County

There are 36 license plate readers mounted on squad cars in Montgomery County. Units photograph every plate within view, automatically comparing them against a list of plates wanted by police, such as for stolen vehicles.

Each reader can recognize more than 1,000 plates per hour, according to a 2007 report from the New York State Division of Criminal Justice Services. That means police in the county could store more than 864,000 tags per day. Also generally stored are the date, time and location of the reading.

Opinions on data retention vary. While the American Civil Liberties Union of Maryland

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recommends erasing any plate not sought by police within 24 hours, Capt. Thomas Didone, director of the county's traffic division, prefers one year.

"With that being said, if information that we had in our possession was not available for the detective, then yes, it could affect the investigation," Didone said. "However, I hope that we never find that out the hard way."

There are no laws in Montgomery County that limit the amount of time data that can be maintained. Policies vary among departments.

Plates without hits are erased by state police within 24 hours, while Gaithersburg maintains data from its five units indefinitely.

The bulk of the license plate readers belong to the Montgomery County Police Department, which has 22 units. The department maintains data between one and two years, depending on storage capacity, Didone said.

The Rockville City Police Department does not know how long data from its three units is retained. The information feeds into the county police system, where, "it is theirs to do whatever wish," said Cpl. Kenneth Matney.

Chevy Chase Village Police did not have a retention policy regarding its two license plate readers, but Chief John Fitzgerald promised to create one after discovering the oversight. He has since decided to purge data monthly.

Takoma Park police maintain data from its three units for 30 days, an increase approved by city council, said Chief Ronald Ricucci. Data previously had been erased at the end of each shift.

Takoma Park is one of the few departments in the county that maintains statistics for license plate readers, thanks to pressure from residents for limitations.

Between February and August 2011, police had about 1,700 hits, 541 citations, 15 arrests, recovered three stolen vehicles and three stolen tags.

"We've been very pleased with our results," Ricucci said. "We've taken a lot of bad drivers off the road."

Useful tool or invitation for abuse?

The primary use of license plate readers in the U.S. has been to detect and reduce auto theft, according to a 2010 report by George Mason University in Fairfax, Va.

At the time the report was published, more than 50 percent of large police agencies and almost 10 percent of small departments were estimated to have acquired the

2

technology. There are more than 17,000 law enforcement agencies in the U.S.

Despite enthusiasm from law enforcement for plate readers, studies in the U.S. and the United Kingdom found they are not a deterrent to crime. They had no effect on car theft and auto-related crime in Alexandria City and Fairfax County, according to the Mason report.

"Having used one, they find a lot of bad tags: People who aren't paying for the registration, people who have gotten in trouble for not paying the insurance," Matney said.

License plate readers can be a useful tool, but without standards, there is no assurance the program will remain narrowly focused on finding criminals, said Meredith Curtis, a spokeswoman for the ACLU of Maryland.

"In fact, the authorities will inevitably seek to maintain records of people's locations," Curtis said. "Ultimately, we face the very real possibility that our every movement in an automobile will be tracked and recorded. This would represent an extremely serious reduction in the privacy Americans have always enjoyed, and should not be allowed to happen — especially without discussion or comment."

Data retention is an issue the Montgomery County Council's public safety committee soon will discuss with county police, said councilman Phil Andrews. He said the county should have a well thought out policy, but any changes would only apply to the county police department.

"They are clearly useful for law enforcement," said Andrews (D-Dist. 3) of Gaithersburg. "But there are reasonable concerns about privacy in terms of information in terms of the location of a car."

### Surveillance cameras

Olde Towne Gaithersburg bears constant monitoring thanks to 11 surveillance cameras installed in October. The cameras cost about \$140,000, funded mostly by a U.S. Department of Justice grant. Intended to prevent gang activity, the cameras have yet to capture any illegal activity, said Officer Dan Lane, a spokesman for the department.

The cameras are not monitored by a dedicated officer, but recorded data can be pulled after an incident occurs.

"We have not received any negative feedback on the issue from citizens," Lane said. "The Gaithersburg Police Department does not monitor the day-to-day operations of a citizen and what they do, however the cameras are installed in a public place observing

3

the public area.”

After a spate of burglaries in the Town of Chevy Chase, residents suggested cameras monitoring access points to the town, said Mayor David Lublin. It was an idea Capt. David Falcinelli, commander of the county police department’s 2nd District station, discouraged because of the cost of high resolution cameras.

Although a proposal for surveillance cameras was turned down by Takoma Park City Council a year-and-a-half ago, one could be forthcoming in Chevy Chase Village.

Fitzgerald recently met with a security contractor to discuss the feasibility of motion sensing technology, which would be used to alert officers to late night pedestrian and vehicular activity. He said the system could be a combination of smart cameras and blind motion sensors, or entirely blind motion sensors. There are no cost estimates.

“If it’s a sleepless, late-night dog walker, we’ll say hello and go about our business,” Fitzgerald said. “If it’s a prowler, we’ll greet them as well, and take appropriate action based on the facts as we find them.”

State Sen. Jamie Raskin (D-Dist. 20) of Takoma Park does see a decline in privacy, but blamed government surveillance as much as social networks such as Facebook, where millions of users post photos of their friends and family every day.

In the wake of the Sept. 11, 2001, terrorist attacks, he said there was an understandable increase in government surveillance, but speculated that we are entering a phase where people want to recapture a sense of privacy.

“We should never allow the speed cameras to lower everyone’s resistance to total government surveillance of people at all times,” he said. “We do not want to establish the expectation that everything you do can be subject to government surveillance and recording. That does get right back into the Orwellian nightmare.”

jablamsky@gazette.net

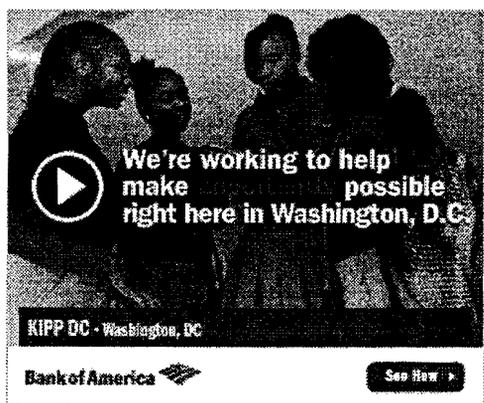
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4

# The Washington Post

[Back to previous page](#)

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## License plate readers: A useful tool for police comes with privacy concerns

By [Allison Klein](#) and [Josh White](#), Published: November 19

An armed robber burst into a Northeast Washington market, scuffled with the cashier, and then shot him and the clerk's father, who also owned the store. The killer sped off in a silver Pontiac, but a witness was able to write down the license plate number.

Police figured out the name of the suspect very quickly. But locating and arresting him took a little-known investigative tool: a vast system that tracks the comings and goings of anyone driving around the District.

Scores of cameras across the city capture 1,800 images a minute and download the information into a rapidly expanding archive that can pinpoint people's movements all over town.

Police entered the suspect's license plate number into that database and learned that

5

the Pontiac was on a street in Southeast. Police soon arrested Christian Taylor, who had been staying at a friend's home, and charged him with two counts of first-degree murder. His trial is set for January.

More than 250 cameras in the District and its suburbs scan license plates in real time, helping police pinpoint stolen cars and fleeing killers. But the program quietly has expanded beyond what anyone had imagined even a few years ago.

With virtually no public debate, police agencies have begun storing the information from the cameras, building databases that document the travels of millions of vehicles.

Nowhere is that more prevalent than in the District, which has more than one plate-reader per square mile, the highest concentration in the nation. Police in the Washington suburbs have dozens of them as well, and local agencies plan to add many more in coming months, creating a comprehensive dragnet that will include all the approaches into the District.

"It never stops," said Capt. Kevin Reardon, who runs Arlington County's plate reader program. "It just gobbles up tag information. One of the big questions is, what do we do with the information?"

Police departments are grappling with how long to store the information and how to balance privacy concerns against the value the data provide to investigators. The data are kept for three years in the District, two years in Alexandria, a year in Prince George's County and a Maryland state database, and about a month in many other suburban areas.

"That's quite a large database of innocent people's comings and goings," said Jay Stanley, senior policy analyst for the American Civil Liberties Union's technology and liberty program. "The government has no business collecting that kind of information on people without a warrant."

But police say the tag readers can give them a critical jump on a child abductor, information about when a vehicle left — or entered — a crime scene, and the ability to quickly identify a suspected terrorist's vehicle as it speeds down the highway, perhaps to an intended target.

Having the technology during the Washington area sniper shootings in 2002 might have stopped the attacks sooner, detectives said, because police could have checked

6

whether any particular car was showing up at each of the shooting sites.

“It’s a perfect example of how they’d be useful,” said Lt. T.J. Rogers, who is responsible for the 26 tag readers maintained by the Fairfax County police. “We see a lot of potential in it.”

The plate readers are different from red-light or speed cameras, which issue traffic tickets and are tools for deterrence and enforcement. The readers are an investigative tool, capturing a picture of every license plate that passes by and instantly analyzing them against a database filled with cars wanted by police.

Police can also plug any license plate number into the database and, as long as it passed a camera, determine where that vehicle has been and when. Detectives also can enter a be-on-the-lookout into the database, and the moment that license plate passes a detector, they get an alert.

It’s that precision and the growing ubiquity of the technology that has libertarians worried. In Northern Virginia recently, a man reported his wife missing, prompting police to enter her plate number into the system.

They got a hit at an apartment complex, and when they got there, officers spotted her car and a note on her windshield that said, in essence, “Don’t tow, I’m visiting apartment 3C.” Officers knocked on the door of that apartment, and she came out of the bedroom. They advised her to call her husband.

### **A new tool in the arsenal**

Even though they are relatively new, the tag readers, which cost about \$20,000 each, are now as widely used as other high-tech tools police employ to prevent and solve crimes, including surveillance cameras, gunshot recognition sensors and mobile fingerprint scanners.

License plate readers can capture numbers across four lanes of traffic on cars zooming up to 150 mph.

“The new technology makes our job a lot easier and the bad guys’ job a lot harder,” said D.C. Police Chief Cathy Lanier.

The technology first was used by the postal service to sort letters. Units consist of two cameras — one that snaps digital photographs and another that uses an optical

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infrared sensor to decipher the numbers and letters. The camera captures a color image of the vehicle while the sensor “reads” the license plate and transfers the data to a computer.

When stored over time, the collected data can be used instantaneously or can help with complex analysis, such as whether a car appears to have been followed by another car or if cars are traveling in a convoy.

Police also have begun using them as a tool to prevent crime. By positioning them in nightclub parking lots, for example, police can collect information about who is there. If members of rival gangs appear at a club, police can send patrol cars there to squelch any flare-ups before they turn violent. After a crime, police can gather a list of potential witnesses in seconds.

“It’s such a valuable tool, it’s hard not to jump on it and explore all the things it can do for law enforcement,” said Kevin Davis, assistant chief of police in Prince George’s County.

The readers have been used across the country for several years, but the program is far more sophisticated in the Washington region. The District has 73 readers; 38 of them sit stationary and the rest are attached to police cars. D.C. officials say every police car will have one some day.

The District’s license plate cameras gather more than a million data points a month, and officers make an average of an arrest a day directly from the plate readers, said Tom Wilkins, executive director of the D.C. police department’s intelligence fusion division, which oversees the plate reader program. Between June and September, police found 51 stolen cars using the technology.

Police do not publicly disclose the locations of the readers. And while D.C. law requires that the footage on crime surveillance cameras be deleted after 10 days unless there’s an investigative reason to keep it, there are no laws governing how or when Washington area police can use the tag reader technology. The only rule is that it be used for law enforcement purposes.

“That’s typical with any emerging technology,” Wilkins said. “Even though it’s a tool we’ve had for five years, as it becomes more apparent and widely used and more relied upon, people will begin to scrutinize it.”

## Legal concerns

8

Such scrutiny is happening now at the U.S. Supreme Court with a related technology: GPS surveillance. At issue is whether police can track an individual vehicle with an attached GPS device.

Orin Kerr, a law professor at George Washington University who has been closely watching the Supreme Court case, said the license plate technology probably would pass constitutional muster because there is no reasonable expectation of privacy on public streets.

But, Kerr said, the technology's silent expansion has allowed the government to know things it couldn't possibly know before and that the use of such massive amounts of data needs safeguards.

"It's big brother, and the question is, is it big brother we want, or big brother that we don't want?" Kerr said. "This technology could be used for good and it could be used for bad. I think we need a conversation about whether and how this technology is used. Who gets the information and when? How long before the information is deleted? All those questions need scrutiny."

Should someone access the database for something other than a criminal investigation, they could track people doing legal but private things. Having a comprehensive database could mean government access to information about who attended a political event, visited a medical clinic, or went to Alcoholics Anonymous or Planned Parenthood.

Maryland and Virginia police departments are expanding their tag reader programs and by the end of the year expect to have every major entry and exit point to the District covered.

"We're putting fixed sites up in the capital area," said Sgt. Julio Valcarcel, who runs the Maryland State Police's program, which now has 19 mobile units and one fixed unit along a major highway, capturing roughly 27 million reads per year. "Several sites are going online over the winter."

Some jurisdictions store the information in a large networked database; others retain it only in the memory of each individual reader's computer, then delete it after several weeks as new data overwrite it.

A George Mason University study last year found that 37 percent of large police agencies in the United States now use license plate reader technology and that a



significant number of other agencies planned to have it by the end of 2011. But the survey found that fewer than 30 percent of the agencies using the tool had researched any legal implications.

There also has been scant legal precedent. In Takoma Park, police have two tag readers that they have been using for two years. Police Chief Ronald A. Ricucci said he was amazed at how quickly the units could find stolen cars. When his department first got them, he looked around at other departments to see what kind of rules and regulations they had.

“There wasn’t much,” Ricucci said. “A lot of people were using them and didn’t have policies on them yet.”

### **Finding stolen cars faster**

The technology first came to the Washington region in 2004 as a pilot program. During an early test, members of the Washington Area Vehicle Enforcement Unit recovered eight cars, found 12 stolen license plates and made three arrests in a single shift. Prince George’s police bought several units to help combat the county’s crippling car theft and carjacking problem. It worked.

“We recover cars very quickly now. In previous times that was not the case,” said Prince George’s Capt. Edward Davey, who is in charge of the county’s program. “Before, they’d be dumped on the side of the road somewhere for a while.”

Now Prince George’s has 45 units and is likely to get more soon.

“The more we use them, the more we realize there’s a whole lot more on the investigative end of them,” Davey said. “We are starting to evolve. Investigators are starting to realize how to use them.”

Arlington police cars equipped with the readers regularly drive through the parking garage at the Pentagon City mall looking for stolen cars, checking hundreds of them in a matter of minutes as they cruise up and down the aisles. In Prince William County, where there are 12 mobile readers, the units have been used to locate missing people and recover stolen cars.

Unlike in the District, in most suburban jurisdictions, the units are only attached to police cars on patrol, and there aren’t enough of them to create a comprehensive net.

10

Virginia State Police have 42 units for the entire state, most of them focused on Northern Virginia, Richmond and the Tidewater area, and as of now have no fixed locations. There is also no central database, so each unit collects information on its own and compares it against a daily download of wanted vehicles from the FBI and the state.

But the state police are looking into fixed locations that could capture as many as 100 times more vehicles, 24 hours a day, with the potential to blanket the interstates.

“Now, we’re not getting everything — we’re fishing,” said Sgt. Robert Alessi, a 23-year veteran who runs the state police’s program. “Fixed cameras will help us use a net instead of one fishing pole with one line in the water waiting to get a nibble.”

Beyond the technology’s ability to track suspects and non-criminals alike, it has expanded beyond police work. Tax collectors in Arlington bought their own units and use the readers to help collect money owed to the county. Chesterfield County, in Virginia, uses a reader it purchased to collect millions of dollars in delinquent car taxes each year, comparing the cars on the road against the tax rolls.

Police across the region say that they are careful with the information and that they are entrusted with many pieces of sensitive information about citizens, including arrest records and Social Security numbers.

“If you’re not doing anything wrong, you’re not driving a stolen car, you’re not committing a crime,” Alessi said, “then you don’t have anything to worry about.”

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11