

Automated License Plate Readers (ALPR)



ALPR - Definition

- An ALPR camera is a camera that is designed to take an image of a license plate that comes into frame for the purpose of identifying that license plate for an investigative or administrative purpose.

Law Governing ALPR use in New Hampshire

TITLE XXI MOTOR VEHICLES

CHAPTER 261 CERTIFICATES OF TITLE AND REGISTRATION OF VEHICLES

Number Plates

Section 261:75-b

261:75-b Use of Number Plate Scanning Devices Regulated. –

Restrictions on images captured by ALPRs

- There can be no image captured by the system, only a check against the registration number on the plate.

261:75-b Use of Number Plate Scanning Devices Regulated. –

The use of automated number plate scanning devices, also known as automated license plate readers (LPRs) is restricted to local, county, and state law enforcement officers who shall only use the devices subject to the following conditions and limitations:

I. An LPR shall be installed for the sole purpose of recording and checking license plates and shall not be capable of photographing or recording or producing images of the occupants of a motor vehicle.

Restricted Use Cases

- The reason that plates could be added into an ALPR Hot List were restricted to the following:

IV. The law enforcement agency shall ensure that data entered into the LPR through a hard link or wireless upload on a daily basis for the purpose of making deletions and additions to keep current the lists against which the device is scanning. Officers shall make manual changes to the list during their shifts when they become aware that new bulletins are issued or bulletins are canceled. Partial plate numbers or characters reported as a result of serious crimes may be entered into the LPR in an attempt to identify suspected vehicles used in connection with the crime.

V. LPR operation and access to LPR collected data shall be for official law enforcement purposes only. LPR devices shall only be used to scan, detect, and identify license plate numbers for the purpose of identifying:

- (a) Stolen vehicles.
- (b) Vehicles associated with wanted, missing, or endangered persons.
- (c) Vehicles registered to a person against whom there is an outstanding warrant.
- (d) Vehicles registered to persons whose drivers' licenses, driving privileges, or vehicle registrations are under suspension or revocation.
- (e) Vehicles registered to persons suspected of criminal or terrorist acts, transportation of stolen items or contraband, or motor vehicle violations.
- (f) Vehicles in violation of commercial trucking requirements.
- (g) Vehicles involved in case-specific criminal investigative surveillance.
- (h) Vehicles involved in homicides, shootings, and other major crimes or incidents.
- (i) Vehicles in the vicinity of a recent crime that may be connected to the crime.

ALPR alerts do not replace and Officer's responsibility to confirm before taking action

- A hit alone needs to be confirmed by an investigating officer in the same manner as any other motor vehicle record check.
- The ALPR served as a tool to bring a flagged plate to the officer's attention rather than a replacement for investigation.

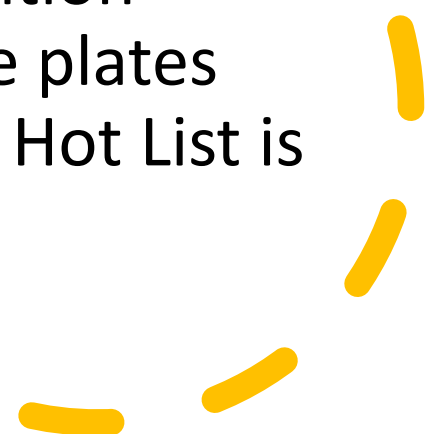
VI. A positive match by an LPR device alone shall not constitute reasonable suspicion as grounds for a law enforcement officer to stop the vehicle. The officer shall develop independent reasonable suspicion for the stop or immediately confirm visually that the license plate on the vehicle matches the image of the license plate displayed on the LPR and confirm by other means that the license plate number is on one of the lists specified in paragraph V.

VII. Prior to stopping a vehicle based on an LPR alarm, the officer shall attempt to visually verify that the number plate on the list matches the digital image displayed on the LPR. If it matches the alarm it shall be accepted and the officer shall initiate a query of the National Crime Information Center (NCIC) database.

VIII. Records of number plates read by each LPR shall not be recorded or transmitted anywhere and shall be purged from the system within 3 minutes of their capture in such a manner that they are destroyed and are not recoverable, unless an alarm resulted in an arrest, a citation, or protective custody, or identified a vehicle that was the subject of a missing person or wanted broadcast, in which case the data on the particular number plate may be retained until final court disposition of the case. Captured license plate data obtained for the purposes described in paragraph V shall not be used or shared for any other purpose.

Limits on Record Retention

- Statutory limits on record retention ensure that a register of vehicle plates not intentionally placed on the Hot List is not maintained.



IX. Access to LPR records shall only be allowed on a case-by-case basis, for legitimate law enforcement investigative, prosecution, or audit verification purposes. All inquiries of LPR records shall be recorded for purposes of an audit trail and maintained by the law enforcement agency in the same manner as criminal history logs.

X. To ensure compliance with the provisions of this section or to investigate complaints of misuse of LPR devices, the attorney general or a designee of the department of justice including county attorneys and law enforcement officers acting at the request of the attorney general may examine and audit any LPR device, a server used to store LPR data, and records pertaining to the use of LPR devices maintained by any state, county, or local law enforcement agency and the department of justice may seek an injunction banning the use of LPR devices by an agency found to have used an LPR device or devices in repeated violation of this section and requiring the confiscation of LPR devices if the attorney general deems it necessary to prevent ongoing violations or deter future violations of this subdivision.

XI. A law enforcement agency using an LPR device shall report to the commissioner annually, beginning one year from the date equipment is deployed, the following information compiled for the previous year:

- (a) The number of devices in use.
- (b) The number of matches made by the LPR devices.
- (c) The number of matches that identified vehicles and individuals sought by law enforcement and that resulted in stops of vehicles or individuals.
- (d) The number of matches that resulted in searches of vehicles and individuals, releases, arrests, or other outcomes.
- (e) Other information requested by the commissioner.

II. Authority to obtain and issue LPR devices and to administer a documented training process for acquiring proficiency in their operation and compliance with federal and state regulations and other appropriate legal mandates shall be vested in the head of the state police or the chief of police, director, county sheriff, or other head of a law enforcement agency or his or her designee. Only devices authorized by the head of the law enforcement agency shall be approved for its use by its officers and the devices shall be maintained in accordance with the manufacturer's recommendations. Such policy or policies shall conform to the requirements of this chapter.

III. Prior to using an LPR, the law enforcement agency intending to use the device shall register it with the department of safety on forms approved by the commissioner for that purpose. The head of the law enforcement agency shall certify that the device meets all the requirements of this section and that the agency has a policy or policies in effect governing its use and a documented training process for the officers that will use it.

Statutory Oversight

- Records compliance is mandated by statute.

Types of ALPR Cameras

- Vehicle mounted – Cameras mounted on a police vehicle for the purpose of checking passing or passed plates against a watchlist.
- Fixed – Cameras mounted on poles or structures used to monitor a street or traffic for an investigative or administrative purpose. Examples of this kind of camera include EZpass toll booths, FLOCK, and other cameras under different company names.



Vehicle Mounted

- Portsmouth Police has effectively discontinued use of vehicle mounted ALPR cameras on cruisers.
- Portsmouth Police ALPR cameras ran observed plates against a department curated hot list that was updated and maintained by assigned ranking officers.

Vehicle Mounted ALPR

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I. An LPR shall be installed for the sole purpose of recording and checking license plates and shall not be capable of photographing or recording or producing images of the occupants of a motor vehicle.

- Vehicles registered to people wanted by the Portsmouth Police Department could be added to the hot list, as well as vehicle license plates of interest in ongoing investigations. Plates could only be entered for a set amount of time before having to be renewed by the list supervisor.
- This system was not widely utilized due to the lack of any external connection to NCIC making it of limited value for investigations.
- If an officer encountered a plate on the Hot List, the ALPR system would flag it for their attention so that they could confirm the plate with their own eyes and through SPOTS/NCIC rather than relying on the ALPR alert.

Value of Vehicle Mounted ALPR's

- Vehicle mounted ALPR's proved to be of some value in locating wanted suspects, however, the lack of retention made them of little to no value from an investigative standpoint.
- Hot List maintenance outside of a connection with NCIC/SPOTS meant that only local warrants were entered into the system and this proved of little benefit compared to traditional investigation and warrant service techniques.

Bottom Line

- ALPR systems assisted officers with BOLO's (Be on the lookout) requests. However, updating and maintaining the Hot Lists, which needed to be manually entered into the computers in the equipped vehicles, proved to be an inefficient use of time and resources compared to the limited investigative value and compared to the use of human eyes to locate vehicles of interest.

EZ Pass Fixed Cameras

- Administrative use to properly toll vehicles without an appropriate transponder.
- Focus of the image is the license plate for identification purposes, drivers not identifiable from photos.
- Images deleted if no violation is detected.
- NH Compliant



FLOCK and other branded cameras

- FLOCK is a brand name.
 - Focus of the image is the vehicle and the license plate.
 - Retention on FLOCK and similar camera images is variable but all current retention guidelines exceed New Hampshire statutory limits, preventing their deployment in New Hampshire. For the purposes of this presentation, the term Commercial ALPR (CALPR) will be used when appropriate.
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This presentation was not made with input or review by FLOCK or any outside companies input beyond how the system was marketed to interested agencies.

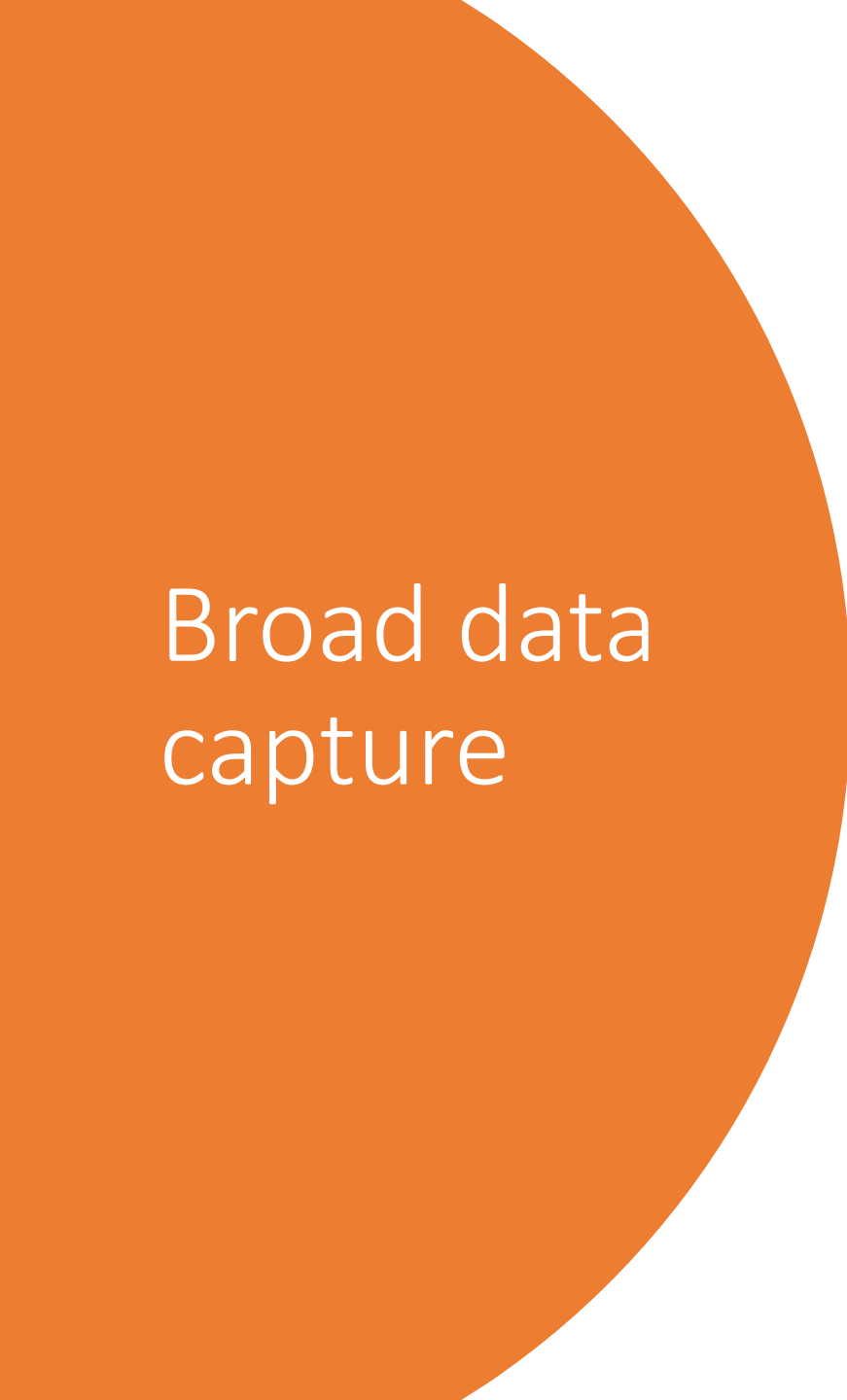


Comercial cameras continued

- CALPRs markets that the information and images captured by a departments CALPR cameras are under the departments control.
- Access may be granted to other departments and agencies via agreement to allow for searches to be performed on multiple agencies networks when a search is performed.
- Note – Images captured by commercial cameras are not generally stored on premises and are retained on company servers making oversight by the participating agency challenging, aand .

Investigative value of Commercial ALPR cameras

- Expanded images of vehicles rather than just license plates makes it possible to search for makes, models, and colors of vehicles which can be very valuable in generating investigative leads based on witness descriptions.
- Expanded retention times of up to 30 days makes it possible to generate these investigative leads for crimes that have already occurred and were discovered after the fact.
- CALPR cameras may be very effective in developing pre-operational surveillance or “pattern of life” information in anticipation of serving arrest and/or search warrants. This pre-operational surveillance work is already performed prior to operations to maximize safety and minimize harm in performing these duties. This is a very time intensive process that may in some circumstances be aided by CALPR information, especially when trying to locate a suspect on the run or attempting to evade capture.



Broad data capture

- Expanded images of vehicles rather than just license plates makes it possible to search for makes, models, and colors of vehicles which can be very valuable in generating investigative leads based on witness descriptions, and as with any source of information may contribute to misidentification if not properly vetted or investigated.
 - No technological tool will make up for poor investigative practice and CALPR cameras are no different.
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Undesired data capture

- Expanded retention times of up to 30 days makes it possible to generate these investigative leads for crimes that have already occurred and were discovered after the fact, which does lead to a record of a majority of the vehicles not involved in a crime or incident being retained for the retention period of the company.
- This does not appear in most cases to be information that can be freely scrolled or reviewed but can be retrieved by full/partial plate and or vehicle characteristics. The surveillance concern is valid, but would still require proactive bad acts by a person misusing the system.

Capacity to Inappropriately Surveil

- CALPR cameras may be very effective in developing pre-operational surveillance or “pattern of life” information in anticipation of serving arrest and/or search warrants... I think you see where this is going.
- They can, if abused, perform the same surveillance on someone not involved in a crime, which has led to appropriate charges in several jurisdictions under appropriate laws.

A large orange circle is positioned on the left side of the slide, partially cut off by the edge. The text 'Control of Captured Data' is written in white inside this circle.

Control of Captured Data

- Lack of true ownership and control over the images and data captured by CALPR cameras complicates the departments ability to ensure that information collected is not being utilized by unauthorized agencies.
 - Note that Portsmouth has never had any cameras that would contribute to this issue.
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- A series of four yellow curved dashes are located in the bottom right corner of the slide, arranged in a diagonal line from the bottom left towards the top right.

Bottom line, Commercial ALPR cameras are not legal to deploy in New Hampshire

- Flock or similar cameras from other companies do not satisfy New Hampshire's strict limits on the use of ALPR cameras.
- They simply are not legal to deploy in New Hampshire.
- Access to Commercial ALPR databases covering jurisdictions where they are legal may aid in out of state investigations in establishing jurisdiction, locating suspects in cases, and identifying vehicles involved in disposing of evidence/proceeds of crime in other compliant jurisdictions. However, there are significant cost concerns and the investigative value is limited by not having similar data to match in Portsmouth or other neighboring New Hampshire jurisdictions.

Department use of ALPR Cameras

- The Portsmouth Police Department has for many years utilized ALPR cameras in use by other jurisdictions for investigations that have crossed state lines. These assists by partner agencies are governed by the policy and required legal process in the jurisdictions in which the cameras reside.
- The Portsmouth Police Department has taken advantage of free access trials for CALPRs, particularly FLOCK to assess their investigative value when compared to concerns about their use. At this time the investigative value had not been found to outweigh the fiscal and community concern costs associated with their implementation.

Governance and Trust

- The decision to utilize CALPR cameras, If they were legal in New Hampshire, would have to be based on proper policy implementation and governance/oversite as well as confidence by the community that the system was not being maintained and utilized in an oppressive manner.