To:	**Members of the Senate General Government, Consumer and Small Business Protection Committee**
From:	Kevin Campbell, Executive Director Oregon Association Chiefs of Police
Date:	February 10, 2014
Re:	**Testimony in opposition to SB 1522**

Chair Shields and Members of the Senate General Government, Consumer and Small Business Protection Committee,

On behalf of the Oregon Association Chiefs of Police (OACP), please accept this letter in opposition to SB 1522. This measure seeks to restrict the use of Automatic License Plate Readers (ALPR) by law enforcement agencies in Oregon.

The OACP and our public safety partners in Oregon are committed to working closely with legislators, community leaders and citizens to carefully balance the privacy rights of Oregonians and the crime solving potential new technologies have to offer. New technologies have the real potential to solve crimes quickly and to reduce victimization without unnecessarily infringing on personal privacy rights. As law enforcement leaders, we take our responsibility to protect the Constitutional privacy rights of our citizens seriously and we understand that public trust is essential to effective law enforcement.

We are hopeful that SB 1522 will not move forward during the 2014 Legislative Session. As we reviewed this legislation, we were concerned about a number of provisions within the bill. If granted additional time, we are committed to work with proponents of SB 1522 during the interim to attempt to work out legislation that all stakeholders can support.

Here are our concerns:

Section 1(3): Definition of Automatic License Plate Reader Technology:
The measure creates a new identification and definition for automatic License Plate Readers (ALPR) that we cannot support. By identifying the cameras as "motor vehicle registration plate surveillance cameras", the bill suggests that the technology allows law enforcement to conduct active surveillance of members of the motoring public. Surveillance is a continuous action and requires a subject or their vehicle to be followed,

observed and documented. In reality, license plate readers only capture the numbers and letters on a license plate and the location of the plate. There is no name or other personal information attached to any of the data collected. A license plate would need to be run through the Oregon Law Enforcement Data System (LEDS) or other law enforcement database in order for a registered vehicle owner name to be identified. A technology that captures plate numbers in a public venue without any personal information should not be described using the term "surveillance".

Section 2(2)(b): Authorized Uses of ALPR Technology
This section authorizes the use of this technology in order to identify vehicles that were used to facilitate the commission of a crime or to avoid apprehension for commission of a crime but it does not specifically authorize use of the technology for stolen vehicle identification (one of the important uses of the technology).

Section 2(5): Retention of Photographs Prohibition
ALPR cameras are designed to capture license plate information and not images of persons. While it is possible for an image of a person to be captured in the process of a plate and vehicle capture (usually a police officer walking in front of a police vehicle), the image is incidental and removal of any potential photo from a large database of plate information would be impossible to achieve.

Section 2(6): Databases Authorized for Plate Data Comparison
This section authorizes law enforcement to utilize the National Crime Information Center of the United States Department of Justice (NCIC) but does not extend the same authorization to compare data with data systems in surrounding states like Washington, Idaho and California. Because the capture of plate data can't distinguish plates from different states, the NCIC is not the most practical database to run comparisons against. Whether the technology is used to recover a stolen vehicle…or a missing child, the authorization to compare data with surrounding states is important. In addition, the legislation doesn't allow agencies to utilize more local databases that are developed to address crimes. Last year over 45 hit and run vehicles were located using a database created by the Portland Police Bureau. Some agencies have also created a "do not stop" list for vehicles with plates that match wanted plates from a different state. At this point ALPR cannot determine which state a license plate is from.

Section 3(2): 14 Day Data Retention Limit
As written, SB 1522 would require data captured by ALPR technology to be destroyed after 14 days. We believe this is an unreasonably short retention period that reduces the potential effectiveness of these as a resource to solve crime and address victimization. We are committed to working with the proponents of the measure to identify a longer retention period that balances carefully privacy concerns with public safety. While many agencies currently retain data for 5 years, we are willing to consider a shorter retention period. In a worst case scenario, we would accept a 6 month retention limit, but believe a two-year period would better serve Oregonians.

Section 3(2)(a): Court Order Required Extending Retention of Data
This measure requires law enforcement to seek a court order to retain data beyond the 14-day limit for an addition 30-day period based on reasonable suspicion that the data is relevant and material to an ongoing criminal investigation. For both policing and court resources, the extension period is unreasonably short and would create a time and resource burden. Some investigations can take months before an indictment occurs, which would mean multiple court orders would be needed to keep the evidence even though destroying the evidence may be unlawful under ORS 162.295.

Section 4(a&b): Website Posting of ALPR and Privacy Policy
While we believe that all police agencies that utilize ALPR technology should adopt a written policy that establishes procedures and guidelines for use that include consideration of the privacy rights of citizens, we don't support a requirement that these policies be posted in a conspicuous location on a law enforcement website. Law enforcement agencies establish and abide by a number of critical policies that are important to citizens. Policies should always be available to citizens by request and these policies can be posted on the website, but the word "conspicuously" makes this posting impractical.

Section 4(c): ALPR Reporting Requirement
The word "conspicuously" as it relates to the posting of an annual report is also problematic and some of the information requested by this bill is not easily obtained by the plate reader software. With hundreds or thousands of records being captured in a particular shift, it is not reasonable to require an officer to track this information. While a law enforcement agency could query the number of license plate records captured in a particular time period, it could not exceed the maximum retention period. As the bill is written, such a query would have to be performed every day or at least every 14-days. If some form of a reporting requirement was established, it seems reasonable to include a description of cases that were successfully resolved due to the use of this technology.

Section 6: Vehicle Owner Access to ALPR Data
SB 1522 allows the registered owner of a vehicle or a person with written permission from the vehicle owner to request captured ALPR data unless the "public body receives a protective order" and the data could put a protected person at risk. This is an insufficient protection since the risk to persons is not restricted to cases where a protective order is in place. Law enforcement doesn't want to release data that could be used to increase the victimization of a person who is subject to unreported abuse and violence.   Just because someone is the registered owner does not mean they are the one driving a vehicle. If this legislation moves forward and this language remains in the measure, we would request indemnification from the state for releasing this information.