



**Testimony of Kimberly McCullough, Legislative Director
In Support of SB 639
Senate Committee on Judiciary
March 17, 2015**

Chair Prozanski and Members of the Committee:

Thank you for the opportunity to submit comments in support of SB 639, which imposes consistent statewide guidelines for government's use of Automatic License Plate Reader (ALPR) surveillance technology, including benchmarks for use of the technology, retention of location information data collected, and protections against unnecessary sharing of individuals' data between government and private companies.

Law enforcement agencies are now deploying license plate reader surveillance technology in Oregon without adequate or consistent privacy protections. These agencies are retaining the location information and photograph of every vehicle that crosses the camera's path, not simply those that generate a hit. In the aggregate, this stored private location data can reveal the travel histories of thousands of Oregonians who have committed no crime. Longer retention periods and the absence of restrictions on sharing allow the government to assemble the individual puzzle pieces of where we have been over time into a single, high-resolution image of our lives.

SB 639 specifies how ALPRs may be used:

- Law enforcement may use ALPR surveillance technology:
 - for enforcing parking and traffic violations;
 - to identify a vehicle that was used to facilitate the commission of a crime or used to avoid apprehension for commission of a crime;
 - to identify a vehicle registered to an individual for whom there is an outstanding misdemeanor or felony warrant; and
 - to identify a vehicle associated with a missing or endangered person.
- Oregon Department of Transportation (ODOT) may use ALPR surveillance technology for regulating motor carriers and collecting tolls, and may use de-identified data for traffic analysis.
- ALPRs may be matched against: ODOT, National Crime Information Center (NCIC) of U.S. DOJ, Law Enforcement Data System (LEDS), state and federal missing persons lists.

SB 639 limits sharing of ALPR data:

- Public bodies may share data with other public bodies so long as all parties comply with the retention requirements set out in the bill.
- Public bodies may obtain data collected by private entities with a warrant.
- Records are exempt from public record except for a driver's own records.

SB 639 limits retention of ALPR data:

- As the bill is currently drafted, all data collected by law enforcement agencies may be kept for up to 24 hours, after which “hit” data may be kept after the 24-hour deadline (if it is needed for an ongoing criminal investigation), and “non-hit” data may be kept pursuant to a court order based on reasonable suspicion that the data is relevant and material to an ongoing criminal investigation and may not be kept for longer than 30 days from the date of issuance of a court order (extensions permitted).
- The retention period has been the subject of a great deal of discussion. We look forward to reaching a consensus on this issue.

SB 639 requires transparency:

- Agencies using ALPR surveillance technology must write and post on their website policies governing ALPR usage and post reports annually on how they are using them.

We urge you to support SB 639. Please feel free to contact me with any questions or concerns.