

June 17, 2014

The Honorable Patty Murray

Chairman

The Honorable Susan Collins

Ranking Member

Subcommittee on Transportation and Housing and Urban Development, and Related
Agencies

Committee on Appropriations

United States Senate

Washington, DC 20510

Dear Chairman Murray and Ranking Member Collins,

We write to strongly urge the Senate to reject an amendment passed by the House (H. Amt. 815) to the Fiscal Year 2015 Transportation and Housing and Urban Development (THUD) appropriations bill that would prohibit funds from being used to acquire cameras for the purpose of collecting or storing vehicle license plate numbers.

The House amendment, offered by Representatives John Fleming (R-LA) and Mike Capuano (D-MA), would prohibit the purchase of Automated License Plate Recognition (ALPR) technology, which plays an important role in public safety by enhancing productivity, effectiveness, and officer safety. ALPR systems are able to recognize, read, and compare motor vehicle license plates against various "hot lists" much more efficiently than officers manually scanning and making comparisons while on routine patrol.

Unfortunately, the supporters of this amendment are not fully aware of the benefits of this technology or how it is being properly used for public safety and other purposes in their own communities.

False and misleading story lines and letters about ALPR technology, such as the "Dear Colleague" letter circulated in the House prior to the vote on the Fleming-Capuano amendment ("*Stop the NSA-like Geo-tracking of Innocent Americans*") are creating unfounded fear.

To clarify the purposes and circumstances under which this technology is being deployed by law enforcement and how the data is gathered, retained, and used, consider the following facts:

- ALPR technology cannot be used like GPS tracking technology to conduct persistent surveillance of an individual vehicle. It is a snapshot of a vehicle's license plate at a point in time in public.

- ALPR data is anonymous - there is no personally identifying information in ALPR records.
- If a government agency with access to ALPR data connects that data to personal information from a state's vehicle registration database without a legitimate law enforcement purpose, then they are breaking a federal law - the Driver's Privacy Protection Act. In other words, using this data for "fishing expeditions" or remote stalking or other unjustifiable privacy violations is already against the law. That is why examples of privacy violations are so difficult to identify.
- ALPR technology and historical ALPR data are used every day by thousands of local, state, and federal law enforcement agencies to generate leads in criminal investigations, apprehend murderers and sex offenders, respond to Amber, Silver, and Blue Alerts, find missing children, recover stolen vehicles, and protect our borders.
- License plate numbers identify only a specific vehicle, not a specific individual. Moreover, state laws require vehicles to be registered and generally mandate that a vehicle pass safety and emissions inspections before it can be legally driven on public roads. The public display of a license plate exists in part so that law enforcement can easily verify that the vehicle complies with the law.
- The only difference between law enforcement's use of ALPR technology and officers sitting on roadsides looking at license plates and writing them down along with the date, time, and location is that ALPR technology makes that process much more efficient, which has been a tremendous help to their efforts to investigate crimes and protect the public.
- Well-settled case law confirms that an individual can have no expectation of privacy in a license plate, which is mandated by law in every state to be mounted and visible in public.

Considering these facts, it is clear that if the Senate passes an amendment similar to the House, or if the Senate agrees to the Fleming-Capuano THUD amendment, Congress will be actively preventing advances in public safety that help law enforcement perform their jobs more efficiently and effectively and safeguard the public they are sworn to protect.

We hope the Senate will reject any attempt to prohibit the acquisition of cameras for the purpose of collecting or storing vehicle license plate numbers. We also urge the Senate to reject in conference the amendment to THUD that was adopted by the House.

We would be happy to provide you with many examples of law enforcement's successful use of ALPR technology and data as you consider this issue.

Thank you for your consideration.

Sincerely,



Chief Yousry Zakhary
President
International Association of Chiefs of Police



Commissioner Charles Ramsey
President
Major Cities Chiefs Association



Aaron D. Kennard, Sheriff (Ret.)
Executive Director
National Sheriffs' Association



Donny Youngblood
President, Major County Sheriffs' Association
Sheriff-Coroner, Kern County (CA)



Ronald C. Sloan
President, Association of State Criminal Investigative Agencies
Director, Colorado Bureau of Investigation



William Johnson
Executive Director
National Association of Police Organizations



Matthew J. Hodapp
Chairman
National Troopers Coalition



Mike Sena
President
National Fusion Center Association



Bob Bushman
President
National Narcotic Officers' Associations' Coalition

Cc: The Honorable Barbara Mikulski, Chairman, Committee on Appropriations
The Honorable Richard Shelby, Ranking Member, Committee on Appropriations
The Honorable Harry Reid, Majority Leader
The Honorable Mitch McConnell, Republican Leader
The Honorable Mary Landrieu, Chairman, Subcommittee on Homeland Security
The Honorable Dan Coats, Ranking Member, Subcommittee on Homeland Security