

SB 840 Draft Testimony .pdf

Uploaded by: Charles E. Sydnor III

Position: FAV

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Legislative District 44
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DEPUTY MAJORITY WHIP

Judicial Proceedings Committee
Executive Nominations Committee

Joint Committees

Administrative, Executive, and
Legislative Review

Children, Youth, and Families

Senate Chair, Legislative Ethics

Chair

Baltimore County Senate Delegation



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony for Senate Bill 840
Public Safety—Automatic License Plate Readers—Captured Plate Data
February 28, 2024

Good afternoon, Chair Smith, and members of the Judicial Proceedings Committee,

Automatic license plate readers (ALPR), deployed on things like police cars, overpasses, or streetlights, capture images of vehicle license plates which are stored in law databases.¹ While ALPR can provide a vital source of information to law enforcement officers, there are few or no restrictions to protect privacy rights. While addressing ALPR privacy concerns, Justice McCullough on the Supreme Court of Virginia stated, “modern technology enables governments to acquire information on the population at an unprecedented scale.”² The ability to amass information must be curbed by adequate privacy protections. Senate Bill (“SB”) 840 provides those protections.

This legislation introduces minor, yet crucial changes to the definition of “historical data” in the Public Safety article. Under the current definition, “historical data” means any data collected by an ALPR system and stored in an automatic license plate reader database operated by the Maryland Coordination and Analysis Center or by a law enforcement agency.³ First, SB 840 introduces language to allow the database to be operated by or for the Maryland Coordination and Analysis Center, or by or for a law enforcement agency.

Additionally, this legislation adds to the definition, to include any data collected by ALPR system and stored through cloud computing. Finally, SB 840 explicitly states that captured automatic license plate data is the property of the law enforcement agency and may not be sold for any purpose.

SB 840 provides the data protection that Marylanders deserve. As such, I respectfully request a favorable report for SB 840.

¹ David Horrigan, American Bar Association, Data Privacy vs. Crime Prevention: The Automated License Plate Recognition Debate, Feb. 23, 2021.

https://www.americanbar.org/groups/tort_trial_insurance_practice/committees/automobile-litigation/data-privacy-vs-crime-prevention/

² *Neal v. Fairfax Cty: Police Dep’t*, 849 S.E. 2d 123 (2020).

³ Md. Code. Public Safety § 3-509(a)(6).

SB0840_FAV_Flock Safety_Pub. Safety - Auto. Licens

Uploaded by: Drew Vetter

Position: FAV

flock safety

TO: The Honorable William C. Smith, Jr., Chair
Members, Senate Judicial Proceedings Committee
The Honorable Charles E. Sydnor, III

FROM: Andrew G. Vetter
J. Steven Wise

DATE: February 28, 2024

RE: **SUPPORT** – Senate Bill 840 – *Public Safety – Automatic License Plate Readers – Captured Plate Data*

On behalf of Flock Safety, we are pleased to submit this letter of **support** for Senate Bill 840. Founded in 2017, Flock Safety is a leading provider of automatic license plate readers (ALPR) technology, helping over 4,000 communities across the United States improve community safety. ALPRs have proven to be one of the most effective crime-fighting tools currently used by law enforcement. A recent study has found that Flock Safety is instrumental in solving 10% of reported crime in the United States.¹

Summary

Senate Bill 840 accomplishes two primary objectives. First, this bill is enabling legislation that would permit providers of ALPR devices that use cloud data storage to operate in Maryland and interface with the Maryland Coordination and Analysis Center (MCAC) of Maryland State Police (MSP). Second, the bill strengthens the existing ALPR statute with several key privacy and security protections.

Enabling Language

The bill amends §3-509 of the Public Safety Article to clarify that “historical data” includes data collected by an ALPR system and stored by or for the Maryland MCAC or a law enforcement agency or through cloud computing.

Under the current interpretation of the existing statute, law enforcement agencies are prevented from sharing data with MCAC through any ALPR system that uses cloud storage, rather than transmittal to physical hard servers located at MCAC. Public Safety Article §3-509 was enacted following the 2014 Legislative Session. In 2014, the use of cloud computing was not nearly as ubiquitous as it is today. Now, cloud-based storage is used in a variety of sensitive law enforcement contexts, including for various case management systems and storage of body-worn camera footage. Storing this data in the cloud is as secure or more secure than any other data storage method. ALPR databases employ the highest levels of cloud data security. Flock, for example, encrypts ALPR data, while it temporarily stores on the ALPR device, and re-encrypts that data in transit with AES-256 encryption to the AWS government cloud.

¹ [How Many Crimes Do Automated License Plate Readers \(ALPRs\) Solve, Anyway? \(flocksafety.com\)](https://www.flocksafety.com/blog/how-many-crimes-do-automated-license-plate-readers-alprs-solve-anyway/)



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It is important to highlight that this legislation is enabling-only. This legislation does not mandate that MCAC or any law enforcement agency change whichever ALPR system they use currently. The legislation does not mandate or favor the use of any particular ALPR vendor. Rather, this legislation simply grants local law enforcement agencies and police chiefs more choice in the selection of vendors moving forward. Most providers of technology solutions have fully transitioned to the cloud, and therefore it is sensible to modernize this law. The proposed changes would enable law enforcement to choose solutions that they feel are in the best interest of their jurisdiction and for public safety.

Privacy and Security Protections

This legislation strengthens privacy and security protections under §3-509 in several ways. **First**, the bill clarifies that “automatic license plate data captured in accordance with this section is the property of the law enforcement agency.” This provision makes it clear that the user law enforcement agency alone owns the data. ALPR does not belong to any vendor or cloud storage service. **Second**, the bill states that ALPR data “may not be sold for any purpose.” Flock does not sell data generated by its customers, nor are we aware that this is the practice of any law enforcement agency in Maryland. However, privacy is enhanced by codifying that the sale of this data is prohibited, thus making any violation subject to the enforcement provisions of this statute.

Additionally, a number of amendments are being offered by the sponsor to further strengthen the privacy and security protections in the bill. These amendments are the result of a series of productive discussions with MSP and MCAC staff. The amendments strengthen privacy and security protections even further beyond existing law and the bill as introduced. These amendments also represent an effort to ensure all ALPR systems in Maryland are fully compliant with the spirit of §3-509 and the original intent behind this statute.

Description of ALPR Functionality

ALPRs use image-processing technology to identify vehicles by their license plates. ALPRs automate a process that used to be conducted manually by police officers punching license plate numbers into a laptop on a plate-by-plate basis. As stated above, the use of these devices by law enforcement has been regulated in Maryland since 2014 and are commonly used by most police agencies in the State. The devices are used as an investigative tool, such as with assisting in the recovery of stolen vehicles, locating missing or abducted persons, or locating individuals wanted in connection with a crime. The images captured by ALPRs are compared to law enforcement databases of registered vehicles, including those known to be suspected of being involved with the crime. If a match to a wanted license plate is found, the ALPR system generates an alert as to the time and location of the vehicle.

Reporting and Security Requirements Under Current Law

Public Safety §3-509 contains robust auditing and reporting requirements. The current law requires agencies to specify which personnel are authorized to query captured plate data. Agencies are required to have an audit process to ensure information obtained through ALPR systems are used only for legitimate law enforcement purposes, including audits of requests made by individual law enforcement agencies or an individual law enforcement officer. Agencies are also required to have

procedures and safeguards to ensure that staff with access to ALPR databases are adequately screened and trained.

The current law requires MSP and law enforcement agencies that maintain an ALPR database to send an annual report to the General Assembly covering:

- (1) the total number of automatic license plate reader units being operated in the State by law enforcement agencies and the number of units submitting data to the Center;
- (2) the number of automatic license plate reader readings made by a law enforcement agency that maintains an automatic license plate reader database and the number of readings submitted to the Center;
- (3) the number of automatic license plate reader readings being retained on the automatic license plate reader database;
- (4) the number of requests made to the Center and each law enforcement agency that maintains an automatic license plate reader database for automatic license plate reader data, including specific numbers for:
 - (i) the number of requests that resulted in a release of information;
 - (ii) the number of out-of-state requests;
 - (iii) the number of federal requests;
 - (iv) the number of out-of-state requests that resulted in a release of information; and
 - (v) the number of federal requests that resulted in a release of information;
- (5) any data breaches or unauthorized uses of the automatic license plate reader database; and
- (6) a list of audits that were completed by the Center or a law enforcement agency.

It is critical to note that none of the auditing or reporting requirements are altered by this bill, and that regardless of what type of ALPR system an agency uses, they must be in full compliance with these requirements.

Impact of ALPR Devices

Recent studies highlight the significant positive outcomes of ALPR devices, such as increased identification of stolen vehicles, recovering missing persons, and improved case closure rates. Over 700,000 crimes each year are solved using Flock Safety technology. This represents roughly 10% of reported crime nationwide from one company's devices alone.

The following anecdotes capture the impact that police use of ALPR devices can have on solving crimes. While these are just a few examples, there are countless others from communities across the country where ALPR devices are being used to increase public safety.

- Portsmouth, VA – “Portsmouth police said they recently used technology – their Flock Safety camera system – to help find and catch a wanted felon and last month Norfolk police said their cameras helped them locate a missing elderly man. Police said these two instances are examples of the cameras being used as a force multiplier. Now some in Hampton Roads hope to expand the system.”²
- Hazeltown, PA – On April 17, 2023, an arrest was made in connection with a deadly shooting of an 18-year-old man through the use of Flock Safety. According to Hazeltown City Police Chief Brian Schoomaker, “The system itself has been instrumental with countless

² [Law enforcement agencies say Flock cameras, gunshot detectors aid investigations \(wtkr.com\)](https://www.wtkr.com/news/local/law-enforcement-agencies-say-flock-cameras-gunshot-detectors-aid-investigations/)



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investigations at this point, including shots fired, burglaries, catalytic converter thefts, everything throughout the region.”

- Shaker Heights, OH – Flock Safety has supported 175+ documented cases of missing persons who have been recovered. Since 2022, Police in Shaker Heights, OH credited Flock Safety for helping recover 38 of 42 missing people.
- Fairfax County, VA – On July 14, 2023, Fairfax County Police announced they were able to recover five stolen vehicles in one day due to Flock Safety.

Conclusion

Passage of this bill will bring numerous benefits to Maryland residents. Public safety will be increased through providing law enforcement with more choice and flexibility. Existing law will be aligned with modern technology through enabling the use of cloud storage. Money can be saved through decreased reliance on costly physical servers. The additional privacy and security protections benefit all Marylanders. For these reasons, we urge a **favorable** report of this bill.



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Uploaded by: Franz Schneiderman

Position: FAV



Auto Consumer Alliance
13900 Laurel Lakes Avenue, Suite 100
Laurel, MD 20707

**Testimony to the Senate Judicial Proceedings Committee
SB 840—Public Safety – Automatic License Plate Readers –
Captured Plate Data
Position: Favorable**

The Honorable Will Smith
Judicial Proceedings Committee
2 East, Miller Senate Building
Annapolis, MD 21401
cc: Members, Judicial Proceedings Committee

Feb. 28, 2024

Dear Chairman Smith and Committee Members,

I'm a consumer advocate and Executive Director of Consumer Auto, a non-profit group that works to protect Maryland consumers and secure safety, transparency, and fair treatment for Maryland drivers and car buyers.

We support **SB 840** because it will modernize Maryland's rules on processing the considerable data Automatic License Plate Readers collect from drivers and add to protections for the privacy of that data.

The hundreds of license plate readers around Maryland conduct hundreds of millions of license plate scans each year – and the data is stored by the Maryland Coordination and Analysis Center. These millions of scans can be used to track in considerable detail the movement not only of vehicles but of people. That can be a powerful tool for law enforcement agencies looking for a missing vehicle or a missing or abducted individual. But it can also be used for troubling tracking purposes. It has in some cases been used by ICE to track and deport undocumented immigrants.¹ Reproductive rights advocates are also concerned that it could be used by some states to track the movement of women travelling out of state to seek abortion care.²

Existing Maryland law stipulates that the data can only be used for a legitimate law enforcement purpose but isn't entirely clear about how law enforcement may share the data. **SB 840** clarifies that the data "may not be sold for any purpose" – and, as I understand it, will likely be amended to add further protections against licensing or allowing bulk uploads of the data. Those changes should help prevent abuses of this fast-growing set of data on Maryland drivers.

We support **SB 840** and ask you to give it a FAVORABLE report.

Sincerely,
Franz Schneiderman
Consumer Auto

¹ <https://www.aclu.org/news/immigrants-rights/documents-reveal-ice-using-driver-location-data>

² <https://www.wired.com/story/license-plate-reader-alpr-surveillance-abortion/>

SB0840_FAV_Flock Safety_Pub. Safety - Auto. Licens

Uploaded by: Kevin Kane

Position: FAV

flock safety

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Members, Senate Judicial Proceedings Committee
The Honorable Charles E. Sydnor, III

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MCPA-MSA_SB 840 LPR - Captured Plate Data_SWA.pdf

Uploaded by: Natasha Mehu

Position: FWA



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith Jr., Chair and
Members of the Senate Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 28, 2024

RE: **SB 840 - Public Safety - Automatic License Plate Readers - Captured Plate Data**

POSITION: SUPPORT WITH AMENDMENTS

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT SB 840 WITH AMENDMENTS**. This bill seeks to modernize the storage of automatic license plate readers (LPR) while preserving the safety and integrity of the data that is captured.

SB 840 would alter the provisions of the law governing LPR data to allow for cloud-based storage of historical data. Currently, historical data is limited to data captured and stored in a database operated by the Maryland Coordination and Analysis Center (MCAC) or by a law enforcement agency. These are considered file-based storage systems. Under the bill, historical data could be stored on the cloud or continue to be stored through file-based systems. It gives law enforcement agencies the flexibility to update their LPRs to more contemporary cloud-based systems.

MCPA and MSA support the bill with consensus amendments from the sponsor and Maryland State Police (MSP). These amendments put forward several data protection measures. They ensure that the cloud-based historical data remains the property of the law enforcement agency; prohibit the data from being sold by the agency or the vendor; and prohibit the agency and vendor from uploading the data to any external entities. Additionally, the amendments extend the penalty provisions, operating and use procedures, and auditing requirements to the vendor contracted by the law enforcement agency.

For these reasons, MCPA and MSA **SUPPORT SB 840 WITH AMENDMENTS** and urge a **FAVORABLE** committee report as amended.

Department of State Police Letter of Information S

Uploaded by: Joey Sybert

Position: INFO



State of Maryland
Department of State Police
Government Affairs Unit
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: February 28, 2024

BILL NUMBER: Senate Bill 840 **Position:** Letter of Information

BILL TITLE: Public Safety – Automatic License Plate Readers – Captured Plate Data

REVIEW AND ANALYSIS:

This legislation authorizes a law enforcement agency to use a third-party vendor to store scanned images of vehicle registration plates captured through a license plate reader (LPR) system. The data may be stored in a database operated for or by the Maryland Coordination and Analysis Center (MCAC), for or by a law enforcement agency, or cloud computing.

Under current law, the storage of collected images are limited to MCAC or a law enforcement agency-controlled database. The historical data is prohibited from being shared outside of the law enforcement arena. Third party vendors are prohibited from storing historical data for a law enforcement agency on the vendor's server. The data storage is required to be audited annually to ensure access to historical data is restricted for only a legitimate law enforcement purpose.

The original legislation passed by the General Assembly several years ago was the result of an agreement between the sponsors, the ACLU, and the Maryland Chiefs and Sheriffs. The agreement mandated that Maryland law enforcement and the MCAC must maintain control of the LPR historical data and that it could not be shared or bulk uploaded to any federal or out of state entity, including law enforcement or private vendors. The access to the data is strictly limited to a specific law enforcement investigation.

As written, SB 840 allows a third-party vendor who contracts with a law enforcement agency to store the historical data captured by law enforcement LPRs. Unfortunately, as a consequence, the bill allows that third-party vendor to share the LPR data with non-law enforcement entities through subscription services or other means. Thereby, violating the original intent of the law.

The Department of State Police (DSP) supports the inclusion of cloud computing and services for managing a law enforcement agency's LPR Data, as long as the law enforcement agency owns the data and the vendor cannot use or sell the data or a subscription service to access the data. As technology has advanced, cloud-based services are becoming an acceptable standard to store data.

State of Maryland
Department of State Police
Government Affairs Unit
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

The original legislation prohibited vendor services from storing data on behalf of law enforcement to guarantee the integrity of the data. Law enforcement agencies used physical servers on premises under their direct control to comply with the statute. DSP has concerns with the maintenance of the integrity of stored data in cloud-based services. When a third party controls the data, the law enforcement agency that contracts for the service is unable to certify in the audits, required by law, that the data was not shared or used for a non-law enforcement purpose.

The DSP met with the advocates for this legislation multiple times in an effort to develop amendments suitable to the law enforcement community and to protect the privacy and use of the records. As a result, a package of specified amendments was developed and agreed to by all of the parties concerned. If the agreed upon package of amendments are adopted, the DSP will have no objections to the legislation.