flock safety

TO: The Honorable Luke Clippinger, Chair
Members, House Judiciary Committee
The Honorable N. Scott Phillips

FROM: Andrew G. Vetter
J. Steven Wise

DATE: February 27, 2024

RE: **SUPPORT** – House Bill 1081 – *Public Safety – Automatic License Plate Readers – Captured Plate Data*

On behalf of Flock Safety, we are pleased to submit this letter of **support** for House Bill 1081. 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

House Bill 1081 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.

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[1] How Many Crimes Do Automated License Plate Readers (ALPRs) Solve, Anyway? (flocksafety.com)

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 Hazelton 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)

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.