

ALPRs in New Hampshire

A presentation to the Republican Policy Committee
of the Pennsylvania House of Representatives
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1. Introduction

I'm here to tell you what New Hampshire has done with respect to ALPRs, why we did it, how it worked out and some of the issues that remain to be addressed. After this brief run-down, I'd be pleased to answer any questions you may have.

2. Types of ALPRs

This presentation discusses automatic license plate readers (ALPRs). These are basically cameras that take pictures of license plates and, often, passengers in the vehicles and surrounding buildings and areas. ALPRs exclude traditional security cameras on buildings and in parking lots, ring cameras in people's homes, body-worn cameras, and cell phone cameras, among many others.

There are two types of ALPRs: fixed (made by Flock and other companies) and in-vehicle mobile. Each type can be customized to capture whatever information the purchaser seeks. Data captured by both types can be uploaded to a local, state-wide or nation-wide data base, and access to that database can be open or limited.

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3. ALPRs in New Hampshire

New Hampshire residents value their privacy so much that they amended their constitution in 2018 to protect personal information privacy:

Art.] 2-b. [Right of Privacy.]. An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent.

Long before that constitutional amendment, New Hampshire enacted two pieces of relevant legislation to implement their long-standing value:

A. RSA 236:130, 131. Highway Surveillance Prohibited. (2006)

Before ALPRs, there were pole-mounted cameras being placed along highways to monitor traffic, among other things. Possible abuse caused the N.H. legislature to act, banning the state and its political subdivisions from “determining the ownership of a motor vehicle or the identity of a motor vehicle’s occupants” on public highways by any means. The state was also barred from obtaining from others (like private businesses and other governments) what the act prevents it from getting directly itself. Narrow exceptions were made (some to gain political support). Examples: school buses; state park-and-ride facilities; specific case-by-case investigations of crime; toll collection; security on specified bridges; dash cams on state plows; and wooden bridges.

B. RSA 261:75-b. Use of Number Plate Scanning Devices Regulated. (2016)

In the mid-2010s, along came license plate readers. Banned under the “no highway surveillance” act, law enforcement sought an exception. A compromise

followed. The legislature allowed ALPRs on public roads but limited the use of ALPRs to law enforcement only and then only in their vehicles. This has effectively blocked fixed-pole (Flock-type) cameras. There were other limitations, too:

- i. Only license plates can be recorded; not images of vehicle occupants.
- ii. The devices can only be used by law enforcement officers and, even then, only to identify license plates associated with specifically listed events, such as:
 - Missing persons
 - Outstanding warrants
 - License suspensions
 - Crimes
 - Vehicles near a crime scene
- iii. All license plate numbers read by the ALPRs but not related to any allowed purpose (above) are permanently deleted from the system within **three minutes** of being read. The effect of this provision is to eliminate mass surveillance.
- iv. Annual usage reports are required.

4. Some Major Issues To Be Considered

If Pennsylvania wishes to allow ALPRs, it will, like New Hampshire, need to consider some basic policy issues:

- A. Who can use ALPRs (anyone, private or public? only law enforcement?)
- B. Fixed, mobile or both?
- C. Capture license plates only or images of vehicle occupants and/or surrounding areas?
- D. Where is the data stored (local, state-wide, or cloud database?)
- E. Who has access to the data? (any person or business? news media -- remember the O.J. Simpson chase or

consider a public figure driving drunk or away from his mistress's home? just law enforcement?)

F. What data will be retained and for how long

G. What data will be destroyed and when?

H. What penalties are there for misuse of data?

5. Final Observations

A. Don't be surprised by the number and variety of individuals and organizations which will lobby bill sponsors and relevant committees -- on both sides of the issue. It will take the wisdom of Solomon and the competence and persistence of your members, your committees, and indeed the entire House of Representative, Senate and governor to resolve this issue, but it can be done.

B. One very positive note: this is a bipartisan issue.