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**COMMENTS IN OPPOSITION TO H 7679 – RELATING TO MOTOR VEHICLE AND
OTHER OFFENSES – ELECTRONIC CONFIRMATION AND COMPLIANCE
SYSTEM
April 4, 2012**

The RI ACLU has a number of significant concerns with this legislation, which would permit the use of license-plate scanners in automobile registration and insurance verification. The RI ACLU has long opposed the proliferating use of cameras in traffic enforcement, and of the involvement of private, for-profit vendors in the enforcement of these laws. This legislation serves as a prime example of the troublesome nature of these sorts of traffic enforcement programs. In addition to the serious privacy concerns raised by this legislation, the RI ACLU is concerned by the program's potential future use, the direct involvement of a private corporation in traffic law enforcement, and the severe increase in traffic fines proposed herein.

This legislation seeks to permit the use of automated license plate readers to check for registration information. This will likely entail the use of as many as five cameras mounted to police cruisers or other vehicles, which will continuously snap photographs of the street around them in an attempt to capture license plate images. Unlike static traffic control devices such as the red light cameras, cruises carrying these devices are likely to be unmarked, and to capture unintended images as they drive down the street. It is simply impossible that these cameras will capture only license plates. As a result, they represent a serious leap toward a culture of constant surveillance, and a tremendous erosion of privacy rights.

That the legislation states any images of license plates not returning a non-compliance result will be deleted within one minute provides no relief to these concerns. There is no language regarding how images containing more than license plates are to be dealt with, or regarding the storage and maintenance of photos which do return a non-compliance result. There is also no discussion of any other data which is returned along with the image. That a citation is to be issued containing the date, time, and whereabouts of the car indicates that some form of tracking, GPS or otherwise, is to be used with this software. Yet there is no discussion of this data in the legislation. While the intent may not be to use this data for any purpose at this time, the General Assembly must consider the potential uses of this system and create strict regulations on its use prior to approval.

In fact, this legislation clearly indicates that the intent of this technology is to use it for much more than insurance verification in the future. Page 2, lines 10 through 12 of the legislation clearly state that the cameras are to be "fully interfaced with the RILETS system", including the Hot File database system, used for Amber Alerts, stolen cars, and a plethora of other law enforcement concerns. Without creating strict privacy regulations now, it will be virtually impossible to regulate the use of this technology in the future. In fact, the Los Angeles Police department Chief of Detectives has in the past stated that the "real value" of these cameras

“comes from the long-term investigative uses of being able to track vehicles – where they’ve been and what they’re doing.”

If the intent of these cameras is to be used solely for car insurance verification purposes, we submit there are better ways to do this which do not require the use of unproven technology raising serious privacy concerns. In addition, this technology removes a police officer from where they are most needed, on the street protecting the community, and puts them behind a computer screen to sign off on auto insurance tickets.

Instead of protecting the community, this legislation serves as an incentive to the private corporation owning the cameras. We believe it is inappropriate for a private company to receive half of the revenues gained from insurance penalties, as it provides an incentive to encourage penalties instead of minimizing their occurrence. This is made clear in the tremendous increase in penalties contained in this legislation. The individuals least likely to have car insurance are those least likely to be able to pay for car insurance. The fines prescribed in this legislation place upon those individuals a financial burden so high there is little chance they will be able to pay the fees.

Finally, we can look to the state’s experience with school bus cameras to get an idea of the success of the automated license plate reader program. Six school districts currently have cameras mounted on the outside of clearly-marked school buses to catch individuals who drive past a school bus while it is stopped and has its lights flashing, in violation of state law. In February, these school bus cameras became topic of a week-long Channel 10 exposé, as well as a complaint filed with the ACLU, when a driver was ticketed as a result of a picture taken through the back window of another car while she drove down the opposite side of the street, with a median between her car and the bus. The blurry photograph captured by the camera was considered enough to ticket her, even though it is highly unlikely any police officer on the street would have seen fit in their discretion to do the same. Of the \$1.2 million in fines netted since the school bus cameras were installed, only \$164,111 has gone to the towns and the state. The rest has gone to the private corporation owning the cameras. These cameras have made the towns no safer, but have made the company a profit on the backs of Rhode Island drivers. This program is likely to do the same.

In light of these concerns, we respectfully request the committee decline to approve this legislation. Thank you for your time and attention to our concerns.

Submitted by: Hillary Davis, Policy Associate