

ACLU OF RI POSITION: SUPPORT

**TESTIMONY IN SUPPORT OF 23-H 5365,
AN ACT RELATING TO CRIMINAL PROCEDURE –
AUTOMATED LICENSE PLATE READERS
March 22, 2023**

Over the past few years, the implementation of expansive “automated license plate readers” in municipalities across the state – in many instances without a public approval process or substantive public transparency – has marked an incredibly troubling trend in the proliferation of surveillance tools by law enforcement. These cameras, owned and operated by a company called Flock Safety, have been rapidly expanding in use through municipal law enforcement departments and without any meaningful limitations on their usage or any requirements for public oversight. We therefore strongly support this legislation, which would ensure that the implementation of these surveillance tools in Rhode Island cannot happen indiscriminately or without appropriate restrictions on their installation and use.

As typically occurs with surveillance technology, the actual capabilities of these cameras have been severely underplayed by police representatives. The joint release issued by the police departments of Cranston, Woonsocket, and Pawtucket in August 2021 illustrated this issue, with the release reducing the abilities of the Flock Safety cameras to simply say that they “capture still photographs of license plates and vehicle characteristics as they travel on public roads.”¹ It is true that these cameras record and store both of these aspects, but the realities of the expanded abilities of this technology are far more alarming and troubling.

Flock Safety’s website elaborates on what “vehicle characteristics” further entails, noting that its surveillance system allows police to search by “*vehicle type*, make, color, license plate state, missing/covered plates, and other unique features like *bumper stickers*, decals, and roof racks.”² (emphasis added) Since every police department that is part of the Flock Safety system has access to the data collected by other participating agencies, the opportunity for targeted and widespread surveillance is multiplied. This is not purely a passive system that merely alerts police when a license plate that is photographed matches a vehicle in the NCIC system, for example. Police can input any license plate number or vehicle characteristic into the system and pull out any information about that vehicle’s movements over a lengthy period of time in any community where the cameras are being used.

In addition, the capabilities of this technology go far beyond the exclusive capturing of visual data. Flock Safety’s website advertises the ability to search by “audio evidence” and

¹ <https://warwickpost.com/surprise-traffic-camera-surveillance-draws-criticism/>

² <https://www.flocksafety.com/lpr-vehicle-recognition/>

“contextual evidence,” which includes “screeching tires” and “associated vehicles,”³ implying that these systems capture audio in addition to video and utilize artificial intelligence to determine which vehicles in a certain area may be linked to one another. Both of these uses, beyond the already invasive capabilities of the video capturing, signify a profound overreach of this technology and invite over-policing and misuse. In the absence of legislation as the scope of this technology expands, the privacy rights of Rhode Islanders will be solely at the mercy of police departments and a private company.

Further, separating the history of surveillance in the United States from racial discrimination is impossible because they are inextricably bound. Communities of color have disproportionately experienced the egregious effects of limitless surveillance, and this is not purely an historical lesson. In the last two years, First Amendment rights and racial discrimination have been entwined with the expanded use of surveillance tools. For example, municipal law departments were found to have used surveillance camera footage to inappropriately monitor activists during the Black Lives Matter protests of summer 2020.⁴ In short, the abuse of surveillance technology is not hypothetical. Given the swath of current capabilities that Flock Safety advertises – and the ones which it could add in the future – we are extremely concerned that this technology could facilitate similar police activity in Rhode Island.

It has been advertised time and time again that technology of this degree is necessary for public safety. We emphatically reject this claim. Community safety is not – and has never been – the result of a heavily and indiscriminately surveilled society. To posit Flock Safety as a needed component of safety diverts attention from the scope of this technology and its capacity to needlessly and harmfully encroach on the privacy of residents, and particularly ignores the discriminatory manner in which surveillance technology has often been implemented. To represent the actual technology of these cameras as limited in scope is disingenuous and inappropriate given their extraordinarily invasive reach.

In short, this bill is a crucial piece of legislation which will ensure that our state maintains oversight over the technology and tools being used by our public-serving institutions. We cannot pay attention to the proliferation of surveillance technology only when it has become too late to stop or meaningfully regulate. We strongly urge passage of this legislation. It will allow police to use the cameras for the specific purpose that has been promoted, while prohibiting its more expansive and invasive use.

Thank you for your consideration.

³ <https://www.flocksafety.com/>

⁴ <https://www.npr.org/2021/08/20/1029625793/black-lives-matter-protesters-targeted>