



## Comparison of License Plate Reader Policies

11/18/2021

The following informational report compares three different policy scenarios regarding license plate readers (LPRs) in Nashville. The first addresses the current laws regarding LPR usage for law enforcement. The current laws would continue if neither bill passes the Metro Council. The second is [BL-2021-961](#), a proposed ordinance sponsored by Council Members Johnston, Pulley, Nash, Rutherford, Styles, Gamble, Hancock, Hall, Hausser, Cash, Druffel, Toombs, Hagar, and Withers. The third is [BL2021-841](#), a proposed ordinance sponsored by Council Members Rosenberg, Mendes, Suara, Sepulveda, O'Connell, Benedict, Welsch, Parker, Roberts, and Porterfield. BL2020-961 and BL2021-841 are both on second reading at the December 21<sup>st</sup> Metro Council meeting. Note also the proposed Substitute Ordinance BL2021-841, which modifies BL20201-841. *Such modifications are tracked with italics in the appropriate sections.*

### What Are License Plate Readers?<sup>1</sup>

LPRs are high speed cameras that take a picture of a vehicle's license plate and, with computer software, translate the image into text that includes the license plate number, location of the vehicle, and in some cases the color, make, and model of the vehicle. LPRs capture every vehicle's license plate and location and record that information in a database. LPRs can be installed on poles along a street, referred to as *fixed LPRs*, or attached to a vehicle or trailer that can be moved, referred to as *mobile LPRs*.

Law enforcement uses LPRs in two primary ways. First, they can issue an alert when a specific license plate passes the camera. For instance, if a stolen vehicle's license plate is captured by an LPR, police officers nearby or the officer in the vehicle that scanned the plate can be notified.

The second use is for investigating crimes by analyzing the stored LPR data. Potential witnesses or suspects may be able to be identified if there was an LPR at the right location. Stored data can also be used in conjunction with other data sources to develop predictive models of travel patterns and when certain cars or individuals will be in certain locations.

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<sup>1</sup> For a more comprehensive review of how LPRs work as well as benefits and costs of LPRs, see: <https://www.policingproject.org/axon-alpr>

## License Plate Reader Policy Comparison

Advocates for LPRs highlight the potential positives of LPRs for detecting vehicles associated with individuals wanted for criminal offenses or recovering stolen vehicles. Studies suggest that LPRs make identifying wanted vehicles more efficient for officers and increase recoveries of wanted vehicles.<sup>2</sup> The research on the effectiveness of LPRs at reducing or solving crime is, unfortunately, limited and there are mixed results depending on the type of deployment and outcomes specified.<sup>3</sup>

Critics of LPRs highlight concerns over privacy and the fact that every driver's location data is stored in the LPR database. The Policing Project highlights the potential for increased enforcement of minor offenses that would likely have a disparate racial, ethnic, and socioeconomic impact, increased fines and fees, inappropriate stops, privacy implications of LPR databases, emerging capabilities of artificial intelligence for predictive policing, and lack of transparency about how LPRs are used or located. Some of these risks can be mitigated through LPR regulations.

The Policing Project concludes that “with respect to both benefits and costs, we are operating with limited information, often extrapolating from anecdotes, and doing our best to estimate effects. We have acknowledged there are potential benefits, but it is clear to us that there are very real costs as well” (p. 26).

## Policy Summaries

### 1. No bill passes, the current law continues

The current Metropolitan Code (Section 13.08.080) prohibits the city from installing fixed LPRs along roads. Mobile LPRs, ones that are mounted to vehicles or trailers, are allowed. There are currently no provisions in the Metropolitan Code that would restrict the use of LPR data to specific types of crime, how the data are accessed, require oversight, or public reporting about LPR use. State law (TCA §55-10-302) limits data retention from LPRs—defined as “fixed high-speed cameras combined with computer algorithms to convert images of license plates into computer-readable data”—to less than 90 days unless the data is part of an ongoing investigation. State law also classifies LPR data as confidential, meaning that it cannot be released in response to a public records request. There are no other regulations in the Metropolitan Code or Tennessee Code that regulate LPRs.

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<sup>2</sup> Lum, Cynthia, Linda Merola, Julie Willis, and Breanne Cave. “License Plate Recognition Technology (LPR): Impact Evaluation and Community Assessment.” Center for Evidence-Based Crime Policy, George Mason University, September 2010. [https://cebcp.org/wp-content/evidence-based-policing/LPR\\_FINAL.pdf](https://cebcp.org/wp-content/evidence-based-policing/LPR_FINAL.pdf).

<sup>3</sup> Policing Project, “Second Report of the Axon AI & Policing Technology Ethics Board: Automated License Plate Readers” (New York University, 2019), <https://www.policingproject.org/axon-alpr>.

## 2. [BL-2021-961](#) (as amended on 11/2/2021)

[BL-2021-961](#) is a proposed ordinance that would remove the current restriction on Metro Government agencies installing fixed LPRs on roads and would provide regulations for the use of LPRs. The bill includes the following:

- Departments using LPRs must post usage and privacy policies on their website.
- LPRs can be used to investigate and prosecute any felony criminal offense, criminal offenses “associated with” violent crime, or reckless driving; as well as to detect civil traffic or parking offenses, operate a smart parking program, and assist with missing persons cases.
  - Criminal offenses associated with violent crime is not defined and could be interpreted broadly.
- Bill specifies that LPRs may not be used for general surveillance of any individual, identifying a vehicle for repossession, determining whether the license plate is expired, determining whether the driver has a valid driver’s license, or determining whether the driver is insured.
- Data can only be stored for 10 days unless it is related to a criminal offense, civil traffic, or parking offense.
- LPRs installed on roads must be on major and collector streets, and shall be distributed equitably across the north, south, east, and west quadrants of the county.
- Law enforcement must have reasonable suspicion of a felony offense, or a civil traffic or parking offense, before searching LPR data that was collected more than one hour prior to the search. This data may not be used to generate reasonable suspicion.
- Departments using LPRs must identify an LPR Custodian who will maintain security procedures, manage and train users, manage audits, ensure retention and destruction of data, and manage the relationship with the LPR provider.
- The District Attorney and Public Defender or their designees can audit LPR systems and, if they have a concern, can notify the Metro Council to request suspension of LPR use.
  - The Community Oversight Board is not listed as an entity that can audit LPR systems and request LPR use be suspended.
- The audit log documenting system access may be accessed by the District Attorney, Public Defender, and Chair of the Community Oversight Board.
- The bill would require an annual report and a report to the Metro Council every two months during the pilot phase (every three months after the pilot) that presents the demographics of drivers stopped by LPRs and statistics about the number of matches made by LPRs.
- LPRs will be used in a 6-month pilot. After the pilot, the Metro Council must reauthorize the LPR program by resolution.

### 3. BL2021-841

*Note: Italicized sections of this summary indicate sections of BL2021-841 altered by [Substitute Ordinance BL2021-841](#).*

[BL2021-841](#) is a proposed ordinance that would allow LPR use in law enforcement vehicles while continuing to prohibit LPRs installed in fixed positions. Currently, there is a proposed substitute from the Sponsor. The sections altered by the substitute are in *italics*. The bill includes the following:

- Only mobile LPRs would be allowed for law enforcement use. Fixed LPRs could be used solely for parking infractions and must be deleted 30-minutes after leaving the parking space.
- LPRs could only be used to recover stolen vehicles, find vehicles associated with missing or endangered persons, for vehicles registered to persons with a felony arrest warrant, vehicles with a felony search warrant, *or suspects for whom probable cause exists for an arrest for a felony offense.*
- Data can only be stored for 24 hours unless it is related to a criminal offense for an allowed use. *(Substitute Ordinance BL2021-841 extends storage to 72 hours)*
- *Departments using LPRs must identify an LPR Custodian who will maintain security procedures, manage and train users, manage audits, manage access, and ensure retention and destruction of data.*
- All LPR inquiries must be recorded in an audit log so that they can be audited for compliance.
- Two members of council, the district attorney, public defender, and Community Oversight Board or their designees will be able to examine and audit any LPR, LPR server, or records pertaining to LPR use. If any party believes there have been use violations, they can notify the Metro Council requesting to suspect LPR use which would be voted on by resolution. *(Substitute Ordinance BL2021-841 removes the council members from this section)*
- MNPD must provide Council with quarterly reports *via a public webpage* on the number of LPRs, the number of matches, the number of matches leading to ‘hits’ resulting in stops of vehicles or individuals sought by MNPD, the demographics of drivers stopped by an LPR match, and the number of correctly read matches as well as misread matches.
- There will be a 6-month pilot period. During the pilot period, the Metro Council will hold a public hearing on LPRs. Following the public hearing, the Council will vote whether to continue the LPR program.
- If state legislation is enacted that requires LPR data sharing with outside agencies (e.g. Immigration and Customs Enforcement), the Metro Council will vote whether to continue LPR use.
  - *LPRs shall not be manufactured by or procured through any organization which has a data-sharing agreement or other cooperative agreement with any immigration agency.*

## License Plate Reader Policy Comparison

This table focuses on law enforcement uses. Links to the full bill text are in the header row of the table.

*Note: Italicized sections of this table indicate sections of BL2021-841 altered by [Substitute Ordinance BL2021-841](#).*

	1. No Bill Passes	2. <a href="#">BL2021-961</a>	3. <a href="#">BL2021-841</a>
<b>Types of LPRs Allowed</b>	Fixed LPRs banned, mobile LPRs allowed.	<ul style="list-style-type: none"> <li>Fixed or mobile LPRs would be allowed.</li> </ul>	<ul style="list-style-type: none"> <li>Fixed LPRs remain banned, mobile LPRs allowed.</li> </ul>
<b>Location of LPRs</b>	LPRs cannot be installed in the public right of way.	<ul style="list-style-type: none"> <li>Fixed LPRs in the public right-of-way are limited to major and collector streets.</li> <li>Equitable camera distribution across the county.</li> </ul>	<ul style="list-style-type: none"> <li>Distributed in a generally equitable manner among MNPD precincts.</li> <li><i>Shall not be placed in a specific location for more than seven days.</i></li> </ul>
<b>Allowed Uses of LPRs</b>	No Restrictions	<ul style="list-style-type: none"> <li>Investigating and prosecuting felony offenses</li> <li>Criminal offenses “associated with” violent crimes</li> <li>Reckless driving</li> <li>Stolen vehicles</li> <li>Missing persons cases</li> </ul>	<ul style="list-style-type: none"> <li>Stolen vehicles</li> <li>Missing or endangered persons</li> <li>Vehicle registered to someone with an outstanding felony arrest warrant</li> <li>A probable cause search warrant for a felony offense has been obtained</li> <li><i>Someone for whom probable cause exists for an arrest for a felony offense</i></li> </ul>
<b>Prohibited Uses of LPRs</b>	None	<ul style="list-style-type: none"> <li>General surveillance of any individual</li> <li>Vehicle repossession</li> <li>Expired plates</li> <li>Determining valid driver’s license or motor insurance</li> <li>Facial Recognition</li> <li>Sale of LPR data</li> </ul>	<ul style="list-style-type: none"> <li>Uses limited to those allowed above.</li> <li>Explicitly prohibits photographing, recording, or producing images of the occupants of vehicles.</li> </ul>

License Plate Reader Policy Comparison

	1. No Bill Passes	2. <a href="#">BL2021-961</a>	3. <a href="#">BL2021-841</a>
<b>Accountability/Oversight</b>	None required	<ul style="list-style-type: none"> <li>Requires a usage and privacy policy before use.</li> <li>LPR Custodian manages data, security, training, and management of system and employees.</li> <li>DA and public defender [but not the COB] can audit any LPR system. Outcome of this audit may result in suspension of use of LPR or LPRs, if council grants a resolution.</li> <li>Access to review the MNPd audit trail shall be provided to the District Attorney, Public Defender, and Chair of the COB.</li> </ul>	<ul style="list-style-type: none"> <li>District Attorney, Public Defender, COB chair or their designee may audit any LPR system. Outcome of this audit may result in suspension of use of LPR or LPRs, if council grants a resolution.</li> <li><i>LPR Custodian manages data, security, training, access, and management of system and employees.</i></li> </ul>
<b>Transparency/Reporting</b>	None required	<ul style="list-style-type: none"> <li>Stops from LPR must be recorded and contain demographic information. MNPd must publish a report online and report to council every two months during the pilot period, and every three months thereafter.</li> <li>MNPd must report to council on the number of LPRs in use, the number of matches made, the number of matches resulting in stops of individuals sought by the department, the number of matches resulting in searches, and other info as requested.</li> </ul>	<ul style="list-style-type: none"> <li>MNPd must <i>post report online and report</i> quarterly to council, including number of LPRs in use in total and by precinct, the number of matches, the number of matches resulting in stops of individuals sought by the department, the number of matches resulting in searches, number of matches read correctly as well as incorrectly, and other info as requested.</li> </ul>
<b>Data Retention Period</b>	90 days	<ul style="list-style-type: none"> <li>10 days</li> </ul>	<ul style="list-style-type: none"> <li>24 hours</li> <li>72 hours</li> </ul>
<b>Pilot Phase</b>	None	<ul style="list-style-type: none"> <li>Six-month pilot phase, council must pass resolution to continue use of LPRs.</li> </ul>	<ul style="list-style-type: none"> <li>Six-month pilot phase, council must first hold public hearing, then council must pass resolution to continue use of LPRs.</li> </ul>
<b>Cost/Purchasing</b>	Not Addressed	<ul style="list-style-type: none"> <li>LPRs shall be procured pursuant to the provisions of Title 4 of the Metropolitan Code of Laws, the Procurement Code.</li> </ul>	<ul style="list-style-type: none"> <li><i>No LPR shall be manufactured by or procured through any organization which has a data-sharing agreement or other cooperative agreement with any immigration agency.</i></li> </ul>
<b>Additional Provisions</b>	None	<ul style="list-style-type: none"> <li>LPR data may be obtained from privately owned, operated systems.</li> </ul>	<ul style="list-style-type: none"> <li>If state legislation requires LPR data to be shared with other departments, council votes by resolution whether to continue the use of LPRs.</li> </ul>