



## **SURVEILLANCE TECHNOLOGY WORKING GROUP**

May 30, 2023

### **RECOMMENDATION FOR QUALIFIED APPROVAL**

#### **S.T. No. 23-001 “Automatic License Plate Readers”**

Mayor Ben Walsh  
City of Syracuse  
City Hall Room 203  
233 East Washington Street  
Syracuse, New York 13202-1473

RE: *Surveillance Technology Working Group*  
*S.T. No. 23-001 “Automatic License Plate Readers”*  
*Summary Report and Recommendation*

Dear Mayor Walsh:

In accordance with Executive Order No. 2 issued on December 1, 2020, authorizing a Surveillance Technology Working Group (“STWG”) to comprehensively evaluate surveillance technologies proposed for implementation by various City of Syracuse departments, and to seek out and consider related public input, STWG has completed its review of *S.T. No. 23-001 “Automatic License Plate Readers”* as proposed for implementation by the Syracuse Police Department (“SPD”) and hereby recommends **QUALIFIED APPROVAL** of *S.T. No. 23-001 “Automatic License Plate Readers”* based on the reasons and considerations as summarized within this Report and Recommendation:

#### ***S.T. NO. 23-001 “Automatic License Plate Readers”* SUMMARY DESCRIPTION**

Automatic License Plate Readers are a form of surveillance technology that consists of cameras that can automatically read license plates (and potentially other details about vehicles). SPD intends to use this technology exclusively for public safety purposes, such as identifying stolen or wanted vehicles, stolen license plates and missing persons. SPD is proposing the use of 26 cameras spread throughout the city. These cameras would operate continuously, generating alerts if any license plate matches a ‘Hot List’ of license plates. This data may then be retained in the system afterwards, in accordance with predefined policies.

It should be noted that SPD had previously submitted an ALPR pilot to be reviewed by the STWG (S.T. No. 22-002). While the STWG recommended a qualified approval in that opportunity, SPD decided against going through with the pilot at that time.



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### **STWG FINDINGS**

SPD Deputy Chief Richard Shoff submitted ALPR's proposed implementation on behalf of the department. Deputy Chief Shoff provided information on the device, its proposed uses, he shared location information, policies and guidelines, and success stories. The Deputy Chief also answered detailed questions from STWG members with respect to ALPR's capabilities, intended uses, data storage, privacy concerns, implementation, training, access, audits, and similarly related matters.

Upon considering the information provided, and in accordance with the city's surveillance technology policy, the STWG sought input from Syracuse residents and local stakeholders. We received over 250 entries through our online form, a record high for this process. Roughly 35% of those were in support of the technology, many of which consider the benefits to our community through more efficient public safety and law enforcement procedures. Roughly 40% were opposed to the technology, raising concerns around the intrusiveness of this technology and the infringement of the personal expectation of privacy. The rest of the responses were either null entries or neutral questions such as how the locations for the cameras were chosen or whether the devices would be used to issue speeding tickets.

The STWG also conducted a review of available literature on the use of ALPR. Members of the group also researched existing policies across the country to govern the use of ALPRs.

The STWG considered the public commentary in reaching its conclusion to recommend ALPR's qualified approval for implementation. The group reached the same conclusion as when it reviewed the pilot use of this technology (S.T. No. 22-002): that while the intended use of the technology is not to threaten privacy of citizens or use data beyond the scope of the proposed purpose, there are some legitimate concerns and risks, which should be alleviated by the implementation of sound policies, proper training, regular audits, and transparency. The proposed ALPR Guidelines are summarized in the next section.

The STWG voted for recommendation of *S.T. No. 23-001* at its May 5, 2023, regularly scheduled meeting as follows:



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STWG Member	Vote In Favor	In Favor w/ Stipulations	Vote Against	Abstention	Absence
Nicolas Diaz, API		X			
Tim Gleeson, SFD		X			
Martha Grabowski		X			
Johannes Himmelreich		X			
Ocesa Keaton, Research		X			
Mark King			X		
Timothy Liles, Digital Services		X			
Sharon Owens, Deputy Mayor		X			
Jawwaad Rasheed, SPD		X			
Jason Scharf, API		X			
Daniel Schwarz			X		
Michelle Sczpanski, NBD		X			
1st DC Richard Shoff, SPD		X			
Jennifer Tiftt, Strategic Initiatives		X			
Valerie Didamo, Law Department				X	

### STIPULATIONS AND/OR RECOMMENDATIONS FOR IMPLEMENTATION

To mitigate privacy concerns of the citizens and significant risk of data misuse, the STWG recommends taking the following measures:

1. **Data Sharing:** Data collected by ALPR should be expressly classified as confidential and accessible only by law enforcement under clearly defined terms and only through individual requests. ALPR data should be considered For Official Use Only (FOUO). The requesting agency should make a written request for information, verifying that the request is being made for permissible law enforcement use only. Data should not be shared with the vendor and it must not be used to improve or contribute to the vendor's existing products or to the development of new products. Absent any court order or warrant, no data should be shared with ICE/DHS for immigration enforcement purposes.
  
2. **Permissible Uses:** The SPD and other law enforcement agencies should only be allowed to request or use ALPR data for specific law enforcement purposes: 1) Attempting to identify vehicle owner(s) or occupant(s) when such individual(s): A) has committed a criminal offense or is under active investigation for allegedly committing a criminal offense, or B) is suspected missing, or a victim or witness to a crime under active investigation; 2)



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Attempting to locate a vehicle that is involved as part of a criminal investigation, identified by make, model or plate number. A potential violation of immigration laws or immigration status alone is not sufficient to warrant sharing/using this data.

- 3. Retention Period:** For routine data storage, there should be a set time limit for retention, and when reached ALPR data should be purged. In the event of an alleged felony where ALPR data would assist SPD in the investigation, they may make a Preservation Request to extend the data retention period for a specific and limited geographic zone to a longer time period.

An operator of ALPR system, upon the request of a governmental entity or a defendant in a criminal case, shall take all necessary steps to preserve ALPR data in their possession for additional days pending the issuance of a court order. A requesting governmental entity or defendant in a criminal case must specify in a written sworn statement: the particular camera or cameras for which captured plate data must be preserved or the particular license plate for which captured plate data must be preserved; and the date(s) and/or timeframe for which captured plate data must be preserved.

In the event where ALPR data has been introduced in court as evidence to assist in a law enforcement investigation, these guidelines allow for this data to be accessible for a longer period of time as is the procedure with other data captured by SPD.

Please see the next section for a breakdown on recommended retention period ranges.

- 4. Addressing Accuracy Limitations of the Technology:** An evaluation of ALPR accuracy rates should be part of the training of all officers and officials who use and have access to the technology. SPD should establish proper training and clear procedures for addressing ALPR mismatch and avoid unwarranted detainment. For example, plates should be confirmed visually before a stop if possible, and at minimum, they should be confirmed as soon as the officer exits the patrol vehicle.
- 5. Reporting and Audits:** SPD will post its ALPR system use policy and privacy policy on its publicly available website. SPD will report in an annual basis on its ALPR practices and usage to the Mayor's office and the STWG. The report will also be conspicuously posted on SPD's website and on the STWG website. The report shall include: the locations and specifications of all cameras used for the ALPR system;
  - the number of license plates scanned;
  - the total number of incidents investigated in which an LPR match was generated, total number of incidents investigated that did not generate a match, the



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- number of confirmed matches, and the number of matches that upon further investigation did not correlate to an alert;
- c. of all incidents investigated that had related ALPR matches, related offenses that were verified subsequent to the match, broken out by offense type, subsequent arrests that occurred in relation to those offenses, broken out by arrest type, charges filed subsequent to related arrests;
  - d. the number of manually-entered license plate numbers, broken down by incident type, % of entries that have a stated reason, % of entries that have a corresponding DR#, number of confirmed matches and the number of matches that upon further investigation did not correlate to an alert;
  - e. any changes to the ALPR system or to the use or privacy policy;
  - f. data on accuracy, including date and time, for each instance of a false match.

### **SPECIFIC VIEWS ON RETENTION PERIOD**

In respect to point (3) of the list of stipulations in the previous section, while the group unanimously agreed that a data retention period should be set (both for the routine data storage and after a data preservation request has been granted), there were different perspectives on how lengthy this period should be.

A summary of the specific views is found below:

#### Initial Data Retention:

- Preferred length ranged from **1 hour or less to 1 year of longer**, with the median vote being **30 days**.

#### Data Retention after Preservation Request granted:

- Preferred length ranged from **14 days to one year of longer**, with the median being **3-6 months**.

### **DISSENTING OPINION**

Mark King, one of the members of the STWG, voted against the use of this technology. Stating his reasons, he writes that *'with respect to my colleagues at the Surveillance Technology Working Group, I feel that we have not fully resolved the problems that this technology poses when to become a network potentially capable of tracking individual movements throughout the city. Nationally there is the currently unresolved legal question of whether a broad network of ALPRs violates protections guaranteed by the Fourth Amendment. Moreover, even if*



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*constitutionally sound, there are still risks to equity and justice. These could be mitigated with a strict data retention limit (7 days) but without this guarantee I cannot comfortably vote in favor of the use of this technology. It is also difficult to make a determination without knowing who the vendor will be for this technology as some technology providers on this industry have developed a reputation for sharing data across jurisdictions. Finally, we must consider the primarily negative reception in the public comment period.'* A full write-up with this opinion is included as an addendum to this document.

### **SUPPORTING DOCUMENTATION**

Affixed hereto is the public commentary feedback sought and received by STWG, as reviewed and considered in recommending *S.T. No. 23-001*. Also affixed are SWTG's meeting slides containing relevant notes and discussion points relative to *S.T. No. 23-001*, as well as a full write-up of dissenting opinion.

### **CONCLUSION**

Based on the aforementioned considerations, SWTG RECOMMENDS *S.T. No. 23-001 "Automatic License Plate Readers"* FOR **QUALIFIED APPROVAL**.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Nicolas Diaz".

Nicolas Diaz

Chair

Surveillance Technology Working Group