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2026 Assembly Hearing on the Use of Automated License Plate Reader Technology in New York State

November 9, 2026

Testimony submitted on behalf of the New York State Sheriffs' Association by Legislative Committee Chair and hearing participant, Albany County Sheriff Craig D. Apple, Sr.

Esteemed Members of the Legislature,

The New York State Sheriffs' Association is grateful for the opportunity to weigh in on the topic of today's hearing. My fellow Sheriffs and I are well aware of the recent changes in public sentiment with regard to automated license plate reader (ALPR) technology, and it is our hope that the testimony provided today can assuage people of their misgivings, and possible yours. We are also aware of the many proposals currently under consideration, both by this body and local governments, that seek to restrict how ALPR systems are used by governmental entities, particularly by law enforcement. Sheriffs hope that today's dialogue can serve as a prelude to a more in-depth conversation about how to prevent misuse of this technology, while also protecting its ultimate purpose of solving crimes and preserving public safety.

I'd note at the outset that ALPR technology is nothing new. The Albany County Sheriff's Office began outfitting its patrol cruisers with mobile ALPR scanners in 2009, and many other Sheriffs Offices were early adopters as well. The efficiencies of these systems were immediately apparent in the patrol context; a deputy engaged in routine traffic enforcement was assisted in real-time by an ALPR which could run checks on passing vehicles and return relevant information about that vehicle (and every passing vehicle) at a speed that simply couldn't be accomplished before. These systems collected the same publicly available information that, years before, a deputy could not have captured with the naked eye in most circumstances, or cross-referenced against pertinent law enforcement databases in a timely way. The limitation inherent in the use of these patrol car cameras was just that, it required a deputy out on the road, engaged in active law enforcement. This likely led to the proliferation of fixed, pole-mounted cameras in the years since, in order to maximize their utility and benefits to public safety.

And there are indeed benefits. For instance, on the morning of June 10th of this year, the Watervliet Police Department sent a bulletin to agencies around the state for a possibly armed man and a vehicle, both sought in a shooting investigation. That afternoon, the vehicle passed a

license plate reader in Binghamton, far from where the shooting happened. Within five minutes, Broome County Sheriff's Office deputies located the vehicle on Main Street as it pulled into the drive-thru lane of a McDonald's. Because of the bulletin, they used high-risk stop tactics. The suspect was identified in the front passenger seat and taken into custody without incident, in the middle of a weekday afternoon, with no one hurt. Watervliet police took him home to face charges that same day.

Or take Monroe County on March 22 of this year. A deputy on patrol received an alert for a car that had been stolen in Rochester the day before, found it parked and occupied outside a business, and three people were arrested. Two were wanted by Rochester police on warrants. The third was a parole absconder.

And there are use cases beyond criminal law enforcement. The Orleans County Sheriff's Office reports that about 7 percent of the searches that they run off of their fixed camera ALPR system are for missing persons cases where there is no suspicion of criminal activity.

None of this happens outside the State's own framework. For instance, Monroe County's program is paid for by a law enforcement technology grant provided by the New York State Division of Criminal Justice Services (DCJS). What's more, the Municipal Police Training Council, also a part of DCJS, approved a model policy in March 2021 and updated it in June 2022, and it tells every agency how to use these tools: verify a hit before any stop, log the reason and case number for every search, audit, train, and document any sharing. Compliance with this model policy is a prerequisite for becoming an accredited law enforcement agency in New York. The long, proven record of success that Sheriffs' Offices have had with ALPRs is a credit to the State's endorsement of the responsible use of this technology.

So, understandably, Sheriffs have concerns with some of the proposals that are likely to be considered next session regarding use of ALPRs; specifically, pieces of legislation that would drastically limit how ALPRs could be used, and for what purpose. They mostly follow the same track: they limit use of ALPRs to a short list of narrow scenarios, they require deletion of collected data after a vanishingly brief retention period, they bar most sharing with other states and federal partners, and they create automatic statutory suppression triggers that would prevent use of data by prosecutors with no good faith exceptions.

Briefly, in turn:

1) <u>Confining the use of ALPR systems to a pre-defined set of scenarios will drastically reduce the effectiveness of the technology</u>

   The restrictions under consideration typically limit ALPR use by governmental entities, including law enforcement, to a short list of purposes. Put another way, any use of an ALPR system outside of a permitted use exception would be unlawful. The core exception would allow an agency to check scanned plates against a hot list (a database of plates tied to stolen vehicles, wanted persons or missing-person alerts, which flags a vehicle when it passes a camera), or against a plate entered by hand, but only for vehicles tied to a felony warrant, vehicles that are unregistered or uninsured,

vehicles connected to a missing person, stolen vehicles, or vehicles that are "currently being used" in a felony. The remaining typical exceptions are usually administrative in nature, covering parking enforcement, access to secured areas, toll collection and enforcement of the Vehicle and Traffic Law.

But real casework does not sort neatly into five categories, and deputies cannot be expected to sort it at the roadside. Whether a vehicle sought in an out-of-county shooting is "currently being used" in a felony, or whether another agency's bulletin counts as a qualifying hot list, are questions a court would settle months later. Take the Broome County case referenced earlier; there, deputies found a vehicle sought in a Watervliet shooting investigation within five minutes of a plate reader alert, and under a rule like this one a wrong call on those questions could cost the case. New York already has a better model. The Municipal Police Training Council's model policy permits use of ALPRs to locate a vehicle related to an investigation, to identify owners and occupants who committed or are planning to commit crimes or who are missing people, victims or witnesses, and to address safety threats. It also prohibits personal use and investigations based solely on political, religious or social views.

2) <u>Deleting collected data after a vanishingly brief retention period will eliminate its investigative value</u>

Many proposed restrictions on ALPR use relate to how long the data (even if captured in a permitted use case scenario) could be retained, with some establishing a default expungement period of 48 hours. The exceptions usually cover data that evidence law requires an agency to keep, matters pending until a fine or fee is paid or an enforcement matter is adjudicated, defense requests and court orders. None expressly allows a hold for an open investigation.

This is simply not compatible with effective policing. Investigations often begin well after a vehicle passes a camera, as with a burglary discovered after a weekend or a hit-and-run reported days later. Searching stored reads for vehicles near an offense is a core use of ALPR technology. Once again, the State's model policy calls for retaining captured plate data for a minimum of one year under the State Archives record retention schedule. Other jurisdictions that have capped retention have at least set limits in weeks or months, not hours: 21 days in Virginia and Maine, with room for active investigations, a 21-day default in Washington, 60 days in Minnesota, 90 in Kentucky and 18 months in Vermont.

3) <u>Barring most sharing with other states and federal partners will cut off mutual aid</u>

Another commonly proposed restriction would bar an agency from sharing plate data with anyone other than a New York State government entity, unless a federal judicial warrant or order requires it, or an out-of-state judicial warrant tied to a listed

investigation, with no exigent circumstance exception, much less a simple, common intergovernmental cooperative service agreement.

But criminal conduct does not confine itself within any particular state's borders. Just recently, in September, a Texas Sheriff's Office searched its plate reader network at the request of a South Carolina Sheriff and found a vehicle carrying an abducted 12-year-old boy. The process took approximately 20 minutes. But if a data sharing ban were to be implemented here, a New York Sheriff could not give a colleague that help without a warrant from the other state. The model policy already allows sharing with any law enforcement agency that has a need to know, for an authorized use, with the reason and the requester documented. Sheriffs support that standard, along with a ban on sale or sharing with commercial parties and vendor contracts that keep data owned by the agency.

4) Automatic suppression with no good-faith exception will cost victims their cases over technical errors

Finally, the ultimate enforcement mechanism contemplated by these proposals to ensure that ALPR use is confined in the above ways would be to prohibit the government from using plate data, or any evidence derived from it, in any state proceeding if the data was obtained, used, shared, accessed or transferred in violation of any implemented restriction. They draw no line between serious and clerical violations, include no good-faith exception, and treat contractors as government entities. That means a record deleted an hour late, or a vendor's misconfigured setting could, without recourse, render inculpatory evidence inadmissible and potentially scuttle otherwise meritorious prosecutions.

New York already has a suppression regime for unlawfully obtained evidence, found in Article 710 of the Criminal Procedure Law. It works case by case, for each individual piece of evidence put forward by the People in a criminal prosecution: the defense makes an argument that a piece of evidence was unlawfully obtained, a judge looks at the specific facts, hears from both sides, and decides whether a right was actually violated and what remedy fits. The introduction of ALPR data as evidence in a criminal proceeding should be treated no differently. This is to say nothing of the fact that the data itself is nearly always obtained in a setting—public roadways—in which courts have long held there is no reasonable expectation of privacy in a vehicle's movements. Indeed, a license plate exists precisely because it is meant to be a public identifier. Under the rubric of the restrictions described above, a deputy who directly observes a stolen car's plate with his or her own eyes may act on it, but the same plate read by a camera might not be admissible at trial if the collection and preservation of the data is not in absolute accordance with the strictures above.

All that said, Sheriffs, me especially, are aware of the potential for misuse of this technology. I recently terminated a senior investigator in my Office and initiated a criminal case against her for using our ALPR system for personal, inappropriate reasons. I believe this reaction was entirely appropriate in order to retain the trust of the public, and to deter others from engaging in the same conduct, and I'm confident my fellow Sheriffs would have taken the same measures. In the wake of that incident, we revised our internal policies to limit direct access to the system to supervisors only, to require that all searches be affiliated with a documented case number, and instituted a more rigorous and frequent audit of the system's use.

Sheriffs believe that these are the things that should be the focus of any potential legislation, as opposed to the types of front-end use restrictions addressed above. We would encourage the legislature to look to the existing model policy as a template for any future statutory changes, and hope to be participants in those future conversations. To that end, please contact Alex Wilson, Esq. at the New York State Sheriffs' Association for further information, at awilson@nysheriffs.org.

Thank you again for this opportunity.



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Albany County Sheriff Craig D. Apple, Sr.