NYSAC
NEW YORK STATE
ASSOCIATION OF COUNTIES

The County Perspective on

Automatic License Plate Readers

Testimony submitted by the

New York State Association of Counties

to the

Assembly Standing Committees on Local Governments, Consumer Affairs and Protection, & Governmental Operations

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Chairs and Members of the Assembly Standing Committees on Consumer Affairs and Protection, Governmental Operations, and Local Governments:

Thank you for the opportunity to submit testimony on Automatic License Plate Reader (ALPR) data collection and usage in New York State. The New York State Association of Counties (NYSAC) represents all 62 counties in New York State, including the City of New York. Counties and New York City perform vital public safety functions, including law enforcement, emergency management, 9-1-1 system coordination, and criminal prosecution and public defense, giving them a direct stake in how ALPR technology is used and regulated. Our goal today is to outline why county law enforcement agencies use ALPR technology and the operational and legal considerations counties weigh when they do.

Law Enforcement Uses of ALPRs

ALPRs are high-speed camera systems that capture the license plates of vehicles that come into view, along with the location, date, and time of each read. Many systems also record a vehicle's make, color, and other identifying features. Cameras can be fixed at a set location or mounted on patrol vehicles, and the data they collect is stored in a database that authorized users can query.

ALPR technology has existed since the 1970s, but falling camera and data-storage costs, as well as advancements in artificial intelligence, have made it far more common over the last decade. Leased cameras now run roughly $3,000 per camera per year, including cloud storage, making ALPRs affordable for local governments of all sizes.

Law enforcement agencies point to several public safety uses:

- **Locating missing and endangered persons**, including children subject to AMBER Alerts, where minutes can matter;
- **Recovering stolen vehicles** and identifying vehicles tied to outstanding warrants;
- **Investigating violent and serious crimes** by identifying vehicles present near a crime scene or tracing a suspect vehicle's route;
- **Improving investigative efficiency**, since searching ALPR records is far faster than manually reviewing hours of still images or video; and
- **Deterring crime**, as visible camera networks may discourage criminal activity.

These applications illustrate the potential value of ALPR technology as an investigative resource for county sheriffs, police departments, and district attorneys. As the Legislature considers whether additional regulations are appropriate, it is important to understand how this technology is used at the local level and how proposed restrictions could affect investigations and prosecutions, while also recognizing the legitimate privacy and civil liberties concerns associated with its use.

Operational and Administrative Considerations

The same features that make ALPRs useful also raise practical questions that every county using or considering them is addressing.

Surveillance and civil liberties. ALPRs capture data on every passing vehicle, regardless of the driver's conduct. A single read provides limited insight into a person's movements, but many

reads over time can form a detailed picture of their travel patterns and associations. Courts have not settled whether warrantless collection and querying of historical ALPR data is a search under the Fourth Amendment or Article I, § 12 of the State Constitution. Counties must weigh public safety benefits against these concerns and the legal risk that comes with this uncertainty.

Data retention. How long ALPR data is retained and who may access it are important considerations for local governments using this technology. Retention periods range from days to months depending on local policy and vendor contracts. While some advocates believe a shorter retention period would better protect the privacy of ordinary citizens, it may also diminish the investigative value of the technology.

Data sharing. Data may be limited to local users, shared within regional systems, or made searchable by agencies in other states or the federal government. Sharing arrangements vary, but typically the more data a county shares, the more data it can access. Broader sharing also means less control over how data is used once it leaves the county, presenting a trade-off between privacy and operational efficacy.

Accuracy and verification. Although ALPR technology can improve investigative efficiency, automated readings are not infallible. Appropriate verification procedures, training, and oversight are important to minimize the risk of mistaken identification and ensure that law enforcement actions are supported by reliable information.

Cybersecurity and vendor management. ALPR databases hold large volumes of sensitive location data, often on cloud platforms run by private vendors. While counties may desire clear contract terms on data ownership, security standards, and limits on vendor use or sale of data, they might not have the leverage to demand them.

Governance and accountability. Counties that use ALPR technology generally adopt permissible uses, training standards, and regular audits of who searched what, and why, to help ensure the technology is used as intended and build public trust while not sacrificing operational efficiency.

Private-sector use and oversight. ALPR technology is not limited to law enforcement agencies. Private businesses also operate these systems, raising additional questions about data ownership, access, retention, and sharing. As the Legislature considers statewide standards, it is important to distinguish between government-operated systems and those controlled by private entities. Any regulatory framework should clearly establish the responsibilities of private operators and vendors while recognizing the limits of local governments' authority over data collected or managed by third parties.

Taken together, these considerations underscore the importance of balancing public safety needs with privacy protections, transparency, and accountability, while preserving the flexibility that counties need to develop policies that reflect their local circumstances.

Considerations for State Legislative Action

The public safety needs of New York's counties are not uniform, nor are the resources available to address them. A rural county covering hundreds of square miles faces different public safety needs than a dense suburban one. County leaders, working with their sheriffs, district attorneys,

county attorneys, and residents, are best positioned to decide whether ALPRs fit their community and, if so, what safeguards to adopt.

Counties have taken different approaches to the use and oversight of ALPR technology, particularly with respect to data retention, information sharing, and vendor selection. These differences reflect local judgments about how best to balance public safety needs, privacy protections, and operational considerations.

As the Legislature considers whether additional statewide oversight of ALPR technology is warranted, NYSAC encourages lawmakers to balance privacy protections and accountability with the operational needs of local governments. Any legislation should:

- **Respect local decision-making** by preserving the authority of local governments to determine whether to deploy ALPR technology and how to use it, consistent with applicable state standards.
- **Establish clear, workable standards** for permissible uses, data access, retention, and information sharing that protect individual privacy while minimizing legal uncertainty for local governments.
- **Avoid imposing unfunded mandates** by providing state funding and technical assistance to help local governments comply with any new reporting, auditing, training, or cybersecurity requirements.
- **Provide sufficient time for implementation** so local governments can update existing policies, train personnel, and modify or renegotiate vendor contracts as necessary.
- **Engage county officials and local law enforcement** in the development of any statewide requirements to ensure the proposed standards reflect the practical realities of ALPR use. State agencies should also provide technical assistance and model policies to support consistent implementation.

Conclusion

ALPR technology can serve as a valuable investigative tool, but it also raises legitimate questions about privacy, data security, and accountability. Counties and New York City take these concerns seriously. As the Legislature considers potential statewide standards, NYSAC encourages a balanced approach that addresses these concerns while recognizing the diverse public safety needs and resources of local governments. Any new requirements should be clear, practical, adequately funded, and developed with input from the counties and local officials responsible for implementing them.

NYSAC appreciates the opportunity to submit these comments and welcomes continued dialogue with the Legislature as it considers this important issue.