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May 17, 2013

Charles Hoffmeyer
517 Hamilton Avenue
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To Mr. Charles Hoffmeyer,

I was forwarded a copy of your email regarding your concerns surrounding the use of Automatic License Plate Readers (ALPR) that are being used and purchased by the Lansing Police Department (LPD).

There are currently three in testing operation on LPD patrol vehicles which were paid for by a grant obtained from Meridian Township Police Department. LPD is still in the testing and training phase of these ALPR units. Three additional ALPR units will be purchased and installed as a result of a grant obtained by LPD from the Byrne Memorial Justice Assistance Grant program.

ALPR is a computer-based system that consists of a high-speed camera. The system attaches date, time, and location information to each license plate. If a scanned plate is "hit on", the system alerts the officer. There are four cameras mounted in plain view on the trunk of the patrol vehicles. These cameras are able to capture license plates from opposing traffic, traffic in front, traffic from behind and traffic to the right. There are no fixed cameras owned or operated by LPD at any location in the City of Lansing. Information gathered by the ALPR units currently have a retention schedule of one year, at which time, that information is purged from the system.

The ALPR unit scans the license plates of vehicles which are picked up by the trunk mounted cameras. The software then electronically compares that data to stolen vehicle information received by LPD's records management system. The system in use by LPD is electronically, not manually, updated at least once daily. As with any warrant or possible stolen vehicle, officers confirm the validity of the warrant or stolen vehicle via the Law Enforcement Information Network (LEIN) before taking action.

LPD currently shares its stolen vehicle data with East Lansing Police Department, Meridian Township Police Department, Michigan State University Police Department and Ingham County Sheriff's Office. We are working toward the inclusion of all stolen vehicles reported within the State of Michigan via the Michigan State Police (MSP).

The "hit" that is received from the ALPR only indicates that a vehicle may be stolen within the jurisdictions stated above. It is not tied to the LEIN and does not provide driving or warrant status of the vehicle owner.

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In addition to identifying potential stolen vehicles, the ALPR units can be used as an investigative tool for active investigations, but the data is not randomly accessed for any other reason.

United States v. Jones (the case in which the physical intrusion involved placing a GPS receiver on a car without a valid warrant. The Government's attachment of the GPS device to the vehicle, and its use of that device to monitor the vehicle's movements, constitutes a search under the Fourth Amendment.) In regards to continuous monitoring for a short period of time, in United States v. Knotts a short distance signal beeper in the defendant's car was tracked during a single trip for less than a day. The Court ruled that a person traveling on public roads has no expectation of privacy in his movements, because the vehicle's starting point, direction, stops, or final destination could be seen by anyone else on the road.

Nonetheless, in People v. Jones, the Michigan Court of Appeals ruled that a police officer may properly run a computer check of a license plate number in plain view even if no traffic violation is observed and there is no other information to suggest that a crime has been or is being committed. That is, there is no probable cause or articulable suspicion requirement to run a computer check of a license plate number in which there is no expectation of privacy. The Michigan Supreme Court, 6th Circuit, or Supreme Court hasn't made a ruling and there is no case on point for the issue as it relates to ALPR.

There are hundreds if not thousands of success stories on how ALPR alerts have picked up the most violent of offenders, dozens of stories that included abducted children and even some that have assisted police in saving the life's of those who have gone missing due to medical conditions. Additionally, ALPR detections have pointed investigators and generated leads in those cases.

LPD currently has safeguards put in place as it relates to dissemination of information, similar to the sharing of LEIN information. If an officer violates the privacy of someone or misuses the data in accordance with the law, then they will be held accountable by criminal and internal policies.

In conclusion, LPD recognizes the constitutional and privacy rights of every citizen and we will continue to follow the courts guidelines as it relates to ALPR's. ALPR technology is a significant tool in the arsenal of law enforcement. When deploying this new technology; proper training, deployment use, and management of the data, is important to the success of the program.

LPD is currently in the process of developing a policy and procedure that addresses the retention and use of the data. Once the policy and procedure has been completed, it will be strictly enforced to ensure the quality of the data, security of the system, compliance with applicable laws and the privacy of the data gathered.