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Automated License Plate Readers (ALPR)

A Guide for Criminal Defense Attorneys

1. What are they and how do they work?
   a. Automated license plate readers ("ALPRs") are computer-controlled, high-speed camera systems that automatically capture images of license plates that come into view. ALPRs relay information including the precise time and place where the license plate was captured to police departments, which then use the data in real time to make traffic stops or store it for future use. Stored data may allow police to trace a person's past movements, determine patterns of behavior, and plot vehicles that were present at a particular location and time.

   b. Cameras used in ALPR networks may be mounted on fixed locations like streetlights and highway overpasses or attached to police vehicles.

Images courtesy of *Mike Katz-Lacabe* (CC-BY).

   c. After a camera captures an image of a car and its surroundings, the image of the license plate is converted into alphanumeric data.

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d. In many ALPR systems, the license plate data is then automatically compared against a "hot list" of vehicles of interest. The ALPR then alerts police, who may stop the car.

2. How do I fight ALPR?
   a. File an MTS – unverified ALPR hit alone (i.e. software match without visual confirmation) may not justify a stop (*Green*)
   b. Persistent ALPR use to track a person over a prolonged period of time may implicate 4th Amendment protections and should arguably require a warrant supported by probable cause. Analogize to *US v. Jones*, 565 US 400 (2012) & Cell Site Location Information cases. (see CSLI one-pager)
   c. In some states, ALPR use must meet statutory requirements. Some state laws may provide suppression remedy for statutory violations: https://eff.org/ALPRstatelaws

3. Review the License Plate cases:
   a. Sixth Circuit: *US v Ellison* (462 F.3d 557 (2006)): No REP in LP number
   b. Ninth Circuit:
      i. *US v. Diaz-Castaneda* (494 F.3d 1146 (2007)): Court noted consensus among the circuits that single-instance ALPR database check ≠ search
      ii. *Green v. City & Cnty. of San Francisco* (751 F.3d 1039 (2014)): Court held that genuine issue of material fact existed as to whether officer had reasonable suspicion to make a stop despite an ALPR hit.
   c. GA Court of Appeals: *Hernandez-Lopez v. State* (319 Ga. App. 662 (2013)): Court held that an ALPR hit indicating an outstanding warrant created reasonable suspicion to justify a traffic stop.
   d. D. Nev: *US v. Yang* (2018 WL 576827, 1/25/18): MTS for ALPR search denied b/c no REP in LP & no trespass under *Jones*, 565 US 400 (2012)

4. How do I learn more?
   a. ALPR basics: https://eff.org/ALPRprimer
   b. Blog on types of ALPR: https://eff.org/ALPRtypes
   c. ALPR FAQs: https://eff.org/ALPRFAQ

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