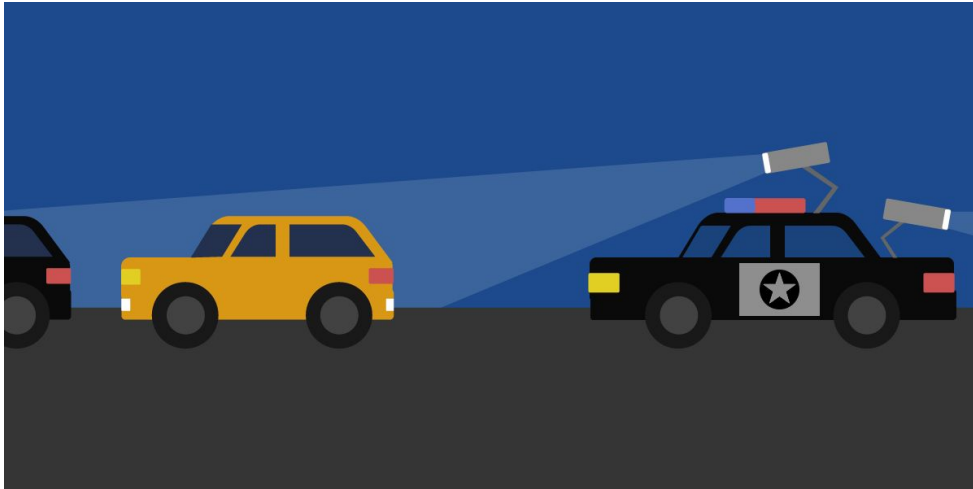


ALPRs

A Guide for Criminal Defense Attorneys



EFF One-Pager
Revised 5.10.19

Learn more:
[eff.org/
ALPRprimer](https://eff.org/ALPRprimer)

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What are they?

- Automated license plate readers (“ALPRs”) are computer-controlled, high-speed camera systems that automatically capture images of license plates that come into view. Some models can photograph up to 1,800 license plates every minute, and every week, law enforcement agencies across the country use these cameras to collect data on millions of license plates.
- Cameras used in ALPR networks may be:
 - Stationary - mounted on fixed locations like streetlights and overpasses
 - Mobile - attached to police vehicles
 - Hybrid – attached to a trailer that can be hitched to a police vehicle and then placed in different locations at different times

How do they work?

- ALPRs relay the precise date, time and place where a license plate was captured to a central database that can be searched by police departments, which then use the data to make traffic stops in real time or store it for future use.
- After a camera captures an image of the car and its surroundings, the license plate is converted into alphanumeric data that can then be compared to vehicle registration data to identify the registered owner, make and model of the car.
- The data is uploaded to a central database that is frequently shared across many jurisdictions. An investigator can search the historical travel patterns of a single vehicle, generate a list of vehicles that were seen near particular locations, identify cars seen in proximity of each other, or add a vehicle to a "hot list" to get near-real-time alerts.

How Do I Challenge ALPRs?

- File a discovery motion requesting the ALPR results, search parameters, and any audits or updates of the ALPR query system.
- Where law enforcement fails to obtain a probable cause search warrant for an ALPR search, file a motion to suppress based on the arguments in our [Yang amicus brief](#), which analogizes ALPR searches to the warrantless CSLI search in the landmark U.S. Supreme Court case: [Carpenter v. United States](#).
 - If you are in the 9th Circuit, a single, unverified ALPR match (i.e. software match without visual confirmation) does not justify a traffic stop (See [Green](#)).
 - But in the Georgia Court of Appeals, an ALPR hit alone does justify a traffic stop (See [Hernandez-Lopez v. State](#)).
- Where law enforcement does obtain a warrant for an ALPR search, refer to our strategies for [How to Challenge a CSLI Search](#).
- Challenge the foundation and authenticity of the proffered ALPR record(s).
- Rely on more privacy protective state laws: <https://eff.org/ALPRstatelaws>

Review the License Plate Cases (<http://eff.org/ALPRcases>)

Federal Case Highlights:

- Fifth Circuit: [Olabisiomotosho v. City of Houston](#), 185 F.3d 521, 529, (5th Cir. 1999) (“A motorist has no privacy interest in her license plate number.”)
- Sixth Circuit: [U.S. v Ellison](#) (462 F.3d 557 (6th Cir. 2006)) – Court held that there is no reasonable expectation of privacy in a license plate number.
- Ninth Circuit:
 - [U.S. v. Diaz-Castaneda](#) (494 F.3d 1146 (9th Cir. 2007)): Court noted consensus among the circuits that a single-instance ALPR database check does not equal a search.
 - [Green v. City and County of San Francisco](#) (751 F.3d 1039 (9th Cir. 2014)): Court held ALPR hit alone did not constitute reasonable suspicion – officer has to visually check the plate against the hit.
 - District of Nevada: [U.S. v. Yang](#) (2018 WL 576827, Jan. 25, 2018, pending review in the 9th Cir): MTS for an ALPR search was denied because the court held that there was no reasonable expectation of privacy in a license plate, no warrant was needed for unlimited tracking of motorists with ALPR, and found no trespassing under [Jones](#), 565 US 400 (2012).
- Tenth Circuit: [U.S. v. Walraven](#), 892 F.2d 972 (10th Cir. 1989) (concluding there is no privacy interest in a license plate because a license plate is in plain view).

How do I learn more?

- ALPR basics: <https://eff.org/ALPRprimer>
- Our blog on types of ALPR devices: <https://eff.org/ALPRtypes>
- ALPR FAQs: <https://eff.org/ALPRFAQ>