



## Comparison of License Plate Reader Policies

8/26/2021

The following informational report compares three different policy scenarios regarding license plate readers (LPRs) in Nashville. The first is the current laws regarding LPR usage for law enforcement. The current laws would continue if neither bill passes the Metro Council. The second is [BL2020-582](#), a proposed ordinance sponsored by Council Members Johnston, Pulley, Nash, Rutherford, Murphy, Styles, Toombs, Gamble, Young, Hancock, Druffel, Hall, Withers, Hausser, and Cash. The third is [BL2021-841](#), a proposed ordinance sponsored by Council Members Rosenberg, Mendes, Suara, Sepulveda, O'Connell, Benedict, Welsch, Parker, Roberts, and Porterfield. BL2020-582 and BL2021-841 are both on second reading at the September 7<sup>th</sup> Metro Council meeting.

### What Are License Plate Readers?<sup>1</sup>

LPRs are high speed cameras that take a picture of a vehicle's license plate and, with computer software, translate the image into text that includes the license plate number, location of the vehicle, and in some cases the color, make, and model of the vehicle. LPRs capture every vehicle's license plate and location and record that information in a database. LPRs can be installed on poles along a street, referred to as *fixed LPRs*, or attached to a vehicle or trailer that can be moved, referred to as *mobile LPRs*.

Law enforcement uses LPRs in two primary ways. First, they can issue an alert when a specific license plate passes the camera. For instance, if a stolen vehicle's license plate is captured by an LPR, police officers nearby or the officer in the vehicle that scanned the plate can be notified.

The second use is for investigating crimes by analyzing the stored LPR data. Potential witnesses or suspects may be able to be identified if there was an LPR at the right location. Stored data can also be used in conjunction with other data sources to develop predictive models of travel patterns and when certain cars or individuals will be in certain locations.

Advocates for LPRs highlight the potential positives of LPRs for detecting vehicles associated with individuals wanted for criminal offenses or recovering stolen vehicles. Studies suggest that

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<sup>1</sup> For a more comprehensive review of how LPRs work as well as benefits and costs of LPRs, see: <https://www.policingproject.org/axon-alpr>

LPRs make identifying wanted vehicles more efficient for officers and increase recoveries of wanted vehicles.<sup>2</sup> The research on the effectiveness of LPRs at reducing or solving crime is, unfortunately, limited and there are mixed results depending on the type of deployment and outcomes specified.<sup>3</sup>

Critics of LPRs highlight concerns over privacy and the fact that every driver's location data is stored in the LPR database. The Policing Project highlights the potential for increased enforcement of minor offenses that would likely have a disparate racial, ethnic, and socioeconomic impact, increased fines and fees, inappropriate stops, privacy implications of LPR databases, emerging capabilities of artificial intelligence for predictive policing, and lack of transparency about how LPRs are used or located. Some of these risks can be mitigated through LPR regulations.

The Policing Project concludes that “with respect to both benefits and costs, we are operating with limited information, often extrapolating from anecdotes, and doing our best to estimate effects. We have acknowledged there are potential benefits, but it is clear to us that there are very real costs as well” (p. 26).

## Policy Summaries

### 1. No bill passes, the current law continues

The current Metropolitan Code (Section 13.08.080) prohibits the city from installing fixed LPRs along roads. Mobile LPRs, ones that are mounted to vehicles or trailers are allowed. There are currently no provisions in the Metropolitan Code that would restrict the use of LPR data to specific types of crime, how the data are accessed, require oversight, or public reporting about LPR use. State law (TCA §55-10-302) limits data retention from LPRs—defined as “fixed high-speed cameras combined with computer algorithms to convert images of license plates into computer-readable data”—to less than 90 days unless the data is part of an ongoing investigation. State law also classifies LPR data as confidential meaning that it cannot be release in response to a public records request. There are no other regulations in the Metropolitan Code or Tennessee Code that regulate LPRs.

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<sup>2</sup> Lum, Cynthia, Linda Merola, Julie Willis, and Breanne Cave. “License Plate Recognition Technology (LPR): Impact Evaluation and Community Assessment.” Center for Evidence-Based Crime Policy, George Mason University, September 2010. [https://cebcp.org/wp-content/evidence-based-policing/LPR\\_FINAL.pdf](https://cebcp.org/wp-content/evidence-based-policing/LPR_FINAL.pdf).

<sup>3</sup> Policing Project, “Second Report of the Axon AI & Policing Technology Ethics Board: Automated License Plate Readers” (New York University, 2019), <https://www.policingproject.org/axon-alpr>.

## 2. BL2020-582

[BL2020-582](#) is a proposed ordinance that would remove the current restriction on Metro Government agencies installing fixed LPRs on roads and would provide regulations for the use of LPRs. The bill includes the following:

- Departments using LPRs must post usage and privacy policies on their website.
- Data from LPRs can be used to investigate and prosecute any criminal offense, detect civil traffic or parking offense, operate a smart parking program, and assist with missing persons cases.
- Bill specifies that LPRs may not be used for general surveillance of any individual, identifying a vehicle for repossession, determining whether the license plate is expired, determining whether the driver has a valid driver's license, or determining whether the driver is insured.
- Data can only be stored for 10 days unless it is related to a criminal offense, civil traffic, or parking offense.
- LPRs installed on roads must be on major and collector streets, and shall be distributed equitably across the north, south, east, and west quadrants of the county.
- Law enforcement must have reasonable suspicion of a criminal offense, or a civil traffic or parking offense, before searching LPR data that was collected more than one hour prior to the search.
- Departments using LPRs must identify an LPR Custodian who will maintain security procedures, manage and train users, manage audits, ensure retention and destruction of data.
- The audit log which documents system access would be accessible to two members of the Council, as selected by the Council, and to one member of the Community Oversight Board, as selected by the Community Oversight Board.
- The District Attorney and Public Defender or their designees can audit LPR systems and, if they have a concern, can notify the Metro Council.
- The bill would require an annual report and a report to the Metro Council every two months during the pilot phase (every three months after the pilot) that presents the demographics of drivers stopped by LPRs and statistics about the number of matches made by LPRs.
- LPRs will be used in a 6-month pilot. After the pilot, the Metro Council must reauthorize the LPR program.

### 3. BL2021-841

[BL2021-841](#) is a proposed ordinance that would allow LPR use in law enforcement vehicles while continuing to prohibit LPRs installed in fixed positions. The ordinance also limits the types of criminal offenses for which LPRs could be used. Only stolen vehicles and felony criminal offenses would be allowed to generate LPR alerts. The bill includes the following:

- Only mobile LPRs would be allowed for law enforcement use. Fixed LPRs could be used solely for parking infractions and must be deleted 30-minutes after leaving the parking space.
- LPRs could only be used to recover stolen vehicles, find vehicles associated with missing or endangered persons, for vehicles registered to persons with a felony arrest warrant, or vehicles with a felony search warrant. A proposed amendment would add suspects for whom probable cause exists for an arrest for a felony offense.
- Data can only be stored for 24 hours unless it is related to a criminal offense for an allowed use.
- All LPR inquiries must be recorded in an audit log so that they can be audited for compliance.
- The district attorney, public defender, and Community Oversight Board or their designees will be able to analyze the audit log and any records pertaining to use. If any party believes there have been use violations, they can notify the Metro Council requesting to suspect LPR use which would be voted on by resolution.
- MNPD must provide quarterly reports on the number of LPRs, the number of matches, and demographics of drives stopped by an LPR match.
- There will be a 6-month pilot period. During the pilot period, the Metro Council will hold a public hearing on LPRs. Following the public hearing, the Council will vote whether to continue the LPR program.
- If state legislation is enacted that requires LPR data sharing with outside agencies (e.g. Immigration and Customs Enforcement), the Metro Council will vote whether to continue LPR use.

This table focuses on law enforcement use. Text in quotes comes directly from the bills. Links to the full bill text are in the header row of the table.

Policy area	No Bill Passes	<a href="#">BL2020-582</a>	<a href="#">BL2021-841</a>
<b>LPR types allowed</b>	Metro agencies cannot install fixed LPRs in public right of way but may use mobile LPRs.	Removes all restrictions on LPR type (i.e. fixed or mobile would be allowed.)	LPR must be "within or on a law enforcement vehicle." The term "vehicle" in the Municipal Code (§12.04.435) includes trailers.
<b>Allowed Uses</b>	No Restrictions	<p>Can be used for investigating and prosecuting ANY crime:</p> <p>"(1) investigating and prosecuting criminal offenses including, but not limited to, reckless driving, including but not limited to, persons engaged in illegal drag racing activity at speeds in excess of 70 miles per hour;</p> <p>(2) investigating and prosecuting violent crime, including but not limited to homicide and assault,;</p> <p>(3) identification and recovery of stolen vehicles and stolen license plates;</p> <p>(4) detecting civil traffic or parking offenses,;</p> <p>(5) operating a smart parking or curb management program,; and</p> <p>(6) assisting in missing persons cases including Amber and Silver Alerts."</p>	<p>May be used only for the following:</p> <p>"a. Stolen vehicles.</p> <p>b. Vehicles associated with missing or endangered persons.</p> <p>c. Vehicles registered to a person against whom there is an outstanding felony arrest warrant.</p> <p>d. Vehicles for which a probable cause search warrant for a felony offense has been obtained."</p> <p>Proposed amendment would add:</p> <p>"e. Suspects for whom probable cause exists for an arrest for a felony offense."</p>

Policy area	No Bill Passes	<a href="#">BL2020-582</a>	<a href="#">BL2021-841</a>
<b>Prohibited Uses</b>	None	<p>“(1) the use of LPR for the following: the general surveillance of any individual;</p> <p>(2) the identification of a vehicle for the purposes of repossession of the vehicle;</p> <p>(3) the determination of whether a vehicle’s license plate is expired;</p> <p>(4) the determination of whether a motorist has a valid driver’s license; or</p> <p>(5) the determination of whether a motorist is insured.</p> <p>iii. An LPR system authorized under this section shall not be capable of facial recognition.”</p> <p>Sale of LPR data is restricted.</p>	<p>Use limited to the allowed uses, above.</p> <p>“An LPR shall be used for the sole purpose of recording and checking license plates and shall not be capable of photographing, recording, or producing images of the occupants of a motor vehicle.”</p>
<b>Data Retention Period</b>	90 days unless part of criminal investigation according to state law	"10 days unless it is evidence in a criminal offense or civil traffic or parking offense, subject to a properly issued warrant, subpoena, public records request or court order, or where the department has been instructed to preserve such data by the Metropolitan Department of Law in relation to pending litigation or anticipated litigation."	24 hours unless related to a criminal investigation for an allowed use.

Policy area	No Bill Passes	<a href="#">BL2020-582</a>	<a href="#">BL2021-841</a>
<b>Location of LPRs</b>	Metro agencies cannot install fixed LPRs in the public right of way	"An LPR technology deployment policy shall be developed and implemented by the MNPd to help prevent misuse of LPR technology to track and unfairly target vulnerable communities. Placement of fixed LPR technology in the public right-of-way shall be limited to major and collector streets as defined in the Nashville Next Major and Collector Street Plan, and the location of cameras shall be distributed equitably across the north, south, east, and west quadrants of the county."	<p>"Deployment of LPRs shall be executed in a manner that distributes their use equitably among MNPd precincts."</p> <p>Proposed Amendment: "Deployment of LPRs shall be executed such that their use is distributed in a generally equitable manner among MNPd precincts."</p>
<b>Accountability/Oversight</b>	None required	<p>Requires a usage and privacy policy from MNPd.</p> <p>Requires that the LPR program be managed by an LPR Custodian who will maintain security procedures, manage and train users, manage audits, ensure retention and destruction of data</p> <p>"the Metropolitan Nashville Police Department audit log shall be provided to two members of the Council, as selected by the Council, and to one member of the Community Oversight Board, as selected by the Community Oversight Board."</p> <p>"Users found to have used the LPR system without authorization, with improper credentials, or in a manner not authorized by these policies shall have their access immediately revoked and may face disciplinary action in accordance with applicable civil service policies, up to and including termination."</p> <p>"(f) To ensure compliance with the provisions of this section or to investigate complaints of misuse of an LPR or LPRs, the district attorney general, or a designee, or the public defender, or a designee, may</p>	<p>"5. Access to LPR records shall only be allowed on a case-by-case basis, for legitimate law enforcement investigative, prosecution, or audit verification purposes. All inquiries of LPR records shall be recorded for purposes of an audit trail and maintained by the law enforcement agency in the same manner as criminal history logs.</p> <p>6. To ensure compliance with the provisions of this section or to investigate complaints of misuse of an LPR or LPRs, a) the district attorney general, or a designee; b) the public defender, or a designee; c) the chair of the Community Oversight Board, or a designee; or d) two members of Council as selected by the Metropolitan Council may examine and audit any LPR, any server used to store LPR data, and any records pertaining to the use of LPRs. If the district attorney general, the public defender, or a majority of the Community Oversight Board believes that an LPR or LPRs have been used in violation of this section, either or both may send a letter to the Metropolitan Council requesting suspension of the use of an LPR or LPRs for the purposes of investigation, to prevent ongoing violations, or to deter future violations. The Metropolitan Council</p>

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		<p>examine and audit any LPR, any file used to store LPR data, and any records pertaining to the use of LPRs. If the district attorney general or the public defender believes that an LPR or LPRs have been used in violation of this section, either or both may send a letter to the Metro Council requesting suspension of the use of an LPR or LPRs for the purposes of investigation, to prevent ongoing violations, or to deter future violations. The Metro Council may grant such a request by resolution. Nothing in this section shall be construed as limiting the authority of the district attorney general to prosecute any crime involving LPR. This includes, but is not limited to, tampering with evidence, which is a class C felony punishable under Tennessee law with a term of imprisonment of three to fifteen years and a fine not to exceed \$10,000."</p>	<p>may grant such a request by resolution."</p> <p>Proposed amendment would remove the Council from compliance and auditing.</p>



Policy area	No Bill Passes	<a href="#">BL2020-582</a>	<a href="#">BL2021-841</a>
<b>Transparency/ Reporting</b>	None required	<p>"7. To protect against racial and ethnic bias in the use of LPRs, any time a motor vehicle is stopped based on data analysis performed by an LPR:</p> <p>A. The law enforcement officer who effectuated the stop shall record and provide to their precinct for record keeping and reporting purposes:</p> <ul style="list-style-type: none"> <li>i. The date, time, and precise location of the stop;</li> <li>ii. Any investigative or enforcement actions that were taken subsequent to the stop, including without limitation: an arrest; a search of a vehicle, driver, or passenger; the issuance of a new ticket, fine, or fee; or the enforcement of an existing ticket, fine, or fee;</li> <li>iii. The self-identified race(s) and ethnicities of the driver of the stopped motor vehicle, if voluntarily provided by the driver following the law enforcement officer's request.</li> </ul> <p>a. The race and ethnicity identification categories provided to the driver for selection by the law enforcement officer shall be the same as those under present use by the United States Office of Management and Budget (OMB).</p> <p>B. No later than March 1 of each year, the police department shall report to the Metropolitan Council, and shall make publicly available upon the department's website, all of the data collected pursuant to this subsection Section G.7.A, by precinct, from the previous calendar year. The reported data shall include no other personally identifiable information.</p>	<p>"8. MNPD shall report to the Metropolitan Council quarterly, beginning no more than three months from the date LPRs are deployed, the following information compiled since the end date of its most recent report:</p> <ul style="list-style-type: none"> <li>a. The number of LPRs in use in total and by precinct.</li> <li>b. The number of matches made by the LPR.</li> <li>c. The number of matches that identified vehicles and individuals sought by law enforcement and that resulted in stops of vehicles or individuals.</li> <li>d. The number of matches that resulted in searches of vehicles and individuals, releases, arrests, or other outcomes, and associated demographic information, including race and ethnicity.</li> <li>e. The number of matches where it was determined that all characters were read correctly, and the number of matches where it was determined that at least one character was misread.</li> <li>f. Other information requested by the Metropolitan Council by resolution." </li></ul>

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		<p>C. In addition to the reporting requirement in Subsection G.7.B, during the pilot program, the MNPDP shall report to the Metropolitan Council the information required by this subsection G.7.C every two months. If a resolution is approved to fully implement the MNPDP's use of LPR technology, the MNPDP shall report such information to the Metropolitan Council every three months. Each report submitted by the MNPDP shall contain the following information, compiled since the end date of its most recent report:</p> <ul style="list-style-type: none"> <li>a. The number of LPRs in use.</li> <li>b. The number of matches made by the LPR.</li> <li>c. The number of matches that identified vehicles and individuals sought by law enforcement and that resulted in stops of vehicles or individuals.</li> <li>d. The number of matches that resulted in searches of vehicles and individuals, releases, arrests, or other outcomes.</li> <li>e. Other information requested by the Metropolitan Council by resolution."</li> </ul>	

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<b>Pilot Phase</b>	None	<p>"14. Prior to the full implementation of a department's LPR system, there shall be a six-month pilot program beginning the first day that the LPR system is operational and in use by the department to determine whether the continued use of LPR technology is appropriate. At least two weeks prior to the conclusion of the pilot program period, the department shall submit a report to the Council on the efficacy of the program, compliance with the provisions of this section, and any policies implemented in order to carry out the use of the LPR system. This report shall be posted on the department's website. At the end of the six-month pilot program, the use of LPR technology by a department shall cease unless the Metropolitan Council approves the full implementation of the department's use of LPR technology upon adoption of a resolution."</p>	<p>"9. The Metropolitan Council shall hold a public hearing, set by resolution, regarding the use of LPRs by the Metropolitan government no more than six months from the date LPRs are deployed. The resolution setting the public hearing shall contain the date, time, and location of the public hearing. No more than three weeks after the public hearing, the Metropolitan Council shall vote by resolution on whether to continue use of LPRs. The resolution to continue the use of LPRs shall not be subject to deferral or a motion to reconsider, but amendments to remove certain uses allowed by this section shall be permitted. If the resolution to continue is adopted, the use of LPRs will continue. If the resolution to continue is not adopted, the use of LPRs will be discontinued."</p>
<b>Additional Provisions</b>	None	<p>"10. LPR data obtained from a privately owned or operated LPR system may be used for the purposes authorized in subsection G.1., provided the data is voluntarily provided by the owners or operators of said LPR systems. The Custodian shall develop policies and procedures for requesting, protecting, and retaining this data that are consistent with the intent of subsections G.2., G.3., and G.4."</p>	<p>State Preemption: "10. In the event that state legislation is enacted which requires LPR data to be retained for longer than this section authorizes and requires LPR data to be shared with any agency not authorized in this section, the Metropolitan Council shall vote by resolution whether to continue the use of LPRs. The resolution to continue the use of LPRs shall be voted on no more than five weeks following the effective date of the state legislation. The resolution shall not be subject to deferral or a motion to reconsider beyond that date. If the resolution to continue is adopted, the use of LPRs will continue. If the resolution to continue is not adopted, the use of LPRs will be discontinued."</p>

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<b>Cost/Purchasing</b>	Not Addressed	11. Any device or service necessary to effectuate the provisions of this subsection G shall be procured pursuant to the provisions of Title 4 of the Metropolitan Code of Laws, the Procurement Code.	Not Addressed