



Metropolitan Government of Nashville & Davidson County

COMMUNITY OVERSIGHT BOARD

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Nashville, TN 37201

Telephone: 615-880-1800

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January 31, 2022

Members of the Metropolitan Council
Metro Historic Courthouse
One Public Square, Suite 204
Nashville, TN 37219

Dear Council Members:

I write to express the Community Oversight Board's concern with BL2021-961 regarding the use of license plate readers in our community. The COB is alarmed Council will proceed with important law enforcement legislation excluding meaningful oversight from the COB.

BL2021-961 only includes the COB in section 5(e). Section 5(e) limits COB involvement by only providing access to the "audit trail" of access to the system. This audit trail would track who accessed the system, purpose for access, reasons for preserving data past 10 days, and queries. From this information, any audit conducted by the COB would only include information regarding the storage of data, and how it was accessed and queried.

The broader auditing section of BL2021-961—section 3(f)—excludes the COB, allowing only the public defender and the district attorney to "examine and audit any LPR, any file used to store LPR data, and any records pertaining to the use of LPRs." BL2021-841, in contrast, includes the COB in this section giving broader authority to determine what is the most appropriate type of audit for the system and the authority to request suspension of the program by council resolution. If the COB wanted to audit the scope of LPRs in our community and determine the number of cars scanned and the amount of data stored at any given time, that information would not be in the audit log referred to in section 5(e) and the COB would not have a statutory guarantee of access.

Oversight and auditing of complicated and ever-changing technology requires a high level of technical expertise. Currently, neither the district attorney nor the public defender conduct such audits, nor is it clear if there will be funding in the future to hire staff with the necessary skills and knowledge.

The COB has not endorsed any legislation regarding LPRs. As you know, The COB voted to oppose the use of license plate readers in Nashville on December 20, 2021. However, should Council wish to proceed with this legislation, it is the COB's strong view that it should have equal authority to audit LPRs as the district attorney and public defender.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Andrés Martínez".

Andrés Martínez
Chair