

**PA 14-149**

HB5389

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**H – 1194**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2014**

**VOL.57  
PART 14  
4451 – 4808**

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the chamber immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted? Will the members please check the board to make sure your vote is properly cast.

If all the members have voted, the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

Senate Bill 153 in concurrence with the Senate.

Total number voting	142
Necessary for passage	72
Those voting Yea	123
Those voting Nay	19
Those absent and not voting	9

SPEAKER SHARKEY:

The bill passes.

Will the Clerk please call Calendar 120.

THE CLERK:

On page 4, House Calendar 120, favorable report of the joint standing committee on Public Safety and Security, Substitute House Bill 5389, AN ACT

pat/gbr/cd  
HOUSE OF REPRESENTATIVES

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May 1, 2014

THE USE OF AN AUTOMATED NUMBER PLATE RECOGNITION  
SYSTEM.

SPEAKER SHARKEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Thank you, Mr. Speaker. Mr. Speaker, I move  
acceptance of the joint committee's favorable report  
and passage of the bill.

SPEAKER SHARKEY:

The question is on acceptance of the joint  
committee's favorable report and passage of the bill.

Will you remark, sir?

REP. CANDELARIA (95th):

Thank you, Mr. Speaker. Mr. Speaker, the Clerk  
is in possession of an Amendment, LCO 4781. I would  
ask the Clerk to please call the amendment and I be  
granted leave of the Chamber to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 4781, which will  
be designated House Amendment "A".

THE CLERK:

House Amendment "A", LCO 48, excuse me, 4781  
introduced by Representative Candelaria et al.

SPEAKER SHARKEY:

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The gentleman has sought leave of the Chamber to summarize. Is there objection? Seeing none, you may proceed with summarization, sir.

REP. CANDELARIA (95th):

Thank you, Mr. Speaker. Mr. Speaker, this amendment is a strike-all amendment and requires law enforcement agencies that authorize the use of electronic defense weapons to adopt a policy on use and also track and report on the use of such weapons annually.

It also requires the Office of Policy and Management to post such annual reports on its website.

I move its adoption.

SPEAKER SHARKEY:

The question before the Chamber is adoption of House Amendment "A". Do you care to remark?

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker, if I could, a question or two through you to the proponent of the amendment.

SPEAKER SHARKEY:

Please proceed, sir.

REP. MINER (66th):

Thank you, Mr. Speaker. In Section 2 it seems to speak to this process as being developed not through the regulatory process, but through a policy of guidelines. Is that correct?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Mr. Speaker, the policy is actually being, it's actually developed by POST.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. If the gentleman could repeat his answer. I did not understand it.

SPEAKER SHARKEY:

I believe his answer is that it's developed by POST, Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. And so, through you to the gentlemen, as they develop these guidelines, it's not something that we would normally promulgate through regulations, it's something that, it's an

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attempt to determine the process of using certain equipment through POST for these individuals rather than state policy. Through you.

SPEAKER SHARKEY:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Mr. Speaker, this is to ensure, basically, that the law enforcement agencies do capture the information and also it is reported on an annual basis through the Office of Policy and Management. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker, and I thank the gentleman for his answer.

Quite often we do this sort of thing through regulation and I think the quicker we get to a regulatory process rather than one done through policy, that might be the better way to go.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

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Would you care to remark? Would you care to remark further on House Amendment "A"?

If not, let me try your minds. All those in favor of House Amendment "A", please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay? The ayes have it. The amendment is adopted.

Would you care to remark further on the bill as amended? Would you care to remark further on the bill as amended?

If not, staff and guests to the well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the chamber immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted? Will the members please check the board and make sure your vote is properly cast.

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If all the members have voted, the machine will  
be locked and the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

House Bill 5389 as amended by House "A".

Total number voting	140
Necessary for passage	71
Those voting Yea	102
Those voting Nay	38
Those absent and not voting	11

SPEAKER SHARKEY:

The bill as amended passes.

Will the Clerk please call Calendar 110.

THE CLERK:

On page 34, House Calendar 110, favorable report  
of the joint standing committee on Labor and Public  
Employees, Substitute House Bill 5269, AN ACT CREATING  
PARITY BETWEEN PAID SICK LEAVE BENEFITS AND OTHER  
EMPLOYER PROVIDED BENEFITS.

SPEAKER SHARKEY:

Representative Perone.

REP. PERONE (137th):

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SENATE**

**PROCEEDINGS  
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**VETO  
SESSION**

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SENATE

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THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 24, Calendar 555, Substitute for House Bill Number 5389 AN ACT CONCERNING THE USE OF ELECTRONIC DEFENSE WEAPONS BY POLICE OFFICERS. Favorable Report of the Committee on Public Safety.

THE CHAIR:

Senator Hartley.

SENATOR HARTLEY:

Yes, good evening, Madam President. I move acceptance of the Joint Committee's Favorable Report, Madam, passage of the bill in concurrence with the House.

THE CHAIR:

Motion is on acceptance and passage in concurrence. Will you remark, ma'am?

SENATOR HARTLEY:

Yes, indeed, Madam President. This is a simple proposal, which requires that law enforcement agencies that authorize the use of electronic defense weapons adopt policies on their usage, that they be tracked and reported to the Office of Policy and Management, which would in turn post them on their website. I move passage, Madam.

THE CHAIR:

I'm going to ask for the Chamber to please lower their voices. It's hard to hear for the other Senators. The motion is on passage. Will you remark? Will you remark? Senator Guglielmo.

SENATOR GUGLIELMO:

Thank you. Thank you, Madam President. I am in favor of this legislation that was the result of quite a bit

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of discussion. We had a meeting in Senator Hartley's office with the Co-Chair of the Public Safety Committee, Steve Dargan. We had representatives of the ACLU, Black and Latino Caucus, police chiefs and basically the proposal was, the genesis of it was a death that occurred, I guess in East Hartford with the taser, but there were also some deaths prior to that over the past decade.

So we worked it out that there was some interest in the beginning and including the name of the officers that actually use the tasers. We were able to have that removed because we felt it was a fairness issue because some of the officers would be patrolling areas that were more difficult and they might be called upon to use the taser more often, and they could be then subject to media attention that was really unwarranted.

So it was well thought out and long discussed. I think it's a good legislation and I hope that the Chamber will vote yea. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President. Good evening.

THE CHAIR:

Good evening, sir.

SENATOR WITKOS:

I want to just set the record straight. Some folks had asked me through the course of the bill and prior to coming out, this is just a study, right? It's a little bit more than a study. It requires folks to come out with regulations and it requires the police departments to collect the data and transmit.

You know, and folks may say this is a mandate to a municipality and I say it's already being done. If I look around the Chamber I'm guessing that I'm probably

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the only one that has been certified to carry one, train one and knock on wood, I never had to use one except in the course of my training.

But I do know that when the trigger is pulled on a taser, whether it's for a cartridge expulsion or what's called a dry stun, which is a mechanism directly onto the skin, it records that. It records the length of duration --

THE CHAIR:

I'm sorry, Senator. I ask again that the Senate please take your conversations out of the building or just quiet down. There is discussion about the bill. Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President. I'll just reiterate that last few comments. So a taser is an electronic device that delivers a shock and it's done in two different manners.

One is through the expulsion of a cartridge, which has two prongs that send an electrical shock through your spinal cord and causes you to basically fall to the ground, and it activates on a three-second cycle, and that's the first one. And every burst of the pull of the trigger it's a five-second duration.

The other one is called the dry stem where you take the taser and you make a connection to the skin and that just causes pain, the pain compliance technique used by law enforcement.

All, no matter how the taser is utilized in the performance of its duty, it is recorded electronically and it can be downloaded to a computer, so what we're asking the police departments to do, can already be done with no cost.

It just says that if you utilize the taser, record the data so people know how many times where the trigger is pulled. How many times, what type of device, how it was used. Was it used in the dry stun capacity or was it used through a cartridge expulsion capacity and

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I think that goes a long way to start building a database as to how the weapon is used if, a defense weapon is used, and to what type of crime it's being used, and whether the scenario surrounding the type of incident, where did somebody just walk up and say, we didn't use the voice command. We didn't use our lowest means of control by saying, you know, stop, lay down, et cetera. We just pulled out the caps on it, not the caps but the electronic defense weapon and we used it.

So I think it's a good Amendment. I would urge the Chamber's adoption. Thank you, Madam President.

THE CHAIR:

Bill. Will you remark? Will you remark? Senator Hartley. I'm sorry, Senator Welch. Oops, sorry, Senator Hartley.

SENATOR HARTLEY:

Madam, if there is no objection, I would ask that --

THE CHAIR:

No, there has been an objection. There will be a Roll Call Vote and if there is no further discussion, Mr. Clerk, I call for a Roll Call Vote. The machine will be opened.

THE CLERK:

Immediate Roll Call has been ordered in the Senate.  
Immediate Roll Call has been ordered in the Senate.

THE CHAIR:

If all members have voted, all members voted? The machine will be closed. Mr. Clerk, will you please call the tally.

THE CLERK:

On House Bill Number 5389.

Total number voting

36

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Necessary for passage	19
Those voting Yea	35
Those voting Nay	1
Those absent and not voting	0

THE CHAIR:

The bill passes. Mr. Clerk.

THE CLERK:

On Page 15, Calendar 468, Substitute for House Bill Number 5450 AN ACT CONCERNING ARBITRATION IN MOTOR VEHICLE ACCIDENT CASES. Favorable Report of the Committee on Judiciary.

THE CHAIR:

Good evening, Senator Coleman.

SENATOR COLEMAN:

Good evening, Madam President. I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the House.

THE CHAIR:

Motion is on acceptance and passage in concurrence. Will you remark, sir?

SENATOR COLEMAN:

Thank you, Madam President. This bill applies to limited arbitration in motor vehicle cases and specifically in cases where there is under insurance by an alleged tort feisor and under those circumstances the parties can agree to have the matter referred to arbitration and set high/lows for the arbitration and the award of damages.

The high in the under-insured case would be the limits, the upper limit of the policy and I think the bill is important because it facilitates the resolution of the case and in many cases a settlement of the case and consequently, I would urge the

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REP. VERRENGIA: Okay. Thank you, Madam Chair, for bringing that to light.

And I believe we have one more representative. Representative Orange.

REP. ORANGE: Thank you, Mr. Chair.

I would just like to take the opportunity now to thank Chairman Dargan and Chairman Hartley and Representative Giegler and Guglielmo for allowing this committee once again to bring up a subject that's controversial, that we can sit here in the open and talk about. I really commend them on the job that they do as our chairman and ranking members and how we always work together on this committee. So thank you.

REP. VERRENGIA: You're welcome. Thank you, Frank.

FRANK FARRICKER: Thank you for your time.

REP. VERRENGIA: Okay. The hour has passed. We're more than hour -- we're going to rotating back and forth and -- from the general public and lobbyists and first up is Carol Hughes.

CAROL HUGHES: Thank you, Acting Chairman Verrengia, Chairman Dargan and Chairman Hartley and members of the Public Safety and Security Committee.

I'm Carol Hughes. I'm the contract lobbyist for the Connecticut Police Chiefs Association. I was expected to have a chief with me this morning who took ill awhile ago and I'd like to speak in regard to 5389 which concerns licensed -- automatic license plate readers. These devices are in probably about 64 of our hundred police departments including municipal and university departments. They use them for a

variety of purposes. Essentially, they're used for many short-term and long-term investigatory issues or identification of vehicles used in different types of crimes.

There are variety of people who make these. There are at least four vendors in Connecticut who sell these devices. The uniqueness of the system is that they can both be -- accumulate data and they can be programmed to identify various types of issues which the officer in the vehicle equipped with these needs to know. They range from stolen vehicles. They range from cars that might be in an Amber Alert. They can be programmed to do a variety of functions. They are used in long-term investigatory purposes as a database to be coordinated with probable -- possible crimes and they are capable of GPS coordinates, locations and also can be used with the photo identification of the vehicle that was identified.

Their value to police work is extremely significant. The complexity of recording and observing the number of cars that might be -- that you might be trying to find one license on are invaluable. And audible signal is given to the officer of an identification of a vehicle that might be stolen. It might be wanted in a bank robbery. It might be wanted in a serial burglary. And these can be used in different ways. I have a number of examples. I'll try and give you a few.

They're used -- for instance, the Time Square bomber, the so-called (inaudible) that lived in Bridgeport, Connecticut. The bomb didn't go off in his car in Time Square for different reasons. The federal investigators on that crime were very interested in where that

vehicle had been, how many times -- whether there were accomplices involved, whether it was the storage of explosives or other types of significant information, they needed to know. They retroactively went through and put his number in the system, which is what would happen if you're using it as an investigatory tool. It went back through the system and identified it in about five different places.

And they finally concluded that he acted alone. There was no location next to storage areas where he might have had explosives and it was a significant way and the only way that crime could have been investigated. And in many cases -- and I just want to tell you on license plates -- how this really operates today, as we sometimes have children that can't remember the license plate, they can remember two letters, three letters, with the new seven digits coming online, which just started last month, it is extremely difficult for people to remember significant information from a license plate. The license plate readers have been instrumental in identifying various types of perpetrator's vehicles.

They are used in some cases they've been found to retroactively go through the system and you can identify a vehicle that may have been identified in a couple of abductions and that way you can actually search the database where someone remembers the color of the car, the type of the vehicle, you can search the system to find a license plate which corresponds even to that one or two digits that somebody is able to remember on that license plate. It is an extremely valuable tool.

We generally agree with this bill. There is some questions on the retention of data. We'd

like a longer period of time, but making it a computer crime, we think is valuable to keeping the system the way it is, which is accessing any motor vehicle record.

REP. VERRENGIA: Okay. Thank you for your testimony.

Are there any questions?

Representative -- Chairman Dargan.

REP. DARGAN: Carol, thank you very much for coming before.

Whether it's the license plate recognition or drones, it's the issue, I guess, between, you know, the right to know -- the issue of privacy, the issue of the ACLU and some of their issues, issues of public safety. I know that a lot of this technology is somewhat new that's out there so we, as a Legislature, are still trying to figure that out, too, and get opinions from both sides of the issue to see what actually works and I know there was a proposal from the ACLU not to keep this information for I don't know a couple of weeks or fifteen days, and I know that the law enforcement types were looking to keep that information for up to five years, I thought it was.

There seems to be a big issue in between those two numbers so maybe I'd just like to get some of your comments on that.

CAROL HUGHES: Well, I think everybody remembers when they took a statistical course. The better the base of the better results without an adverse conclusion is the larger your database, the much more accurate your

description of a vehicle is going to be over a longer period of time. For instance, there are some people that speculate that there is somebody stalking people in Connecticut and also in Massachusetts. If I had a database in Connecticut that I could match with a Massachusetts' database say in western Massachusetts, Springfield or Holyoke, and we could match it with the Connecticut database with the same similarities of a crime, the longer period of time of data that we're mining is going to give us a much better result.

A plate may show up within six months or eight months, you don't know if the person just happens to be on vacation there. They happen to be driving up there. They're visiting a relative. You have no clue what is happening there. If you're doing it over five years and you're getting three hits or three probables that you're looking at, it's a much more accurate picture and fairer to all the parties involved to not be invading anybody's rights without -- without a significant sample of the data.

REP. VERRENGIA: Okay. Thank you.

Are there any other questions?

Seeing none, thank you, Mr. Hughes.

CAROL HUGHES: Thank you.

REP. VERRENGIA: I just want to remind everyone that we're working under a three-minute time limit. We have a long list and just be cognizant of that.

The next speaker is Steven Werbner.

And thank you and I will answer -- I would be happy to answer any questions.

REP. VERRENGIA: Thank you.

Are there any questions?

Okay. Seeing none, thank you for your testimony.

LISA PELLEGRINI: Thank you.

REP. VERRENGIA: David McGuire.

DAVID MCGUIRE: Senator Hartley, Representative Dargan and distinguished members of the Public Safety Committee. My name is David McGuire. I'm a staff attorney for the American Civil Liberties Union of Connecticut and I'm here to testify in opposition of H.B. 5389.

I want to start by commending the committee for taking up this important timely bill. Unfortunately, we have to oppose it because the data retention limit is just too high. The five years is just not workable. What that would do is provide a false sense of security for the public in their privacy. The other issue of this bill is the complete FOIA exemption of the list. And although we agree that the people's individual license plates should not be made public, making the entire database secret is a mistake because there will be no accountability.

Like the previous gentleman stated, there are some very good uses for that technology especially since we don't have tags on our license plate or window anymore, but it's important to realize that after the car is scanned and that initial check is run against

the DMV's database and the federal hot list, that data starts to lose helpfulness. After a certain amount of time, whether it be two weeks or 90 days, that data does not become as useful to police. Of course, they could keep it forever and say it might come in handy, but there are some real risks to doing that.

As the data is kept longer, it creates a greater privacy threat. It's very easy for police to reconstruct someone's precise movements through these ever growing databases. It's not like they know where you are and what part of town. They know you're in front of this mosque or this mental health provider so they're quite accurate and it can lead to retroactive surveillance. We filed a FOIA request and found that several departments in Connecticut aggregate their data, which makes sense to solve crimes, but there is only a certain amount of time that it's really smart to keep that data in terms of creating that balance between public safety and privacy.

We found that between 2009 and 2012, the capitol region police departments accumulated around 6 million scans. If this bill were to pass, that would mean that in a five-year retention limit there would be roughly 10 million scans. And I think that's a low estimate because many departments are picking up scanners and adding additional scanners to their fleet. This means that exponentially more data will be acquired and will continue to grow exponentially. My testimony details the six states that have already passed LPR regulations and several are looking at regulation this year including Massachusetts with a 48-hour data retention limit.

And I'm happy to answer questions about those particular bills.

This legislation must set the data retention limit in the matter of days or weeks, not years. Quickly on the FOIA issue, the Boston Police recently were some hot water for the use of their LPR system. Back in December, the Boston Globe broke a story about how the Boston Police were not using their scanners as they had promised. Essentially, they were trying to get as much data as they could, but were not getting stolen cars off the road or unregistered cars. There were some examples that I cite in my testimony of a stolen motorcycle being alerted 59 times and never being apprehended and someone with lapsed insurance being scanned 97 times not being picked up.

So these raise serious concerns and show why the general database needs to be available to legislatures and watch dogs. We've put forward a solution which is called data masking where basically the police can scramble the plates in the database so that we wouldn't know exactly who was where so that protects individual privacy, but it allows watch dog groups and the government like legislators, like yourself, to understand, say, if someone was scanned 20 times or if somebody was scanned once. You know, it is just a way to make sure that the system is being used appropriately.

So again, I urge this committee to amend this bill to put a real data limit on it. The last thing that I want to mention is that the state police currently have a 90-day data retention limit on their LPR system and I would urge the committee to reach out to the state police because I don't think they would have that data

retention limit in place if it prevented them from using the technology efficiently. Please amend this bill to make it strike that balance between public safety and privacy and I'm happy to answer any questions you might have.

REP. VERRENGIA: Are there any questions?

Chairman Dargan.

REP. DARGAN: Thank you very much for being here.

You know, again, on these LPRs, there are different communities that do -- try to get delinquent taxpayers. You know, I had an issue in New Haven where they said I owed \$600 in parking tickets so at the time, I would get these, I said, oh, well, okay, my father was at Yale at the hospital, so I said -- but I always parked in the parking garage then I get these nasty letters from the parking authority of New Haven who had an outside agency in Albany do it.

DAVID MCGUIRE: Right.

REP. DARGAN: Then I was worried that my car was going to get booted in New Haven, but to find out that we were one of only two states that do multiple license plates for commercial and noncommercial use so I was getting somebody else's tickets, you know, that this person -- I had an Acura and this person had like a van Impala that had a commercial license plate. This didn't happen once. This happened on two different occasions of about \$1600 and so, you know, it kind of bothered me.

I was worried that my car was going to get towed and then to find out it wasn't my car. And you know, it's similar with the red lights.

I had another story when we were looking to do the red lights, I was with my father going to a Yankee game through the Bronx through Fordham and they had the light recognition and I went through the red light just to see how it would work and you know, about five weeks later I didn't receive any ticket. And then after six weeks, I received a fraction for \$50 and so I wrote back and said I'm in the Connecticut State Legislature and I wanted to see how this would work.

They thought it was one of the best they had ever heard so they let me go, but they had my license plate. They had my father on a nice spring day with his elbow out the window. You can see with my Yankee hat on and, you know, I just wanted to see how it worked and it worked pretty good. The good part was they listened to my Irish bologna and I didn't have to pay the \$50 ticket, but that's the technology that we're dealing with to try and figure all this new stuff out. And you know, we're only as educated as people come to testify on whatever the side the issue there on so thank you for being here.

DAVID MCGUIRE: Sure.

REP. VERRENGIA: I just want to know if your ticket was delivered by drone or did it go by mail?

David, I have a question for you.

DAVID MCGUIRE: Sure.

REP. VERRENGIA: When you testify or when you talk about protection and privacies of individuals, are you referring to protection and privacy from the government or just in general or is there a delineation?

DAVID MCGUIRE: Well, our concern is primarily the government's use of these surveillance technologies. Like Representative Dargan said, drones and LRP systems are kind in a unique place. They've advanced beyond the law. The courts have not had a chance to meaningfully weigh in on these issues. There are privacy issues that come in to play with private use of LRP systems without a doubt, but our testimony focuses on the government use of this technology. And they're actually somewhat intertwined because we cite in our testimony to a situation where many times the government will actually get access to these large private databases and the private databases are much, much larger because they're out there with a commercial interest in getting as much data as possible so we cite to a case where there is a 1.8 million -- 1.8 billion scanned database and the estimate is that it's growing 100 million scans a month.

The issue becomes there is that governmental entities are sometimes tapping into that and then in kind of a roundabout way getting at people's private information -- location information again. So they're kind of intertwined. It's a difficult issue, but like I said, there are a list of states, Massachusetts, Maryland, Illinois, Minnesota, Virginia, Tennessee, and Colorado, that this legislative session are grappling with data retention limits. And I can tell you that all of those states are looking at limits that are way shorter than five years and of the states that -- that have laws on the books, also, they're way shorter than five years so this is a high number.

REP. VERRENGIA: Okay. Thank you.

Are there any other questions?

Madam Chair.

SENATOR HARTLEY: Thank you very much, and Dave, thanks for being with us.

DAVID MCGUIRE: Sure.

SENATOR HARTLEY: So you said the police retain the data for how long? The state police?

DAVID MCGUIRE: The state police have an internal policy --

SENATOR HARTLEY: Policy --

DAVID MCGUIRE: -- which is limited to 90 days.

SENATOR HARTLEY: Ninety days.

DAVID MCGUIRE: And the state police policy, I would happen to know it and I can make this available to the committee, is a really well-thought out policy in that it has an audit function that they're look and see whether the data is being used appropriately and kept for the appropriate amount of time. It requires that they automatically set the machines to purge the data at 90 days unless it relates to an ongoing investigation.

So the bill that was raised last year had a 14-day limit, but it had an exception that allowed the police to keep the data beyond the 14 days if it related to an ongoing criminal investigation. The best example of that is if a bank was robbed on Main Street at noon, the police could go in and freeze the data, say, for two hours before and after the robbery and

a mile radius so they would have preserved for their investigation. Or say there is a particular suspect that they believe has done something illegal. They can preserve all that person's scans to their associated vehicles.

So most of the -- all of the states that have passed reform on this and the state police allow that natural use if it's needed beyond that period so the state police can keep it beyond the 90 days if it relates to an investigation that they're doing and they've had that policy in place roughly a year and a half, I believe, if I remember correctly.

SENATOR HARTLEY: And what about the instance where a particular vehicle plate becomes involved, you know, or surfaces after the 90 days, you know, as an investigation goes on and then we -  
- we are hamstrung. There is no going back.

DAVID MCGUIRE: No. I understand that point, but there has to be a line where if it comes so unlikely that that happens that you have to side with privacy.

SENATOR HARTLEY: And that's the question.

DAVID MCGUIRE: I don't know where the number is. I can tell you that five years is way too long. I'd almost rather nothing get passed on it because like I said, if this bill gets passed in the current form there would be no accountability and people in the public will think that their privacy is being preserved, which it really isn't. But I agree with you, there is -- there is a balance between privacy and safety and at some point, the scale tips in favor of privacy.

We think that number is 14 days. Maine has -- for the last three years, Maine has had a 21-day retention limit and I believe that Maine has been able to effectively, you know, fight crime with that 21-day limit in place.

SENATOR HARTLEY: And yet, you feel good about the state police policy of 90 days.

DAVID MCGUIRE: I don't like 90 days as much as 14, but that policy is a well-thought out policy because it has limits as to who can access the database so you have to be a certain level officer with certain training to access it. It can only be used for legitimate law enforcement purposes. And like I said, there is an audit system which is really helpful.

SENATOR HARTLEY: And -- yes. And that's where I mean the common denominator is. It -- it should be for legitimate, purposeful law enforcement.

DAVID MCGUIRE: Sure.

SENATOR HARTLEY: The question comes up that, you know, as an investigation gets involved, we don't know what that time is, where that line is and that's the troublesome part of this and yet, here it is the 21st Century and it's new technology. So it's a subject that, you know, we've really not had to deal with.

DAVID MCGUIRE: Right.

SENATOR HARTLEY: But just comment if you will, you know, looking at this, it seems that it's very prescriptive right now that we are talking about for legitimate law enforcement purposes and therefore, that serves entire public safety

community. That serves all of us. And I'm very sensitive to the -- the privacy thing.

DAVID MCGUIRE: Well, I mean, I -- this bill has that in place and that's absolutely the core. No matter how long they keep the technology, it has to be used for legitimate law enforcement purposes. Like I mentioned the capitol region police department alliance, I believe they use the technology responsibly. When I've requested information from them, they've known exactly how many hits they've had, how much each department has accrued, so they're really mindful about how they use it.

That being said, this is a very large database of highly -- you know, highly accurate information that could be use in a lot -- a lot of upsetting ways. And I -- this legislation has criminal sanctions if someone were to misuse it, which is great, but at the same time, I keep going back to the point that there -- there comes a point that you don't need to keep this data anymore and five years is a long time. In the short period of the first 3 million scans that we acquire, we got this massive file. It too big to open in an Excel database so we used a specialty program and opened it up and I searched my own license plate. I was scanned four times. I was scanned in the parking lot of my -- of where I work. I was scanned at a bar where I met a friend from law school after work.

So those are really innocuous examples, but overtime, as more cruisers get this technology, you will be able to get a -- paint a very vivid picture of what someone does, where they go, what they're about and that's something that people -- you know, people do take their

privacy seriously in Connecticut so we have to strike that balance.

SENATOR HARTLEY: Absolutely, and I get it. But yet, once again, going back to the prescriptive nature of the law, it is only for the use in a bona fide, legitimate law enforcement endeavor; therefore, it is protected in that way.

DAVID MCGUIRE: I get that, but we should have as many protections as possible. And you know, respectively, you can't play down how enticing of a database this is. I mean, the collect system, which is very basic information about people has been misused several times and people have been prosecuted for using it to look after, you know, ex-girlfriends and things of that nature. I'm not saying that that happens after here. But the solution is not to full exempt this database from FOIA, because that -- if we do, then we not only will have a large database with private information, we'll have a large secret database with, you know, very detailed information about people.

So I think we need to figure out a way to, you know, data-mask the plates and have some kind of a reporting mechanism. Like Vermont, for example, passed legislation last year. Vermont requires an annual report, which came out, so the departments have submit to the state reports of how they're using LPR technology and it's worked -- it's worked really well. The first report came out just this month -- last month. And it just leads to an appropriate use of this technology where safely -- where we can help increase public safety, but at the same time not erode privacy.

SENATOR HARTLEY: And so, Dave, my last comment, if I might, and so if we are keeping it very

tightly prescription then maybe -- and this time -- this definitive day of how long we -- we inventory this information is really difficult arrive at for the purposes of the public safety, would you then say perhaps maybe we ought to have more enforcement, stricter penalties, you allude to -- that there has been misuses that I guess happens in, you know, any database. But would that help to run a flag up the pole to say we take this very seriously and any person who is privy to this kind of information who in any breaches that covenant is subject to a very strict a penalty and result.

DAVID MCGUIRE: I think that would help and I think most departments take it seriously and would hold someone accountable if they violated that covenant as you put it. But I don't think that that is enough. I think that that and a reasonable data retention limit is really what is necessary here. And I appreciate the thought. It's a difficult question. I agree.

SENATOR HARTLEY: Right. We're just trying to get to the right place. Thank you very much.

DAVID MCGUIRE: Right. And we do have the benefit of a lot of states -- and like I said, I'm happy to provide information to the committee -- who have really through this and we've got a couple of years worth of legislation that we can comb over.

SENATOR HARTLEY: Thank you. But excuse me, but all in all, it's still relatively new.

DAVID MCGUIRE: It is.

SENATOR HARTLEY: Right. So we haven't lived very long with a lot of this data here.

DAVID MCGUIRE: That's definitely true.

SENATOR HARTLEY: Yeah. Okay.

REP. VERRENGIA: Thank you, Madam Chair.

We would welcome that information if you could get it for us.

DAVID MCGUIRE: Sure.

REP. VERRENGIA: That would be great.

Are there any other questions?

Okay, thank you, David.

DAVID MCGUIRE: Thank you.

REP. VERRENGIA: Matt Hart.

MATTHEW HART: Good afternoon, Senator Hartley, Representative Dargan, members of the committee. My name is Matt Hart. I'm the town manager for the Town of Mansfield and I'm also here to testify in support of House Bill 5391 and Senate Bill 288 concerning the resident trooper program. I know many of my colleagues have spoken on this issue already today and I'll try to abbreviate my remarks.

In Mansfield, we've got a good size contingency troopers. We have 10, one sergeant, nine troopers and we also have 50-plus sworn officers working at the University of Connecticut addressing the university's issues. I'd like to focus on just a couple of things here. First of all, the fringe rate, which has been stated, it's increased from a little over 59 percent in '09/'10, not so long ago to an

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COMMITTEE

MATTHEW HART: Typically, we'll have two on duty at one shift.

REP. ORANGE: And now, with the new consolidation of all that of Troop C, is that trooper that's working for the town that day called out -- or often are they called out of Mansfield?

MATTHEW HART: That's a good question. I wouldn't be able to answer of the top of my head. I know it does happen. Looking at the call volume for Troop C as a whole, however, Mansfield has a very significant percentage of those calls, so much so that they recently dedicated a specific patrol to Mansfield.

I can try to get you that -- that number as well, you're right, when there is an issue at the troop in another community, our troopers will be called out of town on a temporary basis to handle that call.

REP. ORANGE: Thanks.

REP. VERRENGIA: Thank you.

Any other questions?

Seeing none, Matt, thank you very much.

MATTHEW HART: Thank you all very much.

REP. VERRENGIA: Next speaker is Chris Metaxas.

CHRISTOPHER METAXAS: Good afternoon. Thank you for having me here, Senator Hartley, Representative Dargan, members of the committee. My name is Chris Metaxas. I'm the chief executive officer of Digital Recognition Network and I represent my sister company Vigilant Solutions. We're an

HB 5389

LPR data and analytics company and we are here to oppose your LPR bill, 5389, because of its restrictions on our ability to operate our technology in your state. As a data analytics company, we're responsible for providing solutions for public safety, law enforcement to the banking and insurance industry and are responsible for solving thousands of major crimes throughout the United States and responsible for delivering billions of dollars back to industry for risk mitigation and fraud reduction.

We believe that your bill would have a significant negative impact to the citizens of your state and we believe it takes away the ability for us to provide your law enforcement the data that they need to solve crimes in the state. It takes away the ability for banking and insurance companies to solve fraud, mitigate risks and keeps rates low and originations flowing for your consumers. We also believe that it will take away your ability for your municipalities to collect taxes in an efficient manner. Our technology is used and supports all those functions in our society today.

We believe that your bill is a reaction to too much of the misinformation that's being posed by the advocacy groups out there. We believe this bill to be very, very restrictive and it eliminates the ability for private organizations, such as our company, to operate lawfully within your state, to provide data solutions to your businesses, government and residents. Today, I would like to provide some clarification of the facts so you may pass laws that actually strike the appropriate balance between privacy, protection and risk mitigation for your state.

So let me tell you some of the facts. First of all, there is absolutely no expectation of privacy in a license plate. A license plate is merely a piece of metal with numbers or letters on it and it is deemed by your state by the rule of law, by the Supreme Court, to have no expectation of privacy. A license plate is very much like a tree or a bush. It does not tell you anything about the individual and it has no personal or identifiable information associated with it. That information is held by your Department of Motor Vehicles with laws that govern the access to personal and identifiable information, which I'll talk about in a moment.

LPR technology has been around for 35 years and LPR technology is merely photography. It is taking a picture of something that has no expectation of privacy, it puts it into a database. Just like today, photographic databases exist like Instagram that your children may use. If I held a license plate up today, you couldn't tell me about the person that that license plate belonged to unless you are breaking the law, the laws that exist in the state of Connecticut today. You have laws called the Driver's Privacy Protection Act that govern the ability for any individual, any government official, any organization to connect the dots between that piece of metal with numbers and letters on it and the individual.

The ability for somebody to abuse that system is already governed by law with penalties and fines and explicit permissible purposes exist in your state today that regulate the ability for somebody to lawfully use that connection between the license plate and that individual.

And such examples exist for law enforcement where cops today can go access DMV records about a plate that they may be seeking for and banking and insurance companies may do the same for seeking out fraudulent or delinquent payers for claims that are out there. This is a practice that has gone on for years and is regulated by many, many federal laws of which your state has already adopted. You have laws in place that already prevent the misuse of any type of nefarious purpose associated with license plate recognition.

It's illegal for government employees to misuse license plate information, just like it's illegal for any other person to misuse license plate information. Most people aren't really aware of that. Finally, photography, which is what the technology is for LPR is considered speech. We suggest strongly that you check with your attorney general's office to understand the implications of the restriction of private use of this technology in your state. We believe it most definitely restricts the civil liberties of those private companies like ourselves and therefore restricts free speech.

And the restriction --

REP. VERRENGIA: Sir, could you just wrap up please.

CHRISTOPER METAXAS: Yes, I can

The restriction of that is something that we believe is unconstitutional and we're already seeing bills change along those lines.

I'd like to just finish up with two very quick points. One -- I was actually very impressed to hear that your state has what is actually

called a layered security and access control methodology for regulating the use of data and it's within those concepts that data companies really believe that we can help organizations like governments like yourselves really understand how to balance privacy and protections using appropriate layered security and access control methodologies versus censorship methodologies like restricting the retention periods on data.

I'd like to just to tell you about a very quick story where our data was used to help one of your citizens in the state of Connecticut. Just two weeks, one of our law enforcement clients, our customer, your police force in Fairfield, Connecticut.

REP. VERRENGIA: Sir, I'm going to have to interrupt because we have a long list of people.

CHRISTOPER METAXAS: No problem.

REP. VERRENGIA: I believe we have your written testimony.

CHRISTOPER METAXAS: You absolutely do.

REP. VERRENGIA: Okay. Thank you.

Are there any questions?

Madam Chair.

SENATOR HARTLEY: Yes. Good afternoon, Mr. Metaxas.

CHRISTOPER METAXAS: Metaxas.

SENATOR HARTLEY: Thank you for your correction, Mr. Metaxas.

You are president of the company, are you?

CHRISTOPER METAXAS: Yes, I am.

SENATOR HARTLEY: Yes, okay. Well, listen, I just want to say to you, don't please tell me that a license plate is the same as a tree, okay, thank you very much.

REP. VERRENGIA: Any other questions?

Representative Hwang.

REP. HWANG: Thank you, Mr. Chair.

I was just curious, you were about to cite an example of the police department in Fairfield. Could you elaborate on that?

CHRISTOPER METAXAS: Yeah. So two weeks, one our law enforcement customers in Fairfield, Connecticut, those folks use our data, contacted us to notify us of a success they had using our data and this is just one of thousands of successes that we around the country.

There was a woman who was six months pregnant who was leaving a retail store where a man grabbed her purse, jumped into a car and drove off. He dragged the woman, who ended in a hospital. She was able to share a few of the characters of that license plate with the Fairfield Police. That's very important, just a couple of little pieces of data. Using our system, our independent data system that we provide for free to police departments around the country, investigators worked through the night to identify a license plate from the partial information given by the woman. The next afternoon one of the searches identified

the plate at a historical location, which goes back to the point of data history being very, very important where that location of the plate may be.

The police surveyed that location, found a man matching the description of the assailant. He was pulled over and admitted to the purse snatching and admitted to the assault. This is an example of how law enforcement uses our data in a very simple case. We have hundreds and thousands of major crimes that are solved -- solved, murders, drug rings, child abduction, interstate trafficking and we're very, very proud our success record in helping organizations protect their citizens.

REP. HWANG: Thank you.

CHRISTOPER METAXAS: Uh-huh.

REP. VERRENGIA: Thank you.

Are there any other questions?

Seeing none, thank you, sir.

CHRISTOPER METAXAS: Thank you very much. I appreciate it.

REP. VERRENGIA: Okay. The next speaker is Bob Burbank.

ROBERT BURBANK: Good afternoon.

REP. VERRENGIA: Good afternoon.

ROBERT BURBANK: Thank you for the opportunity to speak to the committee. I'm the first selectman of the Town of Andover. I, too, am in support of your House Bill 5391. The

REP. VERRENGIA: Next up is the chief state's attorney, Kevin Kane.

CHIEF STATE'S ATTORNEY KEVIN KANE: Thank you, Representative Verrengia, Representative Dargan and members of the committee. Thank you for inviting us all here today on these bills. I'm here to speak briefly on one of the them, a little less briefly on another.

The one I'm here to speak briefly on is S.B. 80, AN ACT PROHIBITING INTERNET SWEEPSTAKES CAFES. Over the years, we've noticed that there are some inconsistencies in gaps between the definitions of "gambling," "promotional drawing" and "sweepstakes," which make little loopholes and gaps which enterprising people have been able over the years to find ways to conduct activity that pretty clear the Legislature intended to be unlawful and S.B. fills in those gaps nicely in a such a way that I think it's a very good bill and we support it.

The bill I'm here to talk on in particular is H.B. 5389, USE OF AUTOMATED NUMBER PLATE RECOGNITION SYSTEMS. This is a bill that is focused on a very important area and an area of legitimate concern to the public for a variety of reasons. There are legitimate privacy interests in the accumulation of a large amount of data about the whereabouts of people even though it's whereabouts on a public street in a public place where momentary observation is certainly not any invasion of privacy.

The accumulation of massive amounts of data and the ability then to go and access that data and find out in great detail about people's whereabouts is something that the public in general, the courts in general are recognizes

is an infringement on privacy. How to balance that and how to protect those privacy rights in a way that doesn't prevent law enforcement from solving crimes and preventing crimes is a difficult -- and is something that needs to be thought about, deeply.

Let me tell you a quick story about just many unsolved homicides. For some reason, I've been thinking about in the last few days. It's one of many cases that I can't get out of my head. But this is it: Back in December, a little over 15 years ago, December 4th of 1998, Susan Jovan left Phelps Gate at Yale College, in New Haven -- Yale University -- walked out onto College Street at 9:20 in the evening on December 4th. At 9:55 in the evening, she was found dying East Rock where people later on determined law enforcement -- law enforcement determined heard screams and heard arguments, heard a man and woman arguing. A man and woman walking up the street found it.

She was dying. She hadn't died yet, but she had been stabbed many, many times. Witnesses there saw a vehicle, described a vehicle, light colored, figured to be a certain foreign make, general description. It would be nice to know whether they were talking about the same vehicle or different vehicles, but it appears to have left right at the time just before those -- those two pedestrians walked up the street and found Susan dying. Was it there? Was it -- had we had the technology then, had the police had the technology then, it certainly appears that she was picked up by a car leaving when she left Phelps Gate, got into a car in the vicinity of Phelps Gate at 9:20 p.m. that evening.

She could have jogged up. She could have run up there. She could have walked up very fast up there, but it appeared at that time of time, from the manner in which she was dressed and from things that she had told some of her friends about her intentions of what she was going to do that night, it was pretty highly unlikely that she had decided to go for a run or a jog up there at that time. She appears to have gotten into a car.

Later on over the years as the years went by and people began to look back at the case, some data became -- some information began important, questions became important. Had the police been able to have -- in recent times -- had been able to access a database and put registration numbers into it or names into it with regard to people who own a vehicle, it could be that crime could be solved. And Susan's mother and father and sister wouldn't be wondering for all this time that went on who killed their daughter and why their daughter was killed. It's terrible.

That's maybe one of maybe a thousand unsolved homicides that exist in this state. Where had we -- had law enforcement been able to have data like accumulated, been able to access this under the right conditions, crimes might have been solved. Other crimes might be prevented. It's very important to know sometimes, terrorism for instance, terrorists do surveillance on places for a long time before they decide to strike. Many crimes have been solved or prevented with Homeland Security and other -- other law enforcement agencies because they've been able to access this data.

Now, the question of how it can be stored effectively, who should be allowed to access

it, under what kind of conditions should it be allowed to be accessed. Those are things that really need to be thought out. I don't think that putting a particular time limitation, certainly not two weeks or 90 days. I think it's too short. Five years is that enough? Or is a time limit the manner in which we need to proceed to the strike that right balance. Would it be better to -- and just the development of the technology is, to me, almost unfathomable how much data can be accumulated and how it can be -- be stored for long periods of time, how it can be accessed, how access can be restricted.

I think this is something that really needs to be studied to find ways to protect people's legitimate interests and privacy to find out first of all try to define and understand what those privacy interests are, then try to address ways to -- to protect those privacy interests in a manner that still enables law enforcement to solve crimes and prevent other crimes. And I think the bill while it's intended that's attempting to say that five years is fine, go ahead with it, but I'm not too sure all that setting a time limit even if it's as long as five years would be effective and it certainly would prevent cases -- homicides from being solved long afterwards when the statute of limitations -- there is no statute of limitations, sometimes information, even if it's known at the time, doesn't come to be recognized to be important until much later.

And it's certainly worth -- in the public interest to be able to preserve any information that can be preserved in a while that enables crimes like that to be solved. I would be prefer -- suggest that -- that this bill not be passed now. It needs a lot of thought. A lot

of -- you've heard a variety of legitimate and serious concerns. The Civil Liberties Union has -- has expressed legitimate thoughts about it. You've heard other thoughts here today and I think this is a very important area to look hard at before the Legislature takes any action on it.

Thank you.

REP. VERRENGIA: Thank you, Chief.

Are there any questions?

Chairman Dargan.

REP. DARGAN: Chief State's Attorney, thank you very much for being here. I know you talk about that case at Yale and since that time, we changed a lot of laws. Right?

CHIEF STATE'S ATTORNEY KEVIN KANE: Yes.

REP. DARGAN: We've had the fight over the years with DNA sampling and we listen to the Innocence Project and how, again, the new technology that's out there has really protected some people that have been accused of crimes that were found innocent or people that have been in our correctional facilities have been found innocent because of DNA.

CHIEF STATE'S ATTORNEY KEVIN KANE: Yes.

REP. DARGAN: So we have done good things, whether it's on a state level or on a national level. And as I said prior -- before, this is a lot of new technology that we, as the Legislature, are grappling with, whether it's license plate recognition, whether it's drones, whether it's a number of other issues that are before us.

## COMMITTEE

So we don't want to pass something that we don't think -- that works or that we know -- like I said before, you know, there is one proposal that's five years and ACLU wants 14 days so we understand that there is some work to be done.

But we also realize that it's a tool that when it's worked properly it really could help our first -- our law enforcement people that are out there 24/7. We appreciate you coming and testifying today and we also appreciate working with you in the future as we go forward on this bill and a number of other bills. So thank you.

CHIEF STATE'S ATTORNEY KEVIN KANE: Thank you very much for your concerns.

REP. VERRENGIA: Are there any other questions for the Chief?

I don't see any.

Chief, thank you for being here today. And as always, your testimony will give us something to think about.

CHIEF STATE'S ATTORNEY KEVIN KANE: Thanks.

REP. VERRENGIA: Okay. The next speaker is John Burgarella.

HB 5390

JOHN BURGARELLA: Thank you, Mr. Chairman, Representative Dargan, members of the committee. My name is John Burgarella. I'm a state marshal in New Haven County. As my colleague spoke earlier about the situation at the courthouse, he is not on the warrant unit, as I am, and about 30 other individuals throughout the state, and we involve ourselves

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**Testimony of the City of New Haven  
Before the Public Safety Committee**

*Regarding*

**HB-5389 AN ACT CONCERNING THE USE OF AN AUTOMATED  
NUMBER PLATE RECOGNITION SYSTEM**

*Submitted by*  
**Maurine Villani, Tax Collector**  
March 4, 2014

Senator Hartley, Rep. Dargan, and members of the Public Safety Committee, thank you for the opportunity to comment on HB 5389. The City of New Haven respectfully requests that you oppose HB 5389 An Act Concerning the Use of An Automated Number Plate Recognition System. The proposed bill would limit the use of this technology to only the "Department of Motor Vehicles, the Department of Emergency Services and Public Protection, a municipal police department or the Division of State Police within the Department of Emergency Services". This technology is used for numerous purposes and affectively automates the recognition and processing of data that would otherwise be processed visually. In the City of New Haven this technology is utilized to collect taxes, establish garaging for assessment purposes and to identify scofflaws. I'll speak to the importance of this technology in collecting taxes.

The Finance Division of the City has a mantra – when everyone pays everyone pays less. As such, for nearly a decade the City has employed the use of this technology to improve the identification of vehicles with delinquent taxes and to – as permitted by statute – seize these vehicles to ensure the payment of taxes. While numerous vehicles are booted or towed, the program also has also improved the taxpaying culture as individuals have learned that there are tangible consequences of non-payment.

The proposed change in law would have a dramatic negative impact on the City's ability to collect Motor Vehicle Taxes. By reducing the City's ability to fully utilize current technology the City loses its ability to ensure that all citizens pay their fair share of the tax burden which will have an adverse impact on those citizens who pay their taxes on time and in full. In fact this shortfall will be significant and will only lead to an increased mill rate on those tax paying citizens because the lost revenue will have to be made up from them by increasing the mill rate or by reducing services.

In recent years the usage of such technology has increased the City's collection rate on motor vehicles to an all time high of 94%. Without this technology the collection rate would undoubtedly suffer, perhaps even dropping back to pre plate scanner levels of 88% (FY 02-03). This reduction in the collection rate on Motor Vehicles would represent a potential loss of revenue of \$937,384 to the City of New Haven.

The technology automates an otherwise tedious visual identification process. We urge the committee to recognize the unintended costs of limiting technology and urge your opposition to this bill.



# CCM 2014 Testimony

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## ***PUBLIC SAFETY & SECURITY COMMITTEE***

March 4, 2014

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 92% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

### **HB 5389 – “An Act Concerning The Use Of An Automated Number Plate Recognition System.”**

The bill would authorize the issue of license plate recognition systems and establish standards for the collection of the information. The technology affectively automates the recognition and processing of data that would otherwise be processed visually. Many towns and cities throughout Connecticut utilize these systems for law enforcement purpose, however some communities also rely on this technology for other uses, such as to help identify delinquent tax payers.

Towns and cities have set the standard in doing more with less. While the intent of HB 5389 is to ensure public safety is maintained, this proposal would impede towns and cities ability to, among other things; use such technology for the collection of taxes. Therefore, HB 5389 would essentially repeal current, prudent local public policies. Imposing such requirements could create an economic shortfall among certain communities and lead to a higher property taxes and a reduction of municipal services.

CCM recommends that HB 5389 to either (1) allow other, non public safety, use of these systems, or (2) take no action on this bill.

★★★★

If you have any questions, please contact Mike Muszynski, Senior Legislative Associate of CCM at [mmuszynski@ccm-ct.org](mailto:mmuszynski@ccm-ct.org) or (203) 500-7556.

*Statement*

*Insurance Association of Connecticut*

Public Safety Committee

March 4, 2014

HB 5389, An Act Concerning The Use Of An Automated Number  
Plate Recognition System

The Insurance Association of Connecticut, IAC, has concerns with HB 5389, An Act Concerning The Use Of An Automated Number Plate Recognition System, as it unclear for what purposes such automated number plate recognition system may be used.

HB 5389 simply states that of the intended uses of such recognition systems is to permit law enforcement to ensure compliance with any municipal ordinance and state law. The IAC is strongly opposed to permitting the use of any the license plate recognition system for insurance verification purposes. The insurance industry already provides the insured status of private passenger motor vehicles to the Department of Motor Vehicles, DMV. This is a system that has been functioning for decades and is updated to adapt to changing technology. The current system is a minimally intrusive process, yet it remains a costly endeavor for the industry which requires ongoing capital and administrative outlays each month for monitoring and compliance.

The industry has not seen a license plate recognition system that does not contain overly burdensome requirements, including daily data dump and exhaustive list of required information. Additionally, the extent of the information required typically involves highly sensitive private information to be shared with a vendor without any privacy safeguards or limitation on what the vendor can do with it. Implementation and continued operation of such systems would be an expensive endeavor for the insurance industry. However, the true cost of such systems would be borne by the insured driving population of Connecticut through increased insurance premiums and defending against false charges.

Should HB 5389 proceed, use of any such system for enforcing insurance compliance should be specifically excluded.



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE**

**H.B. NO. 5389: AN ACT CONCERNING THE USE OF AN AUTOMATED NUMBER PLATE RECOGNITION SYSTEM**

JOINT COMMITTEE ON PUBLIC SAFETY AND SECURITY  
March 4, 2014

The Division of Criminal Justice recommends the Committee take **NO ACTION** on H.B. No. 5389, An Act Concerning the Use of An Automated Number Plate Recognition System, and instead provide for a comprehensive study of the issues raised in the bill. Similar legislation was brought before the Judiciary Committee in the 2013 legislative session as H.B. No. 6639. As we stated at that time, the Division is fully cognizant of the potential privacy concerns raised by the use of license plate readers, however, those concerns must be balanced against the potential benefits of this technology.

It would appear this debate centers on the duration of time for which data collected by an automated license plate recognition system is maintained. H.B. No. 5389 puts a five-year lifespan on the retention of such data. While this would be a great improvement over the 14-day lifespan proposed in the 2013 legislation, the Division still believes that any limitation may in fact be contrary to the ability of law enforcement to investigate and prosecute serious crimes and, equally important, to exonerate those accused of such crimes.

It is not difficult to see how data placing a motor vehicle in a particular place at a particular time could be critical to solving crimes. Consider this in the context of "cold case" investigations where evidence can be pieced together many years after a crime is committed and the data collected through an automated number plate recognition system can easily take on new importance. There is no statute of limitations on the crime of Murder; there should be no statute of limitations on the ability of law enforcement to solve the Murder. Similarly, it would be equally important for investigators to know if such data shows that a person who is a suspect in such a crime was in fact miles away from the scene.

Rather than focus on the time frame during which this data may be retained, the Division believes the preferred approach would be to establish strict requirements for the storage of the data and restrictions on access to it. For example, it would be possible to maintain the data for an unlimited time frame, but to require some form of court permission, such as some showing of cause, for access after a certain time. This would allow for the use of this data as yet another tool in the rapidly developing field of cold case investigation, where technology is now allowing law enforcement to solve crimes that once were considered unsolvable.

To establish such a storage system would require considerable thought given the many issues associated with such a venture, i.e., where the data would be stored, who would pay for its storage and how it could be accessed. Accordingly, the Division would recommend the Committee consider establishing a task force to examine these areas in lieu of proceeding with H.B. No. 5389 at this time. The Division, of course, stands ready to serve on such a task force and to provide whatever assistance and information we can to the endeavor.

In conclusion, we thank the Committee for this opportunity to provide input on this matter. We would be happy to answer any questions or to provide any additional information the Committee might require. Thank you.

**Statement of Chris Metaxas**  
**CEO – DRN, Inc.**  
**On Behalf of DRN, Inc. and Vigilant Solutions, Inc.**  
**In Opposition to:**  
**HB 5389 – An Act Concerning the Use of An Automated Number Plate Recognition System**  
**Public Safety & Security Committee**  
**Hartford, Connecticut**  
**Tuesday, March 4, 2014**

Good afternoon, Senator Hartley, Representative Dargan and members of the Public Safety Committee. My name Chris Metaxas and I am the CEO of DRN, Inc. based in Fort Worth, TX and I am here representing DRN and Vigilant Solutions, our sister company which is located in Livermore, CA.

Vigilant Solutions is one of the largest providers of license plate recognition – or LPR – technology, analytical software, and data to the law enforcement community. DRN is the largest provider of LPR data services to the private sector. The bill before you today, HB 5389 AAC The Use of an Automated Number Plate Recognition System, would have a significant negative impact on the ability of law enforcement in this state to use anonymous LPR data to solve crimes, and it would prevent the private sector in this state from using the data at all to repossess vehicles or investigate insurance fraud and prevent municipalities from aiding in the collection of delinquent taxes.

LPR has been a tremendous tool for law enforcement. It has been used thousands of times to apprehend criminals, thwart abductions and solve crimes.

Just two weeks ago, one of Vigilant's law enforcement customers in Fairfield, Connecticut contacted Vigilant to notify them of an investigative success that week thanks to LPR data we provided. A woman who is 6 months pregnant was leaving a retail store when a man grabbed her purse, jumped into a car and drove off. He dragged the woman who ended up in the hospital. She was able to share a few characters from the license plate with Fairfield Police.

Using Vigilant's system, Fairfield investigators worked the case all night long to try to identify a license plate from the partial information given by the woman. The next afternoon one of the searches identified a plate and historical location information on that plate. Fairfield Police located the vehicle and after a short period of surveillance a man matching the description walked out of a house and into the car along with a woman. He was pulled over and the couple admitted the purse snatching and produced the purse.

This is a typical example of how law enforcement uses historical and privately collected LPR data and Vigilant's analytical software to solve crimes. Within 24 hours, it helped investigators solve a case that would otherwise have been extremely difficult to resolve. We are proud of results like this and even more importantly happy to understand that the pregnant woman is doing fine.

In the private sector, DRN's privately collected LPR data has been used in the repossession of

more than 300,000 vehicles worth more than \$2.2 billion in assets returned, resulting in an impact of 14% on auto lenders' delinquent portfolios. This has lowered risk for lenders, which stabilizes interest rates that consumers pay for their auto loans and enhances the ability of make more affordable loans. In addition, DRN's privately collected LPR data has led to the recovery of more than 37,000 stolen vehicles, which has lowered risk to insurers and had a consumer-friendly impact on insurance premiums.

If you take action to restrict the operation of LPR technology or the retention and use of LPR data as HB 5389 proposes to do, then you are taking away the ability to do these things – both in the public and private sectors.

Proponents of restrictions on the use of LPR cite concerns about massive warrantless tracking by law enforcement. These concerns are a result of wild misinformation, and I am here today to present the real facts so that as you consider this proposed legislation, you have a clear understanding of how the technology works, and how it is used.

LPR is used routinely by law enforcement and the private sector to rescue abducted children, catch murderers, recover missing elderly adults, recover stolen vehicles, repossess cars whose drivers have broken contracts with lending institutions, and investigate insurance fraud.

All of these great things are being done hundreds of times per day – without any abuse of an innocent citizen's privacy.

I am not suggesting that privacy should not be a concern. As a private citizen I don't want the government tracking my movements and using information to intimidate me. However, protections are already in place to prevent misuse of LPR to track innocent citizens.

It is settled law that there is absolutely no expectation of privacy in a license plate. License plates are mandated by law to be mounted and publicly visible. The primary purpose of a license plate is to aid in public identification so that private actors (e.g. witnesses to traffic accidents) and public entities (e.g. the police) can ascertain where a vehicle was and when it was there. LPR technology just automates a process that has been manual. LPR technology takes a picture of a license plate and includes date, time, and location information – just like most other digital photographs that are taken today with a phone and exist in popular sites like Instagram and Facebook.

LPR databases – which people are concerned about – are nothing but a collection of these pictures and date, time, and location the pictures were taken. They do not contain any personally identifiable information.

If I held up a license plate for you right now, there is no way for you to tell me which car it belongs to, yet alone who owns it and where they live. In order to tell me, you would have to get access to the state's registry of motor vehicles. If you accessed that registry to connect personally identifiable information to a license plate photograph, and you did not have an authorized permissible purpose under the law, then you would be breaking the law.

Let me be clear: in order to misuse LPR data you have to break the law to access personal information from a state registry of motor vehicles that ties a license plate to an individual. The federal Drivers Privacy Protection Act already governs access to the DMV data. **The public has not heard this fact nearly enough.**

It is easy to paint a scary picture of what COULD happen if LPR data is abused. And I have seen some egregiously dramatic scenarios that have been publicized to provoke media and public concern. Those scenarios are wildly unrealistic and betray a fundamental misunderstanding of how the data IS used and CAN be used.

Not only that, those scenarios are ALREADY ILLEGAL.

If this committee wants to increase privacy around LPR data, here are some concrete suggestions I would encourage you to consider that would be very effective without taking away the benefits of the technology:

1. Enforce the laws that are already in place for personally identifiable information. This way only those individuals with an expressed permissible purpose can access the data.
2. Make sure LPR data is available to investigators – that means no arbitrary cut-off dates for when the potentially useful and anonymous pictures must be destroyed.
3. Make sure there are strict controls around how LPR data can be accessed by law enforcement and that access is related to a specified case.
4. Make sure there are frequent audits to ensure any unauthorized access or use of the data is identified and punished.
5. Make sure the data is secure from unauthorized access.
6. Make sure LPR data held by law enforcement is classified as protected data that is not subject to random requests from the public.
7. Finally, do not deprive a private entity from taking a photograph of an object in public view. That would be a plain violation of the private entity's First Amendment rights.

These are measures that would clearly protect against mass warrantless surveillance by law enforcement. They would also prevent someone from accessing LPR data to find historical locations of license plate numbers that are already known to them.

Additionally, these measures would preserve law enforcement's ability to use valuable investigative data to do the great work they do – like the work of Fairfield Police two weeks ago.

In closing, DRN and Vigilant Solutions respectfully opposes HB 5389. We look forward to working with you to address the legitimate use of LPR data by other users for collection of taxes, investigation of fraud and the repossession of automobiles.

Thank you for the opportunity to testify today and I look forward to working with the committee as a resource as you consider this proposed legislation.



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## Testimony Opposing House Bill 5389, An Act Concerning the Use of an Automated Number Plate Recognition System

March 4, 2014

Senator Hartley, Representative Dargan and distinguished members of the Public Safety Committee, my name is David McGuire. I'm the staff attorney for the American Civil Liberties Union of Connecticut and I'm here to testify on House Bill 5389, An Act Concerning the Use of an Automated Number Plate Recognition System. While we commend the committee for taking up this important issue, we must oppose this legislation because it does not go nearly far enough to protect the privacy of millions of innocent drivers in the state of Connecticut.

Police use automated license plate recognition systems (ALPRs) to capture the license plate numbers of parked and moving vehicles. Cameras, usually mounted on police cars but sometimes mounted on traffic barrels or speed radar signs, record the plate number, the precise GPS location where the plate was scanned and the time and date of the capture. When the system matches a license plate scan to a vehicle listed as stolen, unregistered or uninsured, it produces an alert so that a police officer can pull the vehicle over. Used in this way, ALPR systems are an important, helpful and powerful tool for law enforcement

The trouble arises when license plate scan data is collected, pooled and archived for months or years, storing a detailed and vivid picture of the movements of drivers who are not even suspected of doing anything wrong. From these ever-growing databases it's easy to reconstruct an individual's movements or to identify the vehicles that visit a particular location, such as a church, mosque, adult bookstore or motel. This opens the door to retroactive surveillance of innocent people without a warrant, without probable cause and without any form of judicial oversight.

We discovered through Freedom of Information requests that in about three years, between 2009 and 2012, ten towns in central Connecticut accumulated about 6 million plate scans. In 2012, the Newington Police Department alone recorded 612,673 scans; with 29,208 registered vehicles in town, that's more than 20 scans for each vehicle. As more police departments acquire more ALPR systems, we can expect that number to continue growing exponentially. A national database maintained by a private contractor and aggregated from private and law-enforcement sources now holds more than 1.8 billion scans.<sup>1</sup> It is reportedly growing by 100 million scans a month.<sup>2</sup>

There is growing unease across the country about this unbridled and unregulated accumulation of data. After a public outcry, the Department of Homeland Security recently abandoned a plan that would

<sup>1</sup> [http://www.washingtonpost.com/world/national-security/homeland-security-is-seeking-a-national-license-plate-tracking-system/2014/02/18/56474ae8-9816-11e3-9616-d367fa6ea99b\\_story.html](http://www.washingtonpost.com/world/national-security/homeland-security-is-seeking-a-national-license-plate-tracking-system/2014/02/18/56474ae8-9816-11e3-9616-d367fa6ea99b_story.html)

<sup>2</sup> <https://privacysos.org/node/1329>

have provided the agency with wider access to the private database. Six states already regulate ALPR use by law enforcement. Many others—including Massachusetts, Maryland, Illinois, Minnesota, Virginia, Tennessee and Colorado—are now considering bills that would limit the amount of time police can keep ALPR data. Massachusetts legislators are considering a 48-hour data retention limit. Just a few weeks ago Virginia's attorney general declared that data from license plate readers may not be stored at all unless it is directly relevant to an investigation into criminal activity.<sup>3</sup> New Hampshire forbids almost all use of ALPR and its legislature overwhelmingly rejected a bill in January that would have allowed only active use by law enforcement, with data retention of only three minutes.

In order to effectively protect the privacy of the people of Connecticut, ALPR legislation must set a meaningful data retention period, not a matter of years but of days. Five years of license plate scans could build a frighteningly detailed dossier on the movements and associations of every driver in the state. The police do not need, nor should they have, this information. The Connecticut State Police discard ALPR data after 90 days. If the state police use this technology effectively with that restriction, so can municipal departments. We believe they can do with less. The ACLU of Connecticut supports a requirement to dump the data after 14 days, with an exception allowing scans to be retained for active criminal investigations.

We are also very troubled that this bill attempts to exempt license plate scanning from release under the Freedom of Information Act and includes no requirements for police to audit, report on or track their use of the technology. We agree that scanned license plate numbers should not be released, but there is no need to keep the entire data set secret. It can be released with masked plate numbers so that it's possible to know how many times an individual vehicle was scanned without revealing the real plate number. The data should also include the notifications generated by the ALPR system, so the public can evaluate how well it is working, for example, in tracking down stolen and unregistered cars.

The importance of allowing the public to evaluate how ALPR is used became apparent in December, when *The Boston Globe* published an analysis of scan data provided by the Boston Police Department. The newspaper reported that police failed to take action in many cases where vehicles triggered alarms. A stolen motorcycle triggered alerts 59 times and a plate with lapsed insurance was scanned 97 times. The Boston Police Department subsequently suspended all ALPR use while the issue is investigated.<sup>4</sup> The findings raise an important question: if police were not using the system for its stated purpose, why were they collecting all that data? Was it for surveillance alone?

No free society gives unlimited powers to its law enforcement authorities. There are always restrictions and there are always compromises. This bill is not a good compromise. —We urge you to reject the bill in its current form and to amend it to provide more meaningful protections for individual privacy.

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<sup>3</sup> <http://oag.state.va.us/Opinions%20and%20Legal%20Resources/OPINIONS/2013opns/12-073%20Flaherty.pdf>

<sup>4</sup> <http://www.bostonglobe.com/metro/2013/12/14/boston-police-suspend-use-high-tech-licence-plate-readers-amid-privacy-concerns/B2hy9UIzC7KzebnGyQ0JNM/story.html>