License Plate Recognition Logs Our Lives Long Before We Sin

By Jon Campbell
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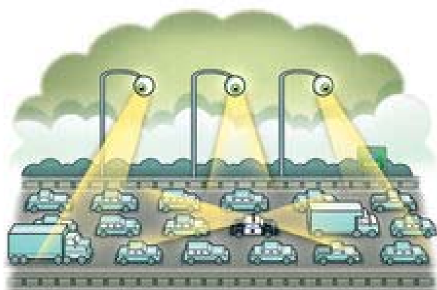
ILLUSTRATION BY PETER HOEY



The Long Beach Police Department press release in August 2010 was tellingly brief — just 121 words. Franklin Robles, 33, had been shot to death on his way to buy a used Cadillac, a possible robbery attempt turned bloody.

There was no suspect, no eyewitness. Investigators had little to go on — or so it appeared. What Long Beach detectives didn't know the day of the murder was that the alleged getaway car had already been under police surveillance — before Robles' murder was even contemplated.

Using a vast and automatic electronic tracking system that is all but unknown to the California public, on the day of Robles' murder, police in Los Angeles County cities had made a detailed record of the alleged getaway vehicle's movements.

The information came complete with GPS coordinates — even photographs.

In a situation evoking the hit movie *Minority Report*, the suspects were being watched even before they were considered suspects.

L.A. Weekly has learned that more than two dozen law enforcement agencies in Los Angeles County are using hundreds of these "automatic license plate recognition" devices (LPRs) — units about the size of a paperback book, usually mounted atop police cruisers — to devour data on every car that catches their electronic eye.

The L.A. County Sheriff's Department and the Los Angeles Police Department are two of the biggest gatherers of automatic license plate recognition information. Local police agencies have logged more than 160 million data points — a massive database of the movements of millions of drivers in Southern California.

Each data point represents a car and its exact whereabouts at a given time. Police have already conducted, on average, some 22 scans for every one of the 7,014,131 vehicles registered in L.A. County. Because it's random, some cars are scanned numerous times, others never.

Police acknowledge to the *Weekly* that the data have become so integral to their work, they almost take them for granted.

"The big joke is it's kind of like the radio," says Lt. Chris Morgan of the Long Beach Police Department. "When we first got radios in the cars, it was a really big deal. Now it's routine."

Documents obtained by the *Weekly* through the California Public Records Act, and interviews with officials at LAPD, LBPD and the Sheriff's Department, describe one of the most densely concentrated license plate recognition systems in the United States — soon to be linked up to a similar system in San Diego.

But privacy-rights advocates, including the Electronic Frontier Foundation and the American Civil Liberties Union of Southern California, are worried.

Peter Bibring, an attorney with the ACLU, says, "There's nothing wrong with LPR installed in cars, checking license plates against stolen vehicles or warrant issues."

Still, it doesn't require a tin-foil hat to imagine ways in which it could be misused. Bibring says that by retaining a history of innocent people's travels — under Chief Charlie Beck, for example, LAPD hangs onto millions of pieces of data for five years — "law enforcement can create a clear picture of the movements of law-abiding citizens."

Lee Tien, a staff attorney with the Electronic Frontier Foundation, says the sheer scale of the data collected changes the principles involved.

"When you look at how this will change the way people relate to the police, it's a big shift," Tien says.

In 2005, just a few police cars in Southern California boasted these futuristic devices, which were used mostly to spot stolen cars. Without fanfare or public debate, their uses have gone far past that simple beginning.

The units continuously scan and photograph every license plate within view, logging the time and location of each. License plates are checked against a "hot list" of wanted vehicles and, if there's a match, officers do their thing.

Otherwise, the location and photo information is uploaded to a central database, then retained for years — in case it's needed for a subsequent investigation. LPR devices are even mounted covertly on unmarked vehicles, such as a Nissan that Sheriff Lee Baca's officials say they use mostly in terrorism investigations.

In Roman Polanski's film *The Ghost Writer*, Ewan McGregor's character uses GPS memory in a car he borrows to deftly backtrack to the vehicle's previous locations, right to the doorstep of a scheming CIA mole. Using license plate recognition in Los Angeles, if a police investigator wants to see where a car has been in the past, he punches in the plate number. If it's been scanned, a map will show where and when. Or plug in an address and get a list of every car captured by any LPR device in that area.

Investigators need neither a warrant nor probable cause to do this. Yet the overwhelming majority of these cars, and their drivers, are not connected with any crime.

Some agencies in L.A. County are clamoring for more of the pricey devices.

LAPD patrol units have about 120 of them, the Sheriff's Department has 77 devices and another 200 in procurement, and Long Beach plans to triple its numbers, from 15 units to 45.

At $15,000 to $25,000 a pop, that's $1.8 million in costs to LAPD, $4.1 million for the Sheriff's Department, and $675,000 for LBPD, counting units now being ordered.

Detectives are cooperating across police boundaries, accessing license plate scans taken by the other jurisdictions. The Back Office Server System, or BOSS data-sharing network, has made L.A. County's

one of the most interconnected LPR systems in the country.

The Robles case illustrates how the interconnectedness works:

Months after Robles was killed, detectives tapped into BOSS and discovered that license plate scans of the suspected getaway car had been recorded in Compton on the same day Franklin Robles was murdered. Investigators canvassed Compton for witnesses and, police say, eventually solved the crime.

Today, five suspects are under arrest and awaiting preliminary hearings: Shawn Verrette, Frank Ervin and Luis Orozco have been charged with murder; two others, Rosa Orozco and Nancy Acevedo, have been charged as accessories.

Morgan, who manages the license plate recognition program for LBPD, says the "back-office" analysis of shared data is already a fixture of basic police work. LAPD Sgt. Dan Gomez agrees, saying, "It's been used in homicides, it's been used in robberies, it's been used in serial rape investigations, counterterrorism cases."

Department of Homeland Security grant documents, obtained by the *Weekly* through the Freedom of Information Act, suggest that in addition to the hundreds of LPR devices now atop police vehicles, about 60 are hidden along strategic roadways near potential terrorist targets such as LAX and the Port of Long Beach.

In 2005, when LPR made its debut here, police agencies generally threw out all of the unneeded information that wasn't tied to a stolen or otherwise wanted vehicle.

Now there's a lot of cheap digital storage space, so LAPD holds all of its data for five years, Long Beach for two, the Sheriff's Department for two.

But Sgt. John Gaw, with the Sheriff's Department, says, "I'd keep it indefinitely if I could."

ACLU's Bibring calls these long retention times "exceedingly troubling," and state Sen. Joe Simitian has introduced legislation setting a 60-day retention limit, which copies the California Highway Patrol.

Police officials are quick to note that the information being gathered isn't private. License plates are owned by the DMV and routinely recorded by police — that's one of the main reasons they exist.

"It's not Big Brother," Gaw says. "It's doing what a deputy normally does in his routine duties."

Because automatic license plate recognition photos don't typically show the driver's face, LAPD's Gomez argues, "Nothing about the system tracks people — it looks at vehicles. Any other details, gender, race, identity — it can't see."

In cases like *U.S. v. Wilcox*, federal courts usually have agreed with police. No human officer needs probable cause or even any suspicion to record your plate; law enforcement lawyers argue that using LPR just automates the process.

Police say they're sensitive to privacy concerns, but contend that slapping on a 60-day archiving restriction would make LPR largely useless for anything other than "hot list"–type patrolling. Among other things, keeping LPR data could provide breaks in cold cases.

"We get that it [privacy] is a huge issue," Morgan says. "We get it, and we're doing our best to balance

our need to know and people's privacy."

Privacy advocates say courts may re-evaluate their stance when it comes to LPR. Tien, the senior staff attorney with the Electronic Frontier Foundation, says the U.S. Supreme Court's recent ruling on GPS devices could come into play.

The court determined that police must get a warrant to install GPS on a suspect's car. The ruling was "narrow," Tien says, and offered little guidance on technologies such as LPR.

Tien says that if the use of automatic license plate recognition becomes so widespread that police are effectively recording every movement a vehicle makes, which could be tantamount to tracking people with a GPS unit, sans warrant.

"Actually," Tien says, "this is better. They don't have to go to the trouble of installing a device."

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