Statement to:

New York State Assembly Standing Committee on Consumer Affairs and Protection

Assembly Standing Committee on Governmental Operations

Assembly Standing Committee on Local Governments

11-9 Assembly Public Hearing on Automatic License Plate Reader Data Collection and Usage

Monday, November 9th, 2026

Albany, NY

A Statement on the Value, Constitutionality, and Appropriate Regulation of ALPRs

Submitted by:

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About the Author

Rafael A. Mangual is the Nick Ohnell fellow and head of research for the Policing and Public Safety Initiative at the Manhattan Institute for Policy Research** and a contributing editor of *City Journal*. He is also the author of *Criminal (In)Justice: What the push for decarceration and depolicing gets wrong and who it hurts most*.

Through the Manhattan Institute, and in other outlets, Mr. Mangual has authored and coauthored numerous policy papers, as well as more than two hundred essays and columns on topics related to policing, crime, incarceration, and broader matters of criminal justice. His work has been featured in a wide array of publications, including the *Wall Street Journal*, *The New York Times*, and *The Washington Post*. He has testified on many prior occasions before committees of both houses of Congress, state legislatures, and the U.S. Commission on Civil Rights.

Rafael holds a B.A. from the City University of New York's Baruch College and a J.D. from DePaul University's College of Law in Chicago, IL. In 2022, he was elected a member of the Council on Criminal Justice, and is currently serving his second term on the New York State Advisory Committee to the U.S. Commission on Civil Rights.

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Statement

I want to thank you for the invitation to speak today on this important matter of public concern. It is an honor and a privilege to address this body.

The utilization of automated license plate readers—ALPRs—is not an especially new phenomenon in American law enforcement. Within the first decade of the 2000s, many of the premier, large-city police departments—including the NYPD[1], LAPD[2], Chicago PD,[3] and Washington, D.C. Metro PD[4]—had launched their own ALPR programs. And by 2016, two-thirds of large U.S. police agencies (those with at least 100 officers) deployed this technology.[5]

I'd like to use the remainder of my time to make three points about what we've learned after two decades of this technology's use:

(1) ALPRs provide exceptional value to police departments;
(2) The deployment of ALPRs comports with the strictures of the U.S. Constitution's Fourth Amendment; and
(3) The potential risk of ALPR abuse can be effectively mitigated through smart regulation, rendering outright bans both unnecessary and counterproductive.

Vehicles are involved in approximately 75% of all criminal offenses in the United States.[6] ALPR technology can provide important information to police about where to look for vehicles of interest when investigating those crimes by scanning and logging the license plates and other identifying features of the vehicles that pass them. This has led to many tens of thousands of stolen vehicles recovered, abducted children rescued, violent criminal suspects apprehended, and missing persons found.[7]

Just this summer a murder suspect fleeing Maine was captured in Guilderland, NY after police got a hit on his license plate from an ALPR, leading to his swift arrest and apprehension.[8] And just a few weeks ago, my colleague Charles Lehman and I wrote in the *Washington Post* about a

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[1] https://www.police1.com/police-products/police-technology/articles/technology-helps-nypd-recover-thousands-of-stolen-vehicles-zsdVpU0p8Lxq8VwF/
[2] https://www.cbsnews.com/losangeles/news/lapds-license-plate-reader-system-failing-to-protect-driver-privacy-audit-finds/
[3] https://www.police1.com/police-products/traffic-enforcement/license-plate-readers/articles/chicago-cops-in-battle-dress-to-flood-high-crime-areas-EoPfH7Ws2kRmS231/
[4] https://wamu.org/story/13/12/10/license_to_track_dc_police_cameras_capturing_millions_of_license_plate_numbers/
[5] https://cebcp.org/wp-content/lpr/LPR-National-Survey-Report-2016.pdf (figure 3)
[6] https://www.theiacp.org/sites/default/files/2019-12/Educational%20Toolkit%20PowerPoint.pdf
[7] *See, e.g.,* https://flockstopscrime.com/, and https://www.flocksafety.com/blog/how-effective-is-flock, and https://www.police1.com/police-products/police-technology/articles/technology-helps-nypd-recover-thousands-of-stolen-vehicles-zsdVpU0p8Lxq8VwF/.
[8] https://cbs6albany.com/news/local/flock-cameras-credited-with-catching-maine-attempted-murder-suspect-in-guilderland-western-avenue-carman-road-abel-perez-bangor-wrgb

woman who was carjacked with her kids still in the back seat in Richmond, VA.[9] Because that city had an ALPR system in place, they were able to locate the vehicle, rescue the children, and apprehend the suspects within an hour.

This kind of anecdotal evidence is compelling and supported by recent empirical research.[10]

That said, the per-unit cost of the typical ALPR device used by an American law enforcement agency can be as little as $2,500[11] for modern systems (though earlier systems could run as much as $25,000).[12] It's worth viewing these costs alongside the prevailing estimates of the social costs of crime, which, for example, estimate the social costs of a homicide at just under $9M, and the social costs of a car theft at more than $10,000.[13] This means that the ALPR-enabled recovery of a single stolen car in a year would cover the annual cost of deploying three modern ALPR cameras. The apprehension of a would-be killer would cover the cost of 3,600.

These benefits are ultimately meaningless if ALPRs are unconstitutional. But despite litigation in both federal and state courts throughout the country, there is *not a single appellate court* that has found that the use of ALPR technology by law enforcement constitutes a search under the Fourth Amendment. This is because ALPRs only capture images where the public does not have a legally cognizable expectation of privacy in what is visible to others: Public roadways. More importantly, however, these cameras simply do not cover enough of the roadway to allow the government to reconstruct even a significant share of a given driver's movements.

In a recent paper, my colleague and I illustrate this point using data from Houston, TX, which deploys approximately 4,000 ALPRs—each with a sight picture of 75'x20'—or 1,500sqft. In the aggregate, those cameras can only see approximately 0.6% of the more than 1Bsqft of roadway within the city's limits.[14]

A system that can't see more than a fraction of 1% of the streets you can drive on is simply incapable of reconstructing enough of your movements to accomplish anything close to what can be accomplished through the deployment of the surveillance technologies to which courts have attached warrant requirements.

Though both beneficial and legal, ALPRs ought not be used without any regulation. Particularly in jurisdictions that are recent adopters of ALPR technology, the following regulatory suggestions, set forth in my aforementioned paper should be considered:

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[9] https://www.washingtonpost.com/opinions/2026/10/02/flock-cameras-regulate-dont-ban-them/

[10] *See,* https://www.crimrxiv.com/pub/zleg04q3/release/1. While the literature on the systematic effects of ALPRs on crime is still developing, it's worth noting a recently published working paper by criminologists at the University of South Carolina found that the deployment of Flock Safety ALPRs reduced car thefts by at least 11% in the more than 200 jurisdictions analyzed. Their analysis also suggests that ALPRs may lead to higher car theft clearance rates and faster case solves in cases where a stolen vehicle was recovered.

[11] https://www.policechiefmagazine.org/patrol-cars-poles-alpr/

[12] https://www.congress.gov/crs-product/R48160

[13] https://pmc.ncbi.nlm.nih.gov/articles/PMC2835847/

[14] https://manhattan.institute/article/automatic-license-plate-readers-benefits-risks-and-sensible-regulation

Logging requirements. Departments using ALPR databases should be required to log all access to the database, with individual user IDs so that auditors can review who did what when. Access should also require case codes, with a requirement that officers clearly articulate the reason for the query—providing detailed specifics, not a general explanation—at the time of access.

Limited Supervisory approval. Access to ALPR databases should require written and logged approval from a supervisor for any non-investigator queries that are not related to crimes in progress; and for any personnel not on duty when the query was made.

Data retention limits. ALPR databases should make recorded images and associated data widely available for no more than 30 days, except for cases involving ongoing prosecution or criminal investigation with supervisory approval.

Audits. In addition to making use of automated abuse/misuse flags offered by providers, audits of ALPR databases departments should conduct on a quarterly basis. Audits should cover both system efficacy and evidence of abuse. Results should be made available to the public in a summary form on an annual basis.

Criminal penalties and exclusion. Abuse of an ALPR system—misusing it for unofficial purposes in the name of personal gain or harm to another—should carry stiff criminal penalties as well as exclusion from future police employment. ALPR data obtained in violation of any of these regulations should not be admissible in a court.

Major crime investigation restriction. Investigative use should be restricted to offenses involving violent felonies, thefts, burglaries, arsons, gun offenses, drug offenses, hit-and-runs, or kidnappings/abductions (not to cover emergency circumstances and BOLO/hot list requests). Under no circumstances should police-operated ALPRs be used to issue fines, or other penalties for non-felony speed enforcement, parking violations, and other non-red-light-related moving violations.

Sensitive places. ALPRs should be prohibited within 100 feet of any place of worship, polling place, or medical facility without the permission of the owner or operator of aforesaid location. ALPR databases should not be permitted to retain images that include a significant portion of the interior of a private residence or other establishment.

Thank you for your consideration, and I look forward to answering any questions you have.