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May 2, 2024

The Honorable Robert E. Craven, Sr.
Chairman, House Judiciary Committee
Rhode Island State House
Providence, RI 02903

RE: House Bill No. H7749 AN ACT RELATING TO CRIMINAL PROCEDURE – AUTOMATED LICENSE PLATE READERS

Dear Chairman Craven:

I am writing on behalf of the Rhode Island Police Chiefs' Association (RIPCA) to voice our concerns over testimony that was provided during the April 24th hearing in front of your committee. Our concern is specific to that of Officer Noel Pichardo of the Pawtucket Police Department.

While the association encourages testimony from all points of view and is open to the views of others, Pishardo's testimony was inaccurate at best and at worst, inflammatory and patently false. I would opine the officer is either unfamiliar with the system or has an agenda where, in his mind the truth is irrelevant.

At the onset of his testimony, Pichardo indicates that he has been trained in the technology. Pawtucket Police Chief Tina Goncalves has confirmed that he was trained in 2021, however is not an authorized user of the Flock system. The inaccuracies in his testimony, however would show a lack of familiarity in the system and its capabilities.

Next, Pichardo provides the example that as he was driving in the city, his plate was run by the technology on five occasions. He believes the ALPR system recorded his name, date of birth, address, plate, make, model, color bumper sticker and damage of his vehicle. The Flock system merely takes a still photo of vehicles as they pass by on a public street. While the system does compare that license plate against plates entered into the National Crime Information Center (NCIC) database or an established hot list, if the system does not recognize the vehicle as "wanted" the photo -just the photo, with no associated data- is stored in an encrypted file for 30 days and then deleted. None of the other information, as indicated by the witness, is recorded or run through the state registry where vehicle owner data would be obtained.

Mr. Pichardo then advised the committee that the system is already being abused by police officers. The only example he provided was a case out of the State of Wisconsin where an officer was arrested for tracking his ex-wife. He further states that there is no way to monitor how officers use this technology. This information is false. All queries through the Flock system require a user log in and a record of the entry is recorded. In addition, audits are conducted on a regular basis to ensure that the system is not inappropriately used. Many departments have adopted policy which requires an officer to generate a CAD (Computer Aided Dispatch) offense or incident number each time a Flock query is made. Information in the search of the Flock system must contain, at a minimum, the officer's name, authorizing supervisor, the related case number and a short synopsis describing the nature of the originating call.

As a 26 year veteran in law enforcement and the sitting President of the RIPCA, I take particular offense to Pichardo's statement that we, as police, are "not mature enough and don't have the ethics to use this technology." Agencies conducted significant research into the appropriate vendor to partner with before implementing ALPR technology. Policies, and in some communities ordinances were promulgated which governed the use of the system. Stakeholders were brought in to the discussion and the process was vetted. Representative Solomon's bill is yet another example of public discussion and oversight, which is why it is of crucial importance that the committee only hear factual testimony.

In response to Representative Noret's question the officer testified that the system "runs every single plate." This is partly inaccurate. As stated, the system takes a still photo of the back of the vehicle and compares it to a database of "wanted" vehicles and NCIC. Registration information is not run or obtained by the system. All other photos are placed in an encrypted file which is deleted after 30 days. He also believes that the system disproportionately affects law abiding citizens as criminals don't register vehicles or use their own vehicle to commit crimes. I would argue that the law abiding citizen is not affected at all by this system and use of the Flock cameras has proven that criminals do in fact use vehicles they are associated with, as evidenced by the numerous success stories and arrests of criminals due to the ALPR technology. Not to mention the large amount of missing/endangered persons, missing juveniles and missing elderly/dementia patients that have been located with the system.

As I conclude my rebuttal to Mr. Pichardo's testimony I would admit that if not provided with the proper information and given all the facts, his testimony would appear genuine and accurate to the committee members. In fact, one member of the esteemed committee characterized Mr. Pichardo's testimony as "speaking his morals," having a lot of courage and speaking the truth. His suspension, as a result of providing this type of testimony to the press, was characterized as egregious by the committee member. I would argue that his *sustained* punishment was a result of his insubordination and perhaps for providing false information and not a case of an agency trying to silence a whistleblower as suggested.

I thank you for allowing me to provide this rebuttal and would respectfully request that this information be provided to the rest of the House Judiciary Committee. The association remains committed to working with our elected officials to provide accurate information so that bills can be considered appropriately. For this particular bill, we have engaged with Representative Solomon in hopes that we can assist him in drafting a bill that will be considered for adoption.

Thank you for allowing me to submit this letter on behalf of the RIPCA and as always, I am available for any follow-up questions you or the committee may have.

Respectfully Submitted,



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