

# OFFICE OF THE PUBLIC DEFENDER

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## **TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:**

**House Bill No. 8077**

### **ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE—AUTOMATED LICENSE PLATE READERS**

Chairwoman Hagan McEntee and Members of the House Judiciary Committee:

The Office of the Public Defender **generally supports House Bill 8077 but would suggest a few amendments** to ensure that the text of the bill does not undercut its purpose, which is to ensure that data collected from police-utilized license plate readers (LPRs) is handled responsibly and is protected from inappropriate dissemination. This bill would ensure that rules are established to limit the use of these devices so that Rhode Islanders’ personal data, location information, and identifying details are not used maliciously or exposed to the public.

As these devices are already being used by law enforcement, it is essential that guardrails are put in place to protect our data. The OPD remains very concerned about privacy issues related to these LPRs as well as their potential for misuse. As one researcher from the University of Michigan’s Ford School of Public Policy noted in a policy paper from 2023, these LPRs present significant accuracy and privacy concerns, and have historically had a disparate impact on communities of color.<sup>1</sup> In addition, as the memo explains, there have been several examples of officers misusing these devices for personal reasons—*i.e.*, to get information about a former romantic partner.<sup>2</sup>

As much as the Office of the Public Defender supports the intent behind this bill, we are concerned that it could create loopholes and exceptions that are both unintended and constitutionally problematic. For example, the list enumerated in R.I.G.L. § 12-5.3-3 (“Regulated use of automated license plate readers”), provides examples of when police can use LPRs, including for “[v]ehicles associated with a suspect in an ongoing, active investigation of a violent felony or domestic violence offense.” This wording makes it unclear whether *all* domestic offenses, such a domestic disorderly

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<sup>1</sup> Noah Stein, Automated License Plate Readers: Legal and Policy Evaluation, University of Michigan Ford School of Public Policy: Science, Technology and Public Policy (January 2023), available at [https://stpp.fordschool.umich.edu/sites/stpp/files/2023-02/ALPR%20Memo%20Final%20Jan%202023\\_0.pdf](https://stpp.fordschool.umich.edu/sites/stpp/files/2023-02/ALPR%20Memo%20Final%20Jan%202023_0.pdf) (last accessed March 24, 2026).

<sup>2</sup> *Id.*

conduct, a petty misdemeanor, would be covered by this exception. It also leaves open the question of what quantum of suspicion is needed before undertaking this type of search.

However, our worries could be assuaged with the inclusion of language that 1) requires that law enforcement have **probable cause** to believe that one of the exceptions in § 12-5.3-3 applies before they are allowed to access the data, and 2) states that the statute should not be read to undercut any protections already developed in the Fourth Amendment case law. Fourth Amendment case law is incredibly complicated, and there is always a danger that related statutes can be later misread to *undercut* privacy protections—a result that is anathematic to the intent behind the bill. Some clear language to the contrary, as well as a few amendments to exception subsection, would help clear up these constitutional concerns. The OPD would welcome any opportunity to discuss such amendments with any of the bill's sponsors to help ensure that LPRs—and the data they produce—are tightly regulated in Rhode Island.

Sincerely,  
/s/ Angela M. Yingling

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