



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2023-2342

**Type:** Resolution **Status:** Passed

**File created:** 7/21/2023 **In control:** Transportation and Infrastructure Committee

**On agenda:** 8/15/2023 **Final action:** 8/15/2023

**Title:** A resolution approving full implementation of license plate reader (LPR) technology by the Metropolitan Nashville Police Department following the July 22, 2023 conclusion of the pilot implementation.

**Sponsors:** Jeff Syracuse, Courtney Johnston, Jennifer Gamble, John Rutherford, Joy Styles, Bob Nash, Tonya Hancock, Robert Swope, Larry Hagar, Russ Bradford, Russ Pulley, Thom Druffel, Zach Young, Gloria Hausser

### Indexes:

### Code sections:

**Attachments:** 1. Exhibit 1 - Third ALPR Council Report, 2. Exhibit 2 - First ALPR Council Report, 3. Exhibit 3 - Second ALPR Council Report, 4. Amendment No. 1 to RS2023-2342

| Date      | Ver. | Action By                                   | Action                     | Result |
|-----------|------|---|----------------------------|--------|
| 8/28/2023 | 1    | Mayor                                       | approved                   |        |
| 8/15/2023 | 1    | Metropolitan Council                        | adopted                    | Pass   |
| 8/15/2023 | 1    | Public Health and Safety Committee          | approved with an amendment |        |
| 8/15/2023 | 1    | Transportation and Infrastructure Committee | approved with an amendment |        |
| 8/15/2023 | 1    | Metropolitan Council                        | amended                    | Pass   |
| 8/1/2023  | 1    | Metropolitan Council                        | deferred                   |        |
| 7/25/2023 | 1    | Metropolitan Council                        | filed                      |        |

A resolution approving full implementation of license plate reader (LPR) technology by the Metropolitan Nashville Police Department following the July 22, 2023 conclusion of the pilot implementation.

WHEREAS, on February 1, 2022, the Metropolitan Council adopted Ordinance No. BL2021-961, amending Section 13.08.080 of the Metropolitan Code of Laws pertaining to the use of license plate reader (LPR) technology in the public rights-of-way; and,

WHEREAS, as amended by Ordinance No. BL2021-961, Section 13.08.080 of the Metro Code authorizes the use of license plate reader (LPR) technology under certain conditions. With limited exception, the Metro Code had previously prohibited the operation of LPRs installed onto or within the public right-of-way; and,

WHEREAS, as amended, Section 13.08.080(G)(14) further requires a six-month pilot program prior to fully implementing an LPR program, beginning the first day the LPR system is operational and in use by the department, to determine whether the continued use of LPR technology is appropriate; and,

WHEREAS, Section 13.08.080(G)(14) further requires that, at least two (2) weeks prior to the conclusion of the pilot program period, the implementing department shall submit a report to the Council on the efficacy of the program, compliance with the provisions of Section 13.08.080, and any policies implemented to carry out the use of the LPR system. This report is to be posted on the department's website; and,

WHEREAS, in addition to these reporting requirements, Section 13.08.080(G)(7)(d) of the Metro Code provides that, during the six-month pilot program, the Metropolitan Nashville Police Department (MNPd) shall report specified logistical data (e.g., the number in use, the number of matches made, etc.) to the Metropolitan Council every two (2) months; and,

WHEREAS, on July 22, 2023, the Metropolitan Nashville Police Department concluded a six-month pilot program of the implementation of an LPR system, submitting to the Council the report required under Section 13.08.080(G)(14) of the Metropolitan Code (attached herewith as Exhibit 1). Additionally, during the pendency of the six-month pilot, the MNPd submitted reports every two months to the Council as required under Section 13.08.080.D(7) of the Code (attached herewith as Exhibits 2 and 3, respectively); and,

WHEREAS, during implementation of the pilot program, the LPR system has proven highly effective in identifying and locating stolen vehicles, and -- more importantly -- apprehending suspects believed responsible (including the arrest of a suspect currently on bond for First Degree Murder). Vehicles stolen during car-jackings and robberies have also been recovered, securing their use from further violent crimes or other criminal activity. In other instances, apprehended suspects have had outstanding warrants for other offenses, or admitted to other criminal activity, including robberies and felony probation violations. Other apprehensions have yielded the discovery of meth, cocaine, and other dangerous narcotics, as well as stolen guns. As of July 11, 2023, ninety-four (94) stolen vehicles have been identified and recovered, leading to the arrest of one hundred one (101) individual suspects, including wanted persons; and,

WHEREAS, these successes have occurred within a short time span, despite a limited deployment constrained by procurement requirements and the number of vendors involved. Full implementation would include a larger deployment across LPR sites and greater system integration; and,

WHEREAS, during the pendency of the six-month pilot program by the Metropolitan Nashville Police Department, no known complaints from the public have been submitted to the MNPd, District Attorney General, Public Defender, Mayor's Office, or through hubNashville alleging violations of the Metro Code, improper use, infraction of civil liberties, or similar individualized complaints. The Community Oversight Board has published a report discussing LPR placement but has opened no individual investigations; and,

WHEREAS, Section 13.08.080.G(3)(f) of the Metro Code provides for examinations and audits of any LPR and its related files and records by the District Attorney General, Public Defender, or Executive Director of the Community Oversight Board (or their respective designees). The Code further provides that if any of these individuals believe an LPR has been used in violation of the Code, a request can be submitted to the Metro Council to suspend the use of an LPR for purposes of investigation, to prevent ongoing violations, or to deter future violations. To date, no such requests or complaints have been submitted.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That the Metropolitan Council hereby formally approves full implementation of the use of license plate reader (LPR) technology by the Metropolitan Nashville Police Department, as authorized under Section 13.08.080.G(14) of the Metropolitan Code.

Section 2. That the continued reporting requirements of Section 13.08.080.G(7)(d) of the Metropolitan Code shall be in effect, requiring reports to the Metropolitan Council every three (3) months henceforth.

Section 3. That this resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

### Analysis

This resolution approves the full implementation of license plate reader ("LPR") technology by the Metropolitan

Nashville Police Department (“MNP”) following the conclusion of MNP’s pilot program.

The Council authorized the use of LPR in the public right-of-way under certain conditions pursuant to Ordinance No. BL2021-961 on February 1, 2022. This ordinance, now codified at Metropolitan Code of Laws Section 13.08.080.G, requires departments to engage in a six-month pilot program prior to the full implementation of an LPR program. At least two weeks prior to the conclusion of the pilot program period, the department must submit a report to the Council on the efficacy of the program.

After both a public hearing and Council authorization to acquire and install LPR technology in the public right-of-way in Ordinance No. BL2022-1883, MNP began its pilot program on January 23, 2023. MNP has submitted three reports to Council on March 13, 2023, May 23, 2023, and July 8, 2023. These reports are attached to the resolution. The pilot program ended on July 22, 2023.

MCL Section 13.08.080.G.14 requires that, at least two weeks prior to the conclusion of the pilot program period, the department must submit a report to the Council on the efficacy of the program, compliance with the provisions of Section 13.08.080, and any policies implemented in order to carry out the use of the LPR system. The report must be posted on the department’s website. MNP has provided a report as an exhibit to the resolution, which is posted on the MNP website.

For the use of LPR by MNP to continue, the Council must approve the full implementation of MNP’s use of LPR technology by adoption of this resolution. If the Council fails to adopt this resolution, MNP must stop its use of LPR technology.

If the full implementation of LPR use by MNP is approved, MNP must provide reports to the Council every three months, including the number of LPRs in use, the number of matches made by the LPR including matches read correctly or misread, the number of matches that identified vehicles and individuals and the number of stops made as a result, and the number of matches that results in searches of vehicles and individuals, releases, arrests, or other outcomes.