

# After finding glitch, Massachusetts suspends use of controversial camera system that lets police track cars

By **Matt Rocheleau** Updated December 23, 2020, 6:51 p.m.



The Massachusetts State Police use cameras to record the license plate number of every vehicle that goes over the Sagamore (above) and Bourne bridges, among other roadways. JOHN TLUMACKI/GLOBE STAFF

Massachusetts public safety officials have halted use of a controversial license plate surveillance system on roadways across the state after finding a glitch with the technology that caused it to record inaccurate data for more than five years, according to a memo obtained by the Globe.

The inaccuracies were found within a [network of high-speed cameras](#) installed by the State Police that automatically photograph the license plates of passing vehicles. The data, including location, date, and time, is compiled in a massive database and used for criminal investigations and even finding suspects in real time — all without obtaining warrants or court orders.

The breadth of the newfound problem — and the impact it will have on an untold number of criminal cases — was not immediately clear Wednesday.

Attorneys quickly called on state officials to provide more details about past and ongoing criminal cases that may be impacted by the inaccurate data. Meanwhile, privacy advocates said the problem is a prime example of why lawmakers should step in to better regulate law enforcement's use of the technology.

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“Like with facial recognition and other newer forms of surveillance, there’s too many risks that something will go wrong if this is left entirely to the executive branch of the government to run in secret,” said Kade Crockford, director of the Technology for Liberty Program at the American Civil Liberties Union of Massachusetts. “We have to remember

Program at the American Civil Liberties Union of Massachusetts. "We have to remember that these technologies are not perfect and they are never going to be perfect."

The state's Executive Office of Public Safety and Security issued the memo Wednesday to state criminal justice agencies and defense attorneys. In it, officials said the problem was discovered on Nov. 12 by State Police officials reviewing data collected by the automated license plate readers, or ALPRs. The officials noticed that dates and time stamps for some of the entries were inaccurate.

The memo noted that the problem only affected cameras mounted in fixed locations, and did not affect plate-reader cameras installed on police cruisers. The problem also did not affect a separate network of cameras mounted above some toll roads.

State officials declined to directly answer questions or provide more details. Governor Charlie Baker, through a spokeswoman, declined to comment and referred questions to State Police.

The memo said use of the cameras was suspended shortly after the problem was found last month and "will not be utilized until further notice."

Officials found that the date and time stamps on some photos captured by the system dating back to May 2015 were wrong, according to the memo. The glitch occurred if a camera had lost power, then regained it and started snapping pictures before it had reconnected to servers that update the date and time settings.

The memo warned that dates and times for photos captured in the last 5½ years "should not be relied upon in the absence of information supporting the accuracy of that date and time, such as upload date and time information recorded by the host server or other corroborative evidence."

The memo said state officials may be able to verify the accuracy of some of the data by cross-referencing data with information uploaded to the state's servers. But that data is only available dating back to November 2019.

In a statement, State Police spokesman David Procopio said: “The Department will continue to assist in verifying date and times stamps using additional retained data while working with the vendor on potential solutions.”

The camera vendor, Neology Inc., did not respond to a request for comment Wednesday.

Plate reader technology has proliferated across the country in recent years.

In 2015, state officials — in response to a request from the ACLU — estimated there were 170 fixed and mobile plate reader cameras in use around the state. More recently, officials have refused to disclose the total number of cameras in the state and their locations, but did tell the Globe in July that the State Police alone own or have access to 67 fixed and mobile plate readers.

Authorities have said plate readers allow them to track either the historical or real-time movements of violent suspects or drug traffickers, for example, or to find missing and abducted people.

Meanwhile, civil liberties advocates and some lawmakers have raised privacy concerns and questions about the constitutionality of police using the technology. They’ve also expressed concern over the technology’s use by private companies, including car repossession firms and parking lot operators, and the practice of other businesses, such as banks, insurers, and private investigators, buying data from brokers.

But the technology remains unregulated in many states, including Massachusetts.

The matter was recently [challenged](#) before the state’s Supreme Judicial Court in a case in which police received alerts any time a car registered to an alleged drug dealer drove over the Bourne or Sagamore bridges.

The SJC [ruled](#) in April that use of the technology does not violate privacy protections, under limited circumstances. But the court cautioned that it might elevate privacy issues in future cases if law enforcement agencies start using information collected by plate

readers without proper justification.

Paul Bogosian, the defense attorney who brought that case to the SJC, said the latest revelation has serious implications not only for his client, whose case is still proceeding to trial in Barnstable Superior Court, but also for an untold number of other defendants who face charges based on investigations that involved plate reader data.

“How many times have these camera images been relied upon to prosecute a person?” Bogosian said.

Bogosian said the memo raises a host of questions, including how frequently the cameras lost power over the years and captured inaccurate time stamps as a result. He also wondered how the problem went undetected for years.

“How is it that they missed this? It’s a little hard to believe,” he added. “I don’t think this memo is telling us everything. There’s got to be something deeper.”

*Matt Stout of the Globe staff contributed to this report.*

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