



County Council Committee Minutes

Public Safety and Judiciary Committee August 17, 2020

The Public Safety and Judiciary Committee of Spartanburg County Council met on Monday, August 17, 2020, in County Council Chambers of the County Administrative Office Building. In compliance with the Freedom of Information Act, notice of this meeting was provided in advance to the local news media and other interested parties. The following were in attendance: Honorable Michael Brown, Chairman; Honorables Whitney Farr and Bob Walker, Committee Members; along with Honorables Manning Lynch, Jack Mabry, David Britt, and Roger Nutt, Council Members. Also attending were Cole Alverson, County Administrator; Earl Alexander, Deputy County Administrator; John Harris, County Attorney; and Ginny Dupont, County Attorney.

I.

Chairman Brown called the meeting to order.

II.

- A. Coroner Rusty Clevenger presented information in reference to a request from the **Coroner's Office** to apply for the Firehouse Subs Public Safety grant to be used to purchase body armor for his fulltime investigators. This is a 100% grant opportunity with no match required. The grant will not have recurring costs at any point and will not cost Spartanburg County anything. The Coroner requested applying for the grant for the safety of his investigators out on the road. Motion made by Mr. Walker to approve submittal of grant application. Motion seconded by Mr. Farr and carried.
- B. Captain Mark Barry presented information in reference to a request from the **Sheriff's Office** to apply for a 2020 Justice Assistance Grant (JAG) to be used to purchase four camera mobile License Plate recognition systems and eight magnets and software to be used by the Sheriff's Office Interstate Criminal Enforcement Team. The cameras are permanently on the cars, and they would monitor every tag that goes by the cars. The information would be downloaded into a server administered by the South Carolina Law Enforcement Department (SLED). The information would then be searched if the Sheriff's Office

is looking for someone. This is another tool for the Sheriff's Office to use to run tags. A Tag Reader runs tags on its own.

Mr. Brown asked how long the information would be stored. Captain Barry stated that it is stored on a separate server. It has security requirements. The information will be in there forever. Mr. Brown asked if the information is shared between various agencies of law enforcement outside of South Carolina. Captain Barry stated that the information could be shared with other agencies if they need it. Only law enforcement agencies would have access to it. It is up to the Sheriff's Office if they want to sign an agreement with another agency. Mr. Brown asked if it is going to store the information of someone that has not committed a crime, not in the database, not wanted, and not on law enforcement's window. Captain Barry stated that it will store their tag numbers. The license tag is linked to a business or actual owner of the vehicle.

Mr. Farr stated that he thinks Mr. Brown has some reservations on this and so does he. Personally, Mr., Farr does not really like for the government to know where he is 24/7. He thinks it is another way of tracking someone all the time. It is something he does not totally support. Captain Barry stated that Mr. Smith stated during an earlier presentation that they track people at Daniel Morgan by tracking cell phones and phone movements. There is technology out there that other people are using.

Mr. Brown asked if there was a group or gathering of people that were downtown, or a group gathering at the Sheriff's Office with motorcycles, and the law enforcement official came by and wanted to track everyone that was there, could they do it with the License Plate Reader. Captain Barry stated that he can run any license plate outside. It is the same thing with the Tag Reader. Mr. Brown stated if there is a group of people that wanted to come and protest and raise any questions about societal treatment, could law enforcement come by and run their tags. Captain Barry stated that they could. Mr. Brown asked if the Hell's Angels Movement and the Black Lives Matter gathered in the County, could law enforcement have their tags surveilled. Captain Barry stated that they could. Mr. Brown asked Captain Barry if he does not see this as any type of way being an unwarranted search, a potential 4th Amendment search. Captain Barry stated that you go to the Highway Department and put a tag on your car. It is how you identify your car and who owns the car.

Mr. Brown stated that currently our tags in this County are not surveilled by law enforcement. Captain Barry stated that if you run a tag, it is public information. It is not private. Mr. Brown asked what would warrant law enforcement now to run a tag, and if there are very

certain or limited circumstances in which tags would be run right now. Captain Barry stated they could run a tag by going through a hotel parking lot, especially if looking for stolen vehicles. Criminals put them in a mall shopping center or a parking lot to try to hide them. Mr. Brown stated that reasons for law enforcement to come by and run a tag would be a very limited, very specific as opposed to running tags of everyone in the County when they want to run them. Captain Barry stated they are going to try to use it out on highways. In one single hour, you are going to have anywhere from 8,000 to 10,000 cars go up and down the highway in Spartanburg County. Mr. Brown states that he deems it to be intrusive, but this is up to the Committee and Council's consideration.

Mr. Britt stated that he has seen Tag Readers positioned on the Interstate in cities like Atlanta. They are reading the tags for every car that passes. Captain Barry stated that Council may want to check with the City to see how the cameras are used at the Intersections. In larger cities, they do tags, facial recognition, and everything. There is no expectation of privacy when it comes to a license tag. Captain Barry stated that we have some of the smaller Municipalities using the Tag Readers now.

Mr. Nutt stated the license tag is property of the State. If someone is in a public spot with a tag that belongs to the State, and law enforcement wants to gather the information available to them, he does not have a problem with it. Mr. Brown stated that he thoroughly disagrees. This was debated in the State of Virginia not too long ago. In 2018, Virginia's Supreme Court seemed to disagree based upon the way the information has the unabashed ability to not only be stored, but potentially to be shared. Some systems from time to time can be compromised, and without Mr. Brown knowing where this information ultimately could wind up, he deems it to be some type of intrusive search potentially upon citizens if the vehicle is not on the hot list related to suspects or criminal activity.

Mr. Farr stated that he feels we continue to seem to focus all our efforts on interstates and on drug trafficking issues. We have a lot of miles of roads in this County. We continue to be one of the leaders in South Carolina in deaths every year. Mr. Farr feels that we need to find some better resources out there to do a better job of limiting speeding on County roadways and holding people responsible for driving the speed limit.

Motion made by Mr. Farr to approve submittal of grant application. Motion seconded by Mr. Walker and carried. Mr. Brown opposed.

Mr. Britt stated that he does not have a problem with this at all. If the FBI, the Sheriff's Office, City Police, Spartanburg County, or Spartanburg Regional Healthcare System wants to know his information, he would want them to have it in case something happens to him or his family. He trusts them, and a tag is State property.

C. Updated information received regarding activities of Building Codes

Meeting adjourned.