SUBJECTED TO SURVEILLANCE:

ICE Access to New Mexico Residents' Personal Data

SOMOS UN PUEBLO UNIDO

JUST FUTURES LAW

mijente

TABLE OF CONTENTS

Subjected to Surveillance:
ICE Access to New Mexico Residents' Personal Data

Introduction:

A For-Profit Surveillance Dragnet

Federal and state laws allow state motor vehicle divisions across the country to sell their residents' driving record information, car title and registration information and in some cases name, most recent address and license plate number. Like many other states, New Mexico Motor Vehicle Division ("MVD") sells New Mexicans' personal data through an intermediary to third parties without residents' consent or knowledge.[1] This personal information is purchased by national data brokers to be resold many times over–making millions of dollars in profits for these private companies. What's more is public agencies and law enforcement also obtain our personal information ostensibly for criminal law enforcement. However, this information is also used to apprehend and detain New Mexicans because of their immigration status, and separate families. The selling of New Mexicans' personal information may be surprising. It runs contrary to our expectation of privacy when New Mexicans share their personal information with state agencies, in order to obtain a service or benefit. Furthermore, New Mexico has taken well-publicized steps to protect its residents' information, including that of vulnerable individuals, such as transgender people, individuals asserting their reproductive rights, and immigrants living and working in New Mexico. And, while New Mexico has taken some steps to protect our personal sensitive information, the MVD database continues to be a large source for data brokers.

Data brokers are a major part of the booming surveillance industry: they are raking in billions by obtaining enormous quantities of highly personal information and reselling this data to as many customers as possible. One area of particular concern is the surveillance of immigrant families – oftentimes, households of citizen and non-citizen members alike for the purposes of immigration enforcement. As this surveillance becomes public, communities are taking action to narrow the personal sensitive information that is shared and to protect vulnerable communities. Over twenty municipalities and one state have banned law enforcement use of facial recognition technologies in some form.[2] In addition, many states and cities have passed laws, policies and ordinances that prohibit local agencies from coordinating with Immigration and Customs Enforcement (ICE), including by cutting off ICE access to sensitive government data that can be used for raids and deportations.[3] Likewise, New Mexico has more than twenty local policies that promote inclusion and integration of immigrant New Mexicans and their families, and disallows local resources to be used to deport and separate families.

Yet, with each new policy to integrate immigrant communities into local and state public safety efforts and restrict the use of local resources to enforce immigration laws, ICE has responded by finding new ways to expand its surveillance capabilities. For example, as almost twenty states have passed laws enabling all residents to obtain a driver's license[4] – with New Mexico leading the way – ICE has responded by going to data brokers to purchase access to sensitive, personal information from state motor vehicle records in order to complete deportations.

This report examines how ICE obtains highly sensitive, personal information from New Mexico, including state motor vehicle records (driver data) and local incarceration data (jail data), and uses this information to fuel surveillance and deportation efforts in the state. Investigations by Somos Un Pueblo Unido, Mijente, Empower and Just Futures Law reveal how ICE relies on law enforcement data sharing networks and data brokers like LexisNexis to gain access to personal information about New Mexico residents, including in jurisdictions that have decided not to use limited local public safety resources to aid the federal government in civil immigration enforcement. In fact, ICE is using data brokers as a backdoor to buy its way around local New Mexico policies that integrate immigrant communities into public safety efforts.

The data sharing exposed in this report is particularly dangerous because it does not depend on New Mexico state and local employees cooperating with ICE to carry out surveillance. Rather, it is largely the result of private-sector companies that profit from selling access to personal data with as many customers as possible.

ICE's surveillance dragnet is rapidly expanding at the same time that it remains hidden from the public, and legal protections are almost nonexistent. Few laws regulate companies' collection and sale of personal data or require agencies like ICE to disclose when they are accessing, purchasing or using residents' personal data. While federal privacy laws like the Driver's Privacy Protection Act (DPPA) provide some data protections, they still allow states to share and sell sensitive driver information with "any government agency" and private companies in some instances.[5] In this context, the responsibility falls to local and state legislators to enact legislation and implement policies that restrict widespread sharing of residents' sensitive information with immigration agencies. New Mexico policymakers have the opportunity to join communities and advocates across the state and nationwide in protecting residents.

Driver Data:
How ICE Uses Motor Vehicle Records to Target New Mexico Residents

Background: ICE Relies on States' Driver & Vehicle Records for Deportation Efforts Nationwide

Nationwide, ICE relies on states' driver data for its deportation efforts. ICE has stated the agency's Enforcement and Removal Operations (ERO) division uses state motor vehicle records to establish "targetability,"[6] locate "priority targets,"[7] and make arrests. For example, in 2022, when immigration authorities in New York detained a single father named Julio Patricio Gomez who had lived in the U.S. for over 20 years, they told Mr. Gomez that they learned where he was when he applied for a driver's license.[8] Similarly, in 2017, when ICE agents in Washington state targeted longtime immigrant rights activist Maru Mora-Villalpando and put her in deportation proceedings, they relied on the Washington State Department of Licensing to provide her home address.[9]

Home address information is just one among many types of personally identifying information gleaned from state motor vehicle records. ICE has also obtained millions of photos from state driver's license databases and run thousands of facial recognition searches using license photos.[10]

ICE gains access to states' driver data in a variety of ways. One way is by making direct requests to state employees to hand over personal data about individuals the agency targets for deportation.[11] In addition, ICE accesses many states' motor vehicle records via **Nlets (National Law Enforcement Telecommunications**

System), a federal law enforcement data-sharing network that includes New Mexico agencies. In response to states that have cut off ICE access to their driver data via Nlets or stopped sharing motor vehicle records with Nlets,[12] ICE has turned to data brokers for help in obtaining such records.[13] Data brokers are for-profit companies that purchase or otherwise obtain massive quantities of government and commercial data and resell the information to both private entities and government agencies, including sometimes ICE.

ICE's $22.1 million contract[14] with data broker LexisNexis gives ICE access to some 86 billion public and proprietary records on more than 284 million "unique identities,"[15] including U.S. citizens and noncitizens alike. LexisNexis obtains the data from over 10,000 public and commercial sources.[16] In addition to state motor vehicle records, LexisNexis also sells customers like ICE access to information such as cell phone data, financial records, criminal records, insurance records, property records, and data that identifies an individual's relationships to relatives and associates.[17] ICE agents enjoy wide discretion to comb through this expansive set of data to target people for deportation; in a seven-month period in 2021 alone, ICE agents ran over **1.2 million searches** on the LexisNexis platform.[18]

ICE agents have been instructed to use LexisNexis data "widely" to identify, locate, arrest and deport community members. In a June 2021 email, the assistant director

of enforcement at ICE's Enforcement and Removal Operations (ERO) wrote LexisNexis' **Accurint Virtual Crime Center (AVCC)** data service should be "widely utilized by ERO personnel" for "...the identification, location, arrest, and removal of noncitizens..."[19] ICE's El Paso field office, which covers New Mexico, ran a total of **35,843 searches and personal data reports** in the first seven months that its agents had access to the database.[20]

As discussed below, LexisNexis purchases data from the New Mexico Motor Vehicle Division (MVD) via New Mexico Interactive (NMI); and LexisNexis is a major data broker for ICE. While the New Mexico MVD does not disclose the "end users" of its data, ICE may be one of the end users through its LexisNexis subscription. In addition to motor vehicle records, LexisNexis purchases, scrapes, or otherwise obtains business registration data, property records, voter records, or other sensitive data about New Mexico residents as it does nationwide, from county clerks, Secretaries of State, and other public agencies.[21]
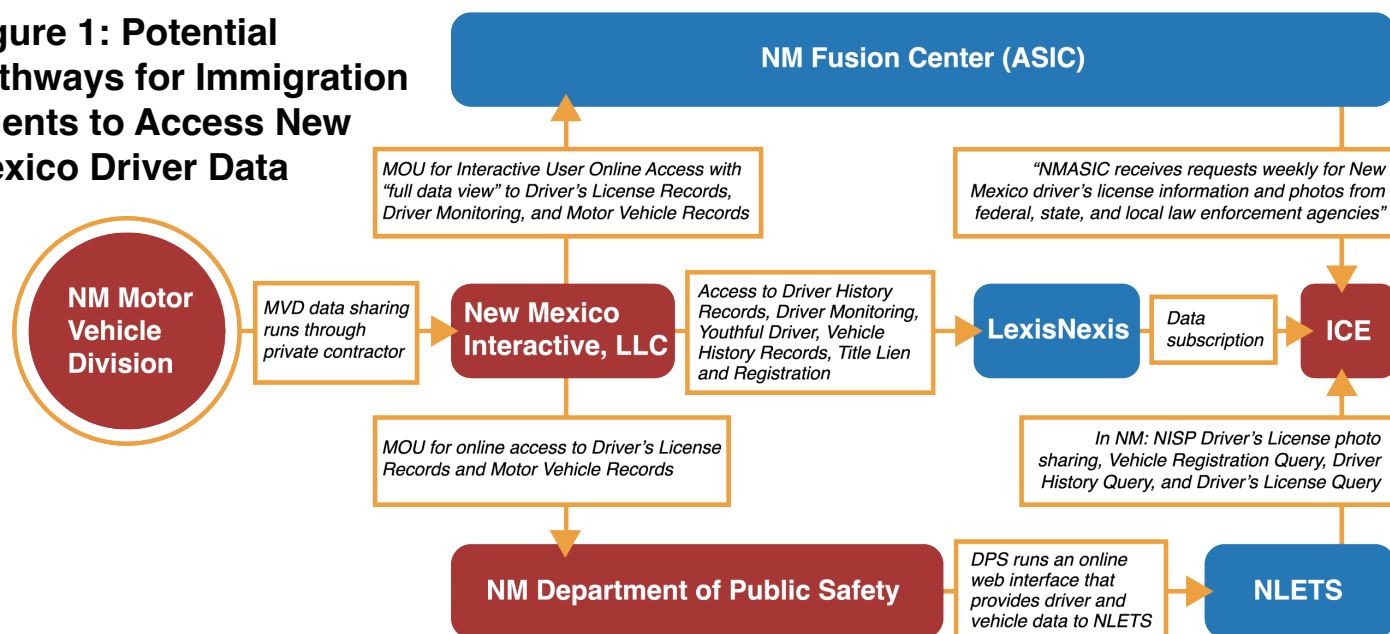
How ICE Accesses Driver Data in New Mexico

In 2019, when the first Trump administration asked states to hand over state driver's license data in order to target residents for deportations, New Mexico refused to comply.[22] Yet, despite New Mexico's commitment to protecting immigrant communities and a refusal to cooperate with ICE directly, New Mexico still provides state driver data to ICE through indirect channels such as law enforcement data-sharing networks and data brokers. In addition, unlike some states,[23] New Mexico allows facial recognition searches of driver data for civil immigration enforcement purposes.[24]

Both New Mexico law and federal law allow the **New Mexico Motor Vehicle Division (MVD)** to disclose residents' personal information to any government agency, law enforcement agency,or private entity acting on behalf of a federal, state or local agency.[25] However, MVD is not sharing data with immigration agencies directly. Instead, via intermediaries, MVD broadly shares and sells state driver data with third parties, both private and public, which then reshare the data with ICE. **This could mean ICE has wide-ranging access to New Mexico driver data such as home addresses, license photos, birth dates, social security numbers, license numbers, driver identification numbers, and more.** Below are three potential[26] data-sharing pathways immigration agents may use to access New Mexico driver data:

- Federal Criminal Justice Database **Nlets**
- Data Brokers such as **LexisNexis**
- Fusion Center **New Mexico All Source Intelligence Center**

Figure 1: Potential Pathways for Immigration Agents to Access New Mexico Driver Data

Source: Visual created based on publicly available information and records from public records requests obtained and on file with authors.
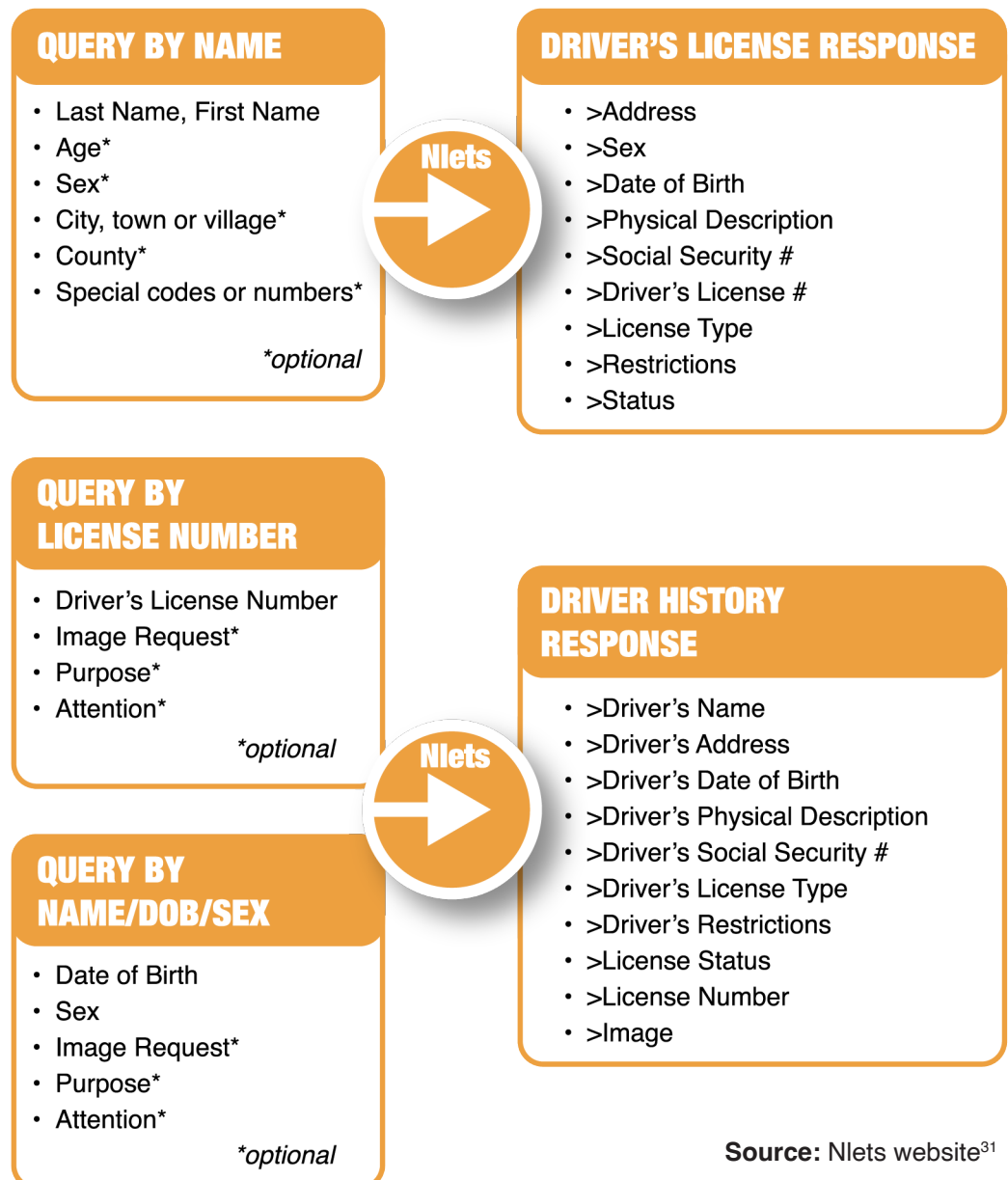
ICE accesses driver data from New Mexico and many other states via Nlets. Nlets is run by the International Justice and Public Safety Network, an information sharing network of 45,000 federal, state and local law enforcement agencies in the United States, as well as some international agencies. ICE is a member of Nlets.[27]

As New Mexico's Nlets representative, the New Mexico Department of Public Safety (DPS) plays a key role in sharing New Mexico driver data with Nlets, and therefore with ICE.[28] In 2011, the New Mexico Motor Vehicle Division (MVD) created an agreement with DPS giving DPS permission to run an online interface to share the state's driver and vehicle data via Nlets with other agencies.[29]

Disturbingly, the driver data available via Nlets allows ICE to quickly identify sensitive information that can be used to target and track New Mexico residents for deportation. For example, ICE can use Nlets to run search queries about New Mexico vehicles or drivers. Such a query could turn up identifying information such as a home address associated with a license plate or driver's license photo. As we discuss in later sections of the report, with a license plate number, ICE agents can look up where a particular vehicle has traveled in the past week or year using a license plate reader database.[30]

Figure 2: Examples of Search Queries ICE Can Use to Access Driver Data via Nlets

QUERY BY NAME

- Last Name, First Name
- Age*
- Sex*
- City, town or village*
- County*
- Special codes or numbers*

*optional

DRIVER'S LICENSE RESPONSE

- >Address
- >Sex
- >Date of Birth
- >Physical Description
- >Social Security #
- >Driver's License #
- >License Type
- >Restrictions
- >Status

QUERY BY LICENSE NUMBER

- Driver's License Number
- Image Request*
- Purpose*
- Attention*

*optional

QUERY BY NAME/DOB/SEX

- Date of Birth
- Sex
- Image Request*
- Purpose*
- Attention*

*optional

DRIVER HISTORY RESPONSE

- >Driver's Name
- >Driver's Address
- >Driver's Date of Birth
- >Driver's Physical Description
- >Driver's Social Security #
- >Driver's License Type
- >Driver's Restrictions
- >License Status
- >License Number
- >Image

Source: Nlets website[31]

4

LexisNexis Buys New Mexico Driver Data and Potentially Resells It to ICE

Data broker LexisNexis pulls in millions of dollars each year as a data engine for ICE. As a part of its $22.1 million contract, LexisNexis sells ICE access to sensitive personal information, including state motor vehicle records. LexisNexis buys New Mexico driver and vehicle records through a go-between for the **New Mexico Motor Vehicle Division (MVD)[32]** called **New Mexico Interactive (NMI)[33]**, a private entity which funnels New Mexico driver data to **hundreds of government entities and over 1,000 private-sector customers** – any of whom could potentially resell the data to their own customers. **LexisNexis then resells this data to third parties,[34] potentially including ICE.[35]**

LexisNexis sells access to addresses and other data points it gets from driver and vehicle records as part of several products, including Accurint,[36] a product DHS has purchased.[37] ICE agents' use of state motor vehicle records as a part of their day-to-day surveillance operations is already clear. Between March and September 2021, ICE conducted over 60,000 "Advanced Motor Vehicle Searches" and over 700,000 "Advanced Person Searches" using LexisNexis Accurint.[38]

By selling state driver data to data brokers, New Mexico may be unwittingly helping ICE target people for deportations in the state. According to signed agreements with New Mexico Interactive (NMI), LexisNexis buys access to New Mexico driver history records, driver monitoring, "youthful driver" records, vehicle history records, and title, lien and registration data.[39] The sale of New Mexico driver data between LexisNexis and NMI may be jeopardizing the safety of immigrant communities in the state. What's more, both entities have profited from the exchange of this

sensitive personal information obtained from government sources. After purchasing New Mexico driver data from NMI, nothing prevents LexisNexis from reselling access to this data to third parties, including ICE, provided purportedly that they sign a "sub-vendor" or "end user" agreement to obtain personal information.[40] It is worth noting that NMI's parent company, Tyler Technologies, has historically sold more data to LexisNexis than to any other customer.[41]

It is also possible ICE obtains access to New Mexico driver and vehicle data through two data brokers that obtain this data in bulk from NMI: the credit ratings agency Experian, and R.L. Polk,[42] which is now a part of S&P Global.[43]

Historical Note: New Mexico previously provided Border Patrol agents access to state driver data through New Mexico Interactive (NMI). NMI held a 2021 agreement with **U.S. Customs & Border Protection (CBP) Critical Incident Team** in New Mexico.[44] The agreement granted **New Mexico Border Patrol** online access to New Mexico driver's license records and motor vehicle records. However, CBP Critical Incident Teams were disbanded nationwide in May 2022 after being accused of covering up agency abuses.[45] Following the disbanding of Critical Incident Teams, it is unclear whether this agreement remains active. Records produced in response to a public record request in December 2024 indicated CBP was not receiving driver and registration data through NMI.[46] However, nothing prohibits CBP from reviving the Critical Incident Teams in the future or renewing a request for data through NMI.

The New Mexico Fusion Center is a likely pathway for ICE to access State Driver Data

In addition to Nlets and data brokers, ICE likely has access to New Mexico driver data via the **New Mexico All Source Intelligence Center (herein "New Mexico Fusion Center")**, the state's only fusion center.

Fusion centers were established in the aftermath of 9/11 and exist in every state. Operated by local, state and federal law enforcement and intelligence agencies with the support of the Department of Homeland Security (DHS), fusion centers are costly, centralized hubs for policing agencies to coordinate surveillance, share staff, and pool vast quantities of data about U.S. residents such as tax records, criminal records, driver data and more.

The New Mexico Fusion Center is run by the New Mexico Department of Homeland Security and Emergency Management (DHSEM).[47] **The New Mexico Motor Vehicle Division (MVD) has granted the New Mexico Fusion Center access to the state's driver and motor vehicle records.** MVD has an agreement with the New Mexico Fusion Center that gives the Fusion Center staff "full data view" access to the state's driver's license records, driver monitoring

records, and motor vehicle records.[48] The Fusion Center has stated it "receives requests weekly for New Mexico driver's license information and photos from federal, state and local law enforcement agencies."[49]

There is strong indication ICE is a partner of the New Mexico Fusion Center and therefore likely has access to MVD data through the Center. The New Mexico Fusion Center does not publish which local and federal law enforcement agencies participate in the Center.[50] However, a DHSEM report submitted to the state legislature in 2019 lists ICE as an official partner.[51] Moreover, intelligence analysts at DHSEM, which houses the Fusion Center, work on "border security" among other areas.[52] If ICE is a close partner of the Fusion Center, it would have access to agency databases, including state driver data. However, even if ICE does not have direct access to fusion center databases, fusion center staff likely still share information – including personal information from state driver and vehicle records – with ICE upon request.

License Plate Reader Data:
Real-Time Tracking of New Mexico Drivers

Background: License Plate Readers Enable Mass Surveillance Nationwide

One way ICE uses sensitive state driver data for surveillance is by plugging the data into license plate reader databases. Using license plate reader scans, ICE can track down residents as they are driving, identify any vehicles that were near an address at a particular date or time, and keep tabs on where residents have traveled over the course of a week, month, or over multiple years.

Automated License Plate Readers (ALPRs) are camera systems that track the timestamp and location of every passing license plate – up to 1,800 license plates per minute.[53] Nationwide, state and local police departments have installed ALPRs on police cars, traffic lights, parking meters, and highway overpasses, often without the knowledge or consent of local residents. Police departments and ICE can use license plate readers to track the travel patterns of vehicles. License plate reader data can reveal highly sensitive information, such as the location of homes, schools, workplaces, houses of worship, or healthcare facilities that a person regularly visits.[54]

Although ALPR companies advertise the technology as a tool to address vehicle theft, research shows ALPRs do not reduce vehicle theft and extract huge costs from residents,[55] have failed to accurately identify vehicles, and enable police violence targeting Black and brown communities. For example, police have used license plate readers to racially profile and surveil Muslim communities in New York City and the United Kingdom.[56] In Oakland, CA, police disproportionately surveilled communities of color using ALPRs.[57] In 2020, after a license plate reader alert, police in Aurora, CO followed a Black woman and her children in their vehicle, drew their weapons on the family, forced them out of the car to lie on hot pavement, and handcuffed and detained them; the police later said they had mistakenly identified the car.[58]

As a part of its $22.8 million contract with data broker **Thomson Reuters,[59]** ICE accesses license plate reader data from ALPR and facial recognition technology company **Vigilant Solutions (owned by Motorola Solutions)**. Vigilant/ Motorola's ALPR database includes over **73 billion** license plate scans, capable of data sharing across more than **2,650** different agencies.[60] As of 2019, over **9,000** ICE agents alone had access to license plate reader records sourced from over **80** local police departments nationwide – including in jurisdictions that have refused to cooperate with ICE.[61] With this data, ICE can also track a "hot list" of 2,500 license plate numbers and receive real-time alerts whenever any of those vehicles is detected.[62]

ICE's unprecedented surveillance of vehicles and drivers via license plate reader data is dependent upon state and local police agencies that agree to share ALPR data with ICE, such as via Vigilant Solutions. Aiding ICE's efforts, Vigilant Solutions has even provided ICE agents with training on how to get local police departments to share their ALPR data with ICE.[63]

Law enforcement agencies in New Mexico are collecting ALPR data. In some cases, they also share this data with ICE. Whether they are aware of it or not, many communities in New Mexico are funding local police departments' ALPR systems and thereby subsidizing the costs of surveillance technologies that can be used by local, state and federal law enforcement agencies.

The **New Mexico State Police** allows nearly 150 local, state, and federal law enforcement agencies to access its license plate reader detection data via Vigilant Solutions.[64] This includes the FBI, the Internal Revenue Service (IRS), the New Mexico Department of Homeland Security, and drug trafficking task forces of which ICE is a part.[65] The State Police also shares "hot list" ALPR detection data with over a dozen agencies, including the New Mexico Department of Homeland Security.[66]

Additionally, a list of local agencies and entities such as the **Albuquerque Police Department**, are collecting and sharing ALPR detection data externally via Vigilant Solutions. While complete lists of external data sharing partners have not been made public by these agencies, ICE or related federal agencies may be among them.[67]

Unlike other states, New Mexico has no laws regulating the use of license plate readers.[68] Research shows law enforcement agencies regularly violate state laws and avoid transparency and compliance requirements for ALPR use.[69] Furthermore, Vigilant Solutions has reportedly restricted some law enforcement customers from speaking openly with the press and the public about their agencies' use of ALPRs unless expressly approved by the company.[70] Such lack of transparency makes it nearly impossible for the public to understand when and how law enforcement agencies use the surveillance technology and impedes accountability measures.

Jail Data:
How ICE Uses Data Brokers to Skirt New Mexico Laws

Data brokers provide a loophole to ICE to circumvent non-disclosure policies that cities, states and localities have passed to protect residents including immigrant communities. One way this loophole operates is via ICE's purchase of bulk, real-time jail booking and release data from data brokers, even when localities have otherwise prohibited ICE from accessing this same information through standard government channels.

Data brokers LexisNexis and Appriss together supply ICE with real-time incarceration booking and release data from over 2,800 jails across the country, covering over 85% of incarcerations in the U.S.[71] This includes jail data from the New Mexico Corrections Department (NMCD) and 30 New Mexico counties,[72] including from some counties that have otherwise refused to spend local resources to coordinate with ICE. LexisNexis and Appriss enable ICE to receive real-time alerts when someone the agency has targeted is booked or released from jail or has a court date, allowing ICE agents to accelerate arrests and deportations without the cooperation of state or local authorities.

How Does it Work? ICE Access to Real-Time Jail Data

LexisNexis advertises its jail booking data product as providing "unrivaled coverage of U.S. incarcerations" and including data that "contains personally identifiable information."[78] ICE and other customers that purchase jail booking data receive access to 160+ million jail booking records sourced from 2,800 databases in dozens of states that are updated as often as every 15 minutes. With this LexisNexis data product, ICE agents can:

- **Run a "batch search" of people in the database using social security number, driver's license number, name, or birth date.**

- **Place a Jail Booking Watch on specific individuals and receive real-time alerts if they are booked, released or incarcerated in any jail.**

- **Select an identity from any matching records in the database to run a report detailing their incarceration.**

In 2021, ICE added a $4.7 million incarceration data product called **Justice Intelligence** to its existing contract with LexisNexis,[73] giving ICE access to real-time jail booking and release data via another data broker, **Appriss Insights** (Appriss),[74] which is owned by **Equifax**. ICE uses the jail booking alerts to issue detainers requesting local jails hold individuals up to an extra 48 hours so ICE may detain them.[75] Even in jurisdictions that choose not to honor ICE detainer requests, including many New Mexico counties,[76] ICE has access to Appriss jail data to "search, track and find subjects of interest" upon their release from jail.[77]

How does Appriss obtain local jail data in the first place? In 48 states, data broker Appriss runs a platform for victim notification services, called VINE (Victim Information and Notification Everyday).[79] In New Mexico, 33 counties and the New Mexico Corrections Department use VINE to provide victim notification services, and disclose incarceration data to Appriss in real-time and in bulk for this limited purpose.[80] **However, whether New Mexico officials are aware of it or not, Appriss repackages the data that New Mexico provides for purposes of victim notification by including it in the company's data platform,[81] which is sold to agencies across the country including ICE.[82]**

New Mexico's $1,787,630.36 Appriss sole source contract, which is held by the **New Mexico Department of Information Technology** and used by multiple New Mexico agencies,[83] does not mention data sharing with immigration authorities. However, VINE agreements like these often grant Appriss the right to share local jail data with immigration authorities via generic clauses that allow third-party data sharing to law enforcement customers.[84]

As a result, ICE is able to buy access to Appriss data and receive alerts whenever someone that the agency has flagged for surveillance is booked, transferred, or released from jail or prison. ICE already receives real-time fingerprint data for every person arrested or booked into any U.S. jail via a controversial data-sharing program known as Secure Communities,[85] which has contributed to hundreds of thousands of deportations.[86] However, with Appriss, ICE obtains data above and beyond what it already receives from Secure Communities: real-time jail release data about anyone the agency is targeting for deportation.

Without access to Appriss data, ICE claims it would experience a "major operational impact" and an inability to "take custody of noncitizens directly from incarceration facilities."[87] In a 2021 contracting document, ICE states it uses the LexisNexis/Appriss Justice Intelligence product to thwart local non-disclosure protections, which it sees as a growing threat to its dragnet deportation tactics:
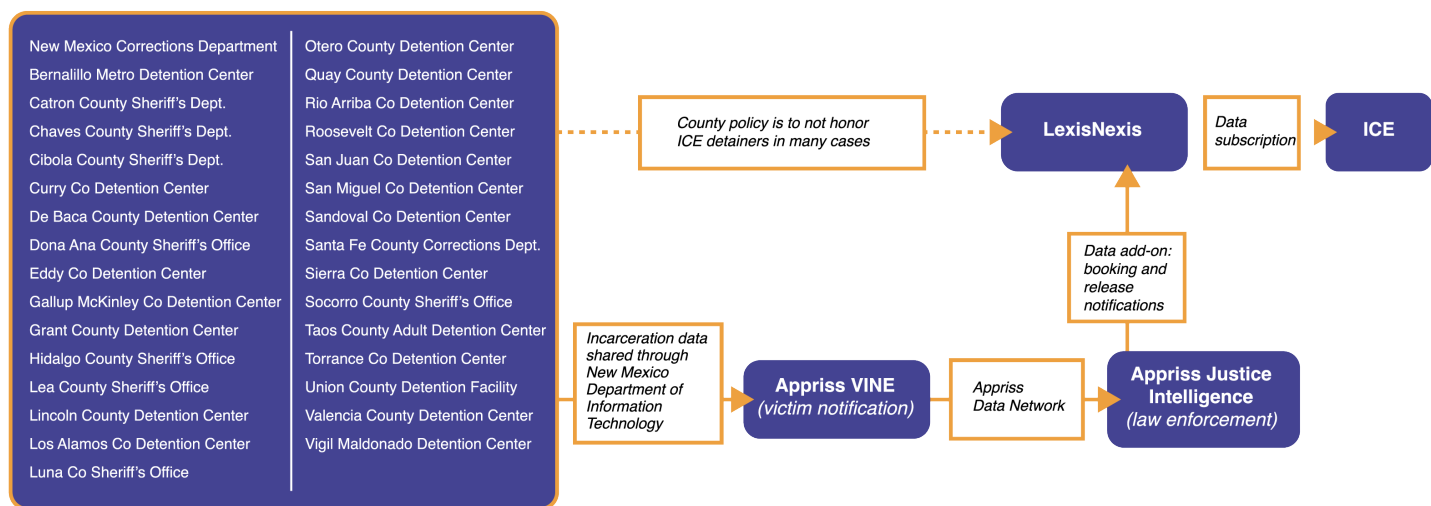

"Due to policy or legislative changes, ERO [Enforcement and Removal Operations] has experienced an increase in the number of law enforcement agencies and state or local governments that do not share information about real time incarceration of foreign-born nationals with ICE. Therefore, it is critical to have access to Justice Intelligence services through LexisNexis' Appriss Insights."
– ICE contracting document, 2021[88]

Although jail booking and release data is considered public information, Appriss provides ICE something that is not publicly available– an interface with up-to-date alerts ICE agents can use to track people in real-time.[89]

Figure 3: New Mexico Counties Sharing Jail Data with ICE via Data Brokers

New Mexico Corrections Department	Otero County Detention Center
Bernalillo Metro Detention Center	Quay County Detention Center
Catron County Sheriff's Dept.	Rio Arriba Co Detention Center
Chaves County Sheriff's Dept.	Roosevelt Co Detention Center
Cibola County Sheriff's Dept.	San Juan Co Detention Center
Curry Co Detention Center	San Miguel Co Detention Center
De Baca County Detention Center	Sandoval Co Detention Center
Dona Ana County Sheriff's Office	Santa Fe County Corrections Dept.
Eddy Co Detention Center	Sierra Co Detention Center
Gallup McKinley Co Detention Center	Socorro County Sheriff's Office
Grant County Detention Center	Taos County Adult Detention Center
Hidalgo County Sheriff's Office	Torrance Co Detention Center
Lea County Sheriff's Office	Union County Detention Facility
Lincoln County Detention Center	Valencia County Detention Center
Los Alamos Co Detention Center	Vigil Maldonado Detention Center
Luna Co Sheriff's Office	

Source: Public records from New York State Division of Criminal Justice Services, New Mexico Department of Information Technology, and U.S. Immigration and Customs Enforcement

Figure 4: Summary Table: Third-Party Sharing of Sensitive New Mexico Data and Potential Access by Immigration Agencies

Category of Sensitive New Mexico Data	Third Party Access	What data is this third party able to access?	Do immigration agencies have access to this data?
Driver Data	*Nlets*	New Mexico Interactive (NMI) first provides the NM Dept. of Public Safety (DPS) online access to driver's license records and motor vehicle records. In turn, DPS runs an online interface that provides driver and vehicle data to government agencies through Nlets.	**Yes.** Via Nlets, ICE has access to driver's license photo sharing and the ability to query NM vehicle registration data, driver history data, and driver's license data.
	LexisNexis	As of 2024, NMI sells LexisNexis access to state driver history records, driver monitoring, "youthful driver," vehicle history records, and title, lien and vehicle registration data.	**Potentially.** LexisNexis potentially resells access to NM driver data to ICE. ICE agents regularly search state motor vehicle records using LexisNexis data products.
	New Mexico Fusion Center	NMI provides the Fusion Center with "Interactive User Online Access" that includes "full data view" to driver's license records, driver monitoring, and motor vehicle records.	**Likely.** The Fusion Center reports that it receives requests weekly for NM driver's license information and photos from federal, state and local law enforcement agencies. This likely includes requests from immigration agencies.

License Plate Reader Data	*Vigilant Solutions*	The New Mexico State Police shares state license plate reader detection data with nearly 150 federal, state and local law enforcement agencies and other entities via Vigilant Solutions.	**Yes.** Via Vigilant Solutions, the State Police shares state ALPR data with a drug trafficking task force of which ICE is a part.
Jail Data	*Appriss Insights*	Appriss receives bulk and real-time incarceration data from the New Mexico Corrections Department and 30 counties in New Mexico.	**Yes.** Appriss repackages the data it receives for victim notification services and resells it in a product called Justice Intelligence. ICE buys access to Justice Intelligence via LexisNexis.

Policy Recommendations

Statutory change recommendations:

Amend the state's motor vehicle code to restrict the sharing of data with ICE directly or indirectly, including via data brokers such as LexisNexis, Thomson Reuters, and Appriss, for the purpose of *federal immigration enforcement*. New Mexico should ensure policies prohibiting law enforcement agencies' disclosure of information to ICE apply not only to direct data sharing between law enforcement and ICE, but also extend to indirect data sharing between any government agencies and immigration agencies, including via data brokers.

This should include prohibiting all third parties with access to government data—including information such as probation appointments, booking sheets at local jails, court hearing and arraignment information, and utility data—from directly or indirectly sharing or selling data to any immigration agency for purposes of federal civil immigration enforcement. New Mexico should also consider prohibiting New Mexico agencies from conducting facial recognition searches of motor vehicle data on behalf of immigration agencies or for civil immigration enforcement purposes.

New Mexico must establish mechanisms to hold state and local agencies accountable to such provisions, including by requiring all third-party entities seeking access to New Mexico data, as well as their sub-vendors and end users, to certify they will not directly or indirectly share New Mexicans' data with immigration authorities for purposes of federal immigration enforcement.[90]

Further amend the state's motor vehicle code to allow New Mexicans to decide if their personal information should be sold to data brokers and private companies for commercial gain. Currently, New Mexico's motor vehicle code has a broad exception for releasing New Mexican's personal sensitive information. Previously, the MVD disclosed the ability of the Division to sell one's information from the database and provided New Mexicans the opportunity to prohibit such disclosures. However, the opportunity to decline selling of one's information was amended out of the code in 1999 because it proved too technologically difficult for the Division at the time.[91] However, many states, including New Mexico, and local jurisdictions continue to grapple with the issue of how to protect their residents' personal information, especially in an information age where data is easily obtained, stored, highly profitable and potentially exploited by cybercriminals and third-party data brokers.

Ensure state and local policies that protect New Mexico residents' data incorporate enforcement mechanisms that hold companies such as data brokers accountable for the resale or transfer of sensitive personal information to other entities both public and private. For example, New Mexico should consider incorporating a private right of action to allow residents to pursue legal action against corporations that violate state data privacy policies.

In conclusion, without amending the state's laws– such as the motor vehicle code– New Mexicans' personal information is not protected and will continue to be resold to an untold number of data brokers and private companies. While New Mexicans do not gain a single dollar from the selling of their personal sensitive information, we bear all the burden of our information being widely available and used for commercial gain or for more nefarious purposes. We expect a reasonable amount of privacy protection when we give our personal information to state agencies for a benefit or a service, and providing such protection is within the public good.

Appendix I.

New Mexico agencies contributing local incarceration data to the Appriss platform that is available to ICE

NM	Bernalillo	Bernalillo Metro Detention Center
NM	Catron	Catron County Sheriff's Dept.
NM	Chaves	Chaves County Sheriff's Dept.
NM	Cibola	Cibola County Sheriff's Dept.
NM	Curry	Curry Co Detention Center
NM	De Baca	De Baca County Detention Center
NM	Dona Ana	Dona Ana County Sheriff's Office
NM	Eddy	Eddy Co Detention Center
NM	McKinley	Gallup McKinley Co Detention Center
NM	Grant	Grant County Detention Center
NM	Hidalgo	Hidalgo County Sheriff's Office
NM	Lea	Lea County Sheriff's Office
NM	Lincoln	Lincoln County Detention Center
NM	Los Alamos	Los Alamos Co Detention Center
NM	Luna	Luna Co Sheriff's Office
NM	Santa Fe	New Mexico Corrections Department
NM	Otero	Otero County Detention Center
NM	Quay	Quay County Detention Center
NM	Rio Arriba	Rio Arriba Co Detention Center
NM	Roosevelt	Roosevelt Co Detention Center
NM	San Juan	San Juan Co Detention Center
NM	San Miguel	San Miguel Co Detention Center
NM	Sandoval	Sandoval Co Detention Center
NM	Santa Fe	Santa Fe County Corrections Dept.
NM	Sierra	Sierra Co Detention Center
NM	Socorro	Socorro County Sheriff's Office
NM	Taos	Taos County Adult Detention Center
NM	Torrance	Torrance Co Detention Center
NM	Union	Union County Detention Facility
NM	Valencia	Valencia County Detention Center
NM	Colfax	Vigil Maldonado Detention Center

Source: partially redacted public records obtained through public records request from New York State Division of Criminal Justice Services

End Notes

1 NMSA §66-2-7.1. Motor vehicle-related records; confidential.

2 Joel McConvey, *Police in US cities that ban facial recognition asking others to do it for them*, Biometric Update (May 22, 2024), https://www.biometricupdate.com/202405/police-in-us-cities-that-ban-facial-recognition-asking-others-to-do-it-for-them.

3 "Searching for Sanctuary: An Analysis of America's Counties and Their Voluntary Assistance with Deportations," *Immigrant Legal Resource Center* (Dec. 19, 2016), https://www.ilrc.org/sites/default/files/resources/sanctuary_report_final_1-min.pdf.

4 Nat'l Conf. of St. Legislatures, *States Offering Driver's Licenses to Immigrants* (Mar. 13, 2023), https://www.ncsl.org/immigration/states-offering-drivers-licenses-to-immigrants.

5 18 U.S.C. § 2721(b)(1) ("For use by any government agency, including any court or law enforcement agency, in carrying out its functions..."); *see also* 18 U.S.C.§§ 2721 (b)(2)-(b)(14) (permitting use of information by a business to verify the accuracy of personal information, any insurer or insurance support organization, or any licensed private investigative agency or licensed security service, among others).

6 Administrative Record at 21, *Lewis McCoy v. Mayorkas*, No. 1:20-cv-01142 (S.D.N.Y. June 17, 2020), ECF No. 71-1, https://www.nyclu.org/sites/default/files/wysiwyg/1_-_completed_administrative_record_public.pdf.

7 See Nat'l Immigr. Law Ctr., *How U.S. Immigration & Customs Enforcement and State Motor Vehicle Departments Share Information*, at 4 n. 20 (May 2016), https://www.nilc.org/wp-content/uploads/2016/05/batesp401.pdf.

8 Victoria Manna, *Staten Island father released from ICE custody days after exclusive NY1 report*," NY1 (Jan. 11, 2023), https://www.ny1.com/nyc/all-boroughs/news/2023/01/12/staten-island-father-released-from-ice-custody-days-after-exclusive-ny1-report.

9 Julie Mao, *State Driver's License Data: Breaking Down Data Sharing and Recommendations for Data Privacy*,

Just Futures Law (March 2020), at 8: https://static1.squarespace.com/static/62c3198c117dd661bd99eb3a/t/635c2e6228b33d14382d6dd0/1666985575931/2020-3-5+State+DMV+Data+Sharing+Just+Futures+Law.pdf.

10 *See* Drew Harwell, *FBI, ICE find state driver's license photos are a gold mine for facial-recognition searches*, The Washington Post (July 7, 2019), https://www.washingtonpost.com/technology/2019/07/07/fbi-ice-find-state-drivers-license-photos-are-gold-mine-facial-recognition-searches/.

11 *See* Paul Heintz, *Vermont DMV, State Police Play Nice With ICE*, Seven Days (Apr. 5, 2017), https://m.sevendaysvt.com/vermont/vermont-dmv-state-police-play-nice-with-ice/Content?oid=4953143.

12 *See* Nat'l Immigr. Law Ctr., *Nlets: Questions and Answers* (Nov. 2020), at 6-7 https://www.nilc.org/wp-content/uploads/2020/11/Nlets-Q-and-A.pdf; Georgetown Law Ctr. on Privacy & Tech., American Dragnet (May 10, 2022), https://www.americandragnet.org/sites/default/files/American_Dragnet_report_English_final.pdf.

13 *See e.g. Lewis-McCoy, v. Wolf*, No. 1:20-cv-01142 (S.D.N.Y Apr. 24, 2020), ECF No. 43-1 at 38 (Memorandum for the Acting Secretary from James W. McCament, Senior Official Performing the Duties of the Under Secretary, Office of Strategy, Policy, and Plans, U.S. Dep't of Homeland Security, subject: "Component Operational Impact Assessments of State Laws Restricting the Sharing of DMV Data with DHS" (Jan. 27, 2020) (documenting Homeland Security Investigations' potential turn to commercial databases for some DMV information)).

14 See U.S. Immigr. and Customs Enforcement, Contract with LexisNexis Risk Solutions, No. 70CMSD21R00000002 [hereinafter "ICE-LexisNexis Contract"], on file with authors. *See also* U.S. Immigr. and Customs Enforcement, Definitive Contract 70CMSD21C00000001, https://www.usaspending.gov/award/CONT_AWD_70CMSD21C00000001_7012_-NONE-_-NONE-.

15 LexisNexis Risk Solutions, *LexisNexis Linking and LexID Technology for Government* (brochure), https://risk.lexisnexis.com/products/lexid-and-salt-for-government.

[16] LexisNexis Risk Solutions, *LexisNexis Accurint Virtual Crime Center*, https://risk.lexisnexis.com/products/accurint-virtual-crime-center.

[17] To obtain this data, LexisNexis sometimes purchases data from the government, as it does to access data from the New Mexico Motor Vehicle Division. In other cases, LexisNexis could potentially obtain the data without having to pay for it, such as via state public records request or via online data scraping. *LexisNexis Risk Solutions, LexisNexis Risk Solutions Criminal Investigative Solutions and Services*, https://risk.lexisnexis.com/-/media/files/government/brochure/ln%20investigative%20offerings%202024%20pdf.pdf.

[18] Sam Biddle, "ICE Searched LexisNexis Database Over 1 Million Times in Just Seven Months," *The Intercept* (June 9, 2022), https://theintercept.com/2022/06/09/ice-lexisnexis-mass-surveillances.

[19] *Id.*

[20] *See* Just Futures Law, *Fact Sheet: New Records Provide Details on ICE's Mass Use of LexisNexis Accurint to Surveil Immigrants* [hereinafter, "JFL LexisNexis Fact Sheet"], https://static1.squarespace.com/static/62c3198c117dd661bd99eb3a/t/636028a311990867c6077887/1667246243453/Data-Brokers-Fact-Sheet-Final-6.8.22.pdf.

[21] LexisNexis advertises access to 6.78 billion property records, 1.52 billion bankruptcy records, and 78.6 million business contact records in the U.S.; this likely includes data sourced from New Mexico agencies. *See infra*, note 17. *See also* LexisNexis Risk Solutions, *Accurint Individual Access Program*, https://www.lexisnexis.com/en-us/privacy/for-consumers/request-personal-information.page (dossiers include voter registration data).

[22] Matthew Reichbach, "NM won't provide driver's license data to Trump administration," *New Mexico Political Report*, *(Oct. 25, 2019)*, available at https://nmpoliticalreport.com/2019/10/25/nm-wont-provide-drivers-license-data-to-trump-administration.

[23] Frank Bajak, "Washington DOL denies giving ICE access to facial recognition searches," Associated Press (July 8, 2019), https://www.king5.com/article/news/ice-used-facial-recognition-to-search-state-drivers-license-databases/507-3f905179-519d-4acc-bb92-a5ae6aaea275.

[24] *See American Dragnet, supra* note 12 at 66 (describing legislative pushes across states, including New Mexico, to restrict warrantless access to certain driver data by law enforcement).

[25] See 18 U.S.C. § 2721 (2000); NM Stat § 66-2-7.1 (2021) (similar language).

[26] We note that these are "potential" data sharing pathways because, while our research shows that ICE has access to these data pathways, public records do not show that ICE actually used these data pathways. For example, while ICE does have documented access to New Mexico driver data via Nlets, we could not confirm the number of queries that ICE conducted via Nlets. And while our records show that LexisNexis Risk Solutions (LNRS) sells New Mexico driver and motor vehicle data, and that ICE is a significant user of LNRS, we could not confirm to what extent ICE has run queries on New Mexico data through LNRS. Unfortunately, MVD does not provide public transparency about the end users of driver and vehicle data provided through data brokers like LexisNexis. End users of MVD data are required to submit a form to intermediary entity NMI, but MVD did not provide copies of said agreements in response to public records requests. *See e.g.* Agreement for Access to Driver's License & Motor Vehicle Records, MVD, Oct. 1, 2020, https://www.mvd.newmexico.gov/wp-content/uploads/2022/01/nmi-agreement-for-access.pdf (sample end user form).

[27] *Initiatives and Projects*, Nlets, https://www.nlets.org/resources/maps/initiatives/location (last visited Jan. 15, 2025) (listing state, federal and other entities that have access to Nlets including ICE); McKenzie Funk, "How ICE picks its targets," *NY Times*, 2 Oct. 2019, https://www.nytimes.com/2019/10/02/magazine/ice-surveillance-deportation.html; *Nlets: Questions and Answers*, Nat'l Immi. Law Cntr (Nov. 2020), https://www.nilc.org/wp-content/uploads/2020/11/Nlets-Q-and-A.pdf.

[28] *Representatives*, Nlets, https://www.nlets.org/resources/representatives (last visited Jan. 15, 2025) (listing New Mexico DPS as Nlets representative); Message Keys, Nlets, https://www.nlets.org/resources/maps/bylocationagency/print-view/message-keys/F7247084-

181D-4A6B-ABF2-B9AA8E4C8B62 (last visited Jan. 15, 2024) (listing types of data that New Mexico transmits and receives from other entities through Nlets); City of Sante Fe, Control of Criminal Justice Policy Data, Policy No. 62.1, Sept. 24, 2024, https://santafenm.gov/media/files/police/62.1%2C_Control_of_Criminal_Justice_System_Information_.pdf (last visited Jan. 15, 2025) (confirming that DPS offers access to MVD data through Nlets).

[29] *See* Memorandum of Understanding between New Mexico Interactive (NMI), New Mexico Taxation and Revenue Department Motor Vehicle Division (MVD) and New Mexico Department of Public Safety (DPS) (Feb. 4, 2011); emails between DPS and NMI staff around Nlets (Jan.-Feb. 2011) (explaining why NMI, DPS, and MVD need to create a separate MOU in order for DPS to share MVD data with multiple in and out-of-state law enforcement entities through Nlets). Records obtained through public records request and on file with authors.

[30] ICE currently uses a national license plate reader database provided through a $22.8 million contract with data broker Thomson Reuters. *See infra* fn. 59.

[31] *Solutions*, Nlets, https://wiki.Nlets.org/index.php/Contents (last visited Jan. 22, 2025); *see also*, Nat'l Immi. Law Cntr, fn 27 at 4.

[32] Between 2009 and 2011, two LexisNexis entities registered with NMI for online access to driver and vehicle records. *See* NMI-ChoicePoint Services, Inc. Registration Agreement (October 2009), on file with authors; NMI-LexisNexis Claims Solutions, Inc. Registration Agreement (August 2011), on file with authors. As recently as December 2024, LexisNexis appears as a customer on NMI customer lists, which show LexisNexis has subscribed to access driver history records, driver monitoring services, and motor vehicle history records including title, lien, and registration records. See NMI Customer List (December 2024) [hereinafter "December 2024 NMI Customer List"], on file with authors.

[33] New Mexico Interactive is a subsidiary of privately held Texas company Tyler Technologies.

[34] According to company websites, LexisNexis sells access to motor vehicle records from all 50 states, including New Mexico. The company's motor vehicle file

contains information "about individuals or corporations who have registered or titled motor vehicles with a state motor vehicle registration agency," including license plate numbers. *See* LexisNexis Risk Solutions, *Motor Vehicle Records: Evaluate Driver Histories Consistently in All 50 States*, https://risk.lexisnexis.com/products/motor-vehicle-records; LexisNexis Risk Management Solutions Help, *Motor Vehicle Registrations Source*, https://riskmanagement.lexisnexis.com/bps/web20_help/RSKM/bsp_source_motor_vehicle_registrations_r.html#bsp_source_motor_vehicle_registrations_r__table_hl1_ftp_ks (state coverage and update list includes New Mexico). *See also* December 2024 NMI Customer List, *supra* note 33; Wash. Dep't of Enterprise Serv., Cont. No. 00220 at 1, 29 (July 1, 2022), on file with authors (contracting entity listed as LexisNexis Risk Solutions FL, Inc.; listing New Mexico among state motor vehicle data sources updated every two weeks).

[35] An ICE Use Certification suggests ICE may access driver license numbers through a contract with LexisNexis Risk Solutions. *See* ICE-LexisNexis Contract, *supra* note 14. Other records show in a seven-month period in 2021, ICE used the LexisNexis Accurint Virtual Crime Center feature "Real-Time Motor Vehicle Registration Search" to conduct tens of thousands of searches of motor vehicle records. *See* JFL LexisNexis Fact Sheet, *supra* note 20.

[36] *See* Accurint, *Real-Time Motor Vehicle Registration Search*, https://www.accurint.com/help/ln/real-timeMVR_help.html ("The Real-Time Motor Vehicle Registration Search provides current information on a vehicle. Since Vehicle registrations are renewed each year, address information is often more up-to-date than other sources (such as driver license records)."). *See also* Accurint, *Locating People Using Advanced Person Search*, https://www.accurint.com/help/bps/v3/le/advanced_person_help.html (referencing several potential data sources including motor vehicle data).

[37] *See* ICE-LexisNexis Contract, *supra* note 14.

[38] *See* JFL LexisNexis Fact Sheet, *supra* note 20.

[39] Customer lists obtained by authors via public records request show that, as of December 2024, New Mexico Interactive was providing LexisNexis with access to New Mexico Motor Vehicle Division driver history records,

driver monitoring, "youthful driver" records, vehicle history records, and title, lien and registration data. *See* December 2024 NMI Customer List, *supra* note 33.

[40] The 2009 LexisNexis data sharing MOU with NMI, for example, notes that "Sub-vendor/End User shall signify its desire to receive access to each Interactive Service by signature on the separate New Mexico Interactive Registration Agreement." Said agreement, in turn, defines an "End User" as "a qualified person or entity that requests and obtains a copy of a DLR, or TLR electronically from the Vendor/Authorized Recipient or from a Sub-vendor. 'End User' also includes all persons or entities that subsequently obtain and use such Records from an 'End User'." *See* Agreement for Access to Driver's License & Motor Vehicle Records, NMI https://www.mvd.newmexico.gov/wp-content/uploads/2022/01/nmi-agreement-for-access.pdf.

[41] NIC Inc., 2020 Form 10-K at 6, https://last10k.com/sec-filings/egov/0001065332-20-000006.htm (listing LexisNexis as the sole customer accounting for 10 percent or more of their annual revenue for the years 2017, 2018, and 2019). There is no reason to believe that NIC's acquisition by Tyler Technologies has changed NIC's relationship with LexisNexis.

[42] *See* NMI-Experian Registration Agreement (June 2010), NMI-R.L. Polk Registration Agreement (August 2010), and December 2024 NMI Customer List (showing Experian and R.L. Polk access to bulk NM vehicle data). The Department of Homeland Security has pending purchase orders with Experian and S&P Global, though it is not clear what the scope of the services are. *See* U.S. Dep't of Homeland Security Purchase Order ID 70CMSD23P00000139, https://www.usaspending.gov/award/CONT_AWD_70CMSD23P00000139_7012_-NONE-_-NONE- (listing vendor as Experian Information Solutions and potential end date as Sept. 29, 2028), and U.S. Dep't of Homeland Security Purchase Order ID 70CMSD23P00000046, https://www.usaspending.gov/award/CONT_AWD_70CMSD23P00000046_7012_-NONE-_-NONE- (listing vendor as S&P Global Market Intelligence and potential end data as July 9, 2026).

[43] *See* S&P Global Mobility, *Polk Privacy Statement*, https://www.spglobal.com/mobility/en/Info/polk-privacy/statement.html (describing acquisition history).

[44] *See* New Mexico Interactive Online Account Security Agreement, U.S. Border Patrol - NMI, *(Apr. 30, 2021)*, obtained through public records request and on file with authors.

[45] Joe Davidson, "Border Patrol disbands units accused of covering up abuse," *Washington Post* (May 12, 2022), www.washingtonpost.com/politics/2022/05/12/border-patrol-disbands-critical-incident-teams.

[46] *See* December 2024 NMI Customer List, *supra* note 33.

[47] N.M. Dep't of Homeland Security and Emergency Management, *Fusion Center*, https://www.nmdhsem.org/homeland-security/fusion-center/ (last visited Jan. 15, 2025).

[48] Memorandum of Understanding Addendum 1: Request for Full Data View for Driver's License Records, MVD-NMASIC-DHSEM (May 2018), document obtained through public records request and on file with authors.

[49] *Id*. at 23.

[50] Additionally, DHSEM has not responded to a state public records request submitted by authors for relevant public records in September 2022.

[51] DHSEM, *Brief for Legislative Finance Committee* (October 2019), https://www.nmlegis.gov/handouts/ALFC%20102919%20Item%2034%20DHSEM%20HSB%20Intelligence%20Sharing%20Partners%20LFC%20(2).pdf; New Mexico Legislature, Legislative Committee Handouts, Item 34, October Oct. 29 - Nov. 01, 2019, https://www.nmlegis.gov/Committee/Handouts_List?CommitteeCode=ALFC&Date=10/29/2019.

[52] Fiscal Year 2021 Strategic Plan, DHSEM, 2020, at 8 https://www.nmdhsem.org/wp-content/uploads/2020/02/110519-Strategic-Plan-FINAL-PDF.pdf (last visited Jan. 15, 2025).

[53] David J. Roberts and Meghann Casanova, Automated License Plate Recognition (ALPR) Use by Law Enforcement: Policy and Operational Guide, Summary, Int'l Assoc. Of Chiefs of Police Technology Ctr. (Sept. 2012), at 2, https://www.ojp.gov/pdffiles1/nij/grants/239605.pdf.

54 *See e.g.*, Shawn MulCahy, "On display Researchers identified more than 170 police surveillance cameras that broadcast sensitive information to the open Internet," Chicago Reader (Jan. 8, 2025), https://chicagoreader.com/news/license-plate-motorola-privacy/.

55 Jonathan Hofer, *Automated License Plate Readers: A Study in Failure*, Independent Institute (Nov. 30, 2021), https://www.independent.org/publications/article.asp?id=13893.

56 Adam Goldman and Matt Apuzzo,"With cameras, informants, NYPD eyed mosques," AP News (Feb. 23, 2012) https://www.ap.org/media-center/ap-in-the-news/2012/with-cameras-informants-nypd-eyed-mosques/; Paul Lewis, "CCTV aimed at Muslim areas in Birmingham to be dismantled," The Guardian, (Oct. 25, 2010), https://www.theguardian.com/uk/2010/oct/25/birmingham-cctv-muslim-areas-surveillance.

57 Dave Maass and Jeremy Gillula, What You Can Learn from Oakland's Raw ALPR Data, Electronic Frontier Foundation, (January 21, 2015), https://www.eff.org/deeplinks/2015/01/what-we-learned-oakland-raw-alpr-data

58 Jessica Porter, "Aurora police detain Black family after mistaking their vehicle as stolen," Denver 7, (Aug. 7, 2020), https://www.denver7.com/news/local-news/aurora-police-detain-black-family-after-mistaking-their-vehicle-as-stolen.

59 *See* U.S. Dep't of Homeland Security Purchase Order ID 70CMSD21C00000002, available at: https://www.usaspending.gov/award/CONT_AWD_70CMSD21C00000002_7012_-NONE-_-NONE- (contract with Thomson Reuters Special Services LLC for "law enforcement investigative database subscription (LEIDS), Tasks 2/2A").

60 "License Plate Recognition," Motorola Solutions, (last visited Jan. 17, 2025), https://www.motorolasolutions.com/en_us/video-security-access-control/license-plate-recognition-camera-systems.html.

61 Vasudha Talla, "Documents Reveal ICE Using Driver Location Data From Local Police for Deportations," ACLU, (Mar. 13, 2019), https://www.aclu.org/news/immigrants-rights/documents-reveal-ice-using-driver-location-data

62 Karen Neuman, Chief *Privacy Officer, Privacy Impact Assessment for the Acquisition and Use of License Plate Reader Data from a Commercial Service*, DHS/ICE/PIA-039, Dep't of Homeland Security, (Mar. 19, 2015), https://www.dhs.gov/sites/default/files/publications/privacy-pia-ice-lpr-march2015.pdf; Russell Brandom, "Exclusive: ICE is about to start tracking license plates across the US," The Verge, (January 26, 2018), https://www.theverge.com/2018/1/26/16932350/ice-immigration-customs-license-plate-recognition-contract-vigilant-solutions.

63 *Supra* at fn. 61.

64 "Screenshot of Vigilant VehicleManager Agency Data Sharing Report for New Mexico State Police Agency: Detections Shared," Department of Public Safety (Dec. 20, 2022). Document obtained through public records request and on file with authors.

65 *Id*. at 1-8 (showing that New Mexico State Police shares ALPR detection data with, among many others, the Region VI Drug Task Force in Eddy County, New Mexico, a task force which is part of the U.S. Drug Enforcement Administration HIDTA program (High Intensity Drug Trafficking Area)). This task force includes ICE. *See* 2022 HIDTA Annual Report to Congress, Executive Office of the President Office of National Drug Control Policy, (2022) https://www.whitehouse.gov/wp-content/uploads/2022/12/HIDTA-Annual-Report-to-Congress-2022.pdf (last visited Jan. 16, 2025); Press Release: DEA's work with New Mexico HIDTA Initiative earns national award, DEA, Jun. 10, 2022, https://www.dea.gov/press-releases/2022/06/10/deas-work-new-mexico-hidta-initiative-earns-national-award (last visited Jan. 16, 2025).

66 *Supra* at fn. 64, "Screenshot of Vigilant VehicleManager Agency Data Sharing Report for New Mexico State Police Agency: Detections Shared," at 8-9.

67 *Id.* at 3-8 (showing a list of New Mexico law agencies participating in Vigilant Solutions' data sharing platform that includes the Pueblo of Pojoaque Tribal Police Department (Sante Fe), the Albuquerque Police Department, the Bureau of Indian Affairs (Albuquerque), the Pueblo of Sandia Police Department (Albuquerque), the University Of New Mexico Police Department (Albuquerque), and the Sierra County Sheriff's Office (Truth or Consequences)).

[68] *Automated License Plate Readers: State Statutes*, NCSL, (Feb. 3, 2022), https://www.ncsl.org/technology-and-communication/automated-license-plate-readers-state-statutes.

[69] David Maass, *Here's Why You Can't Trust What Cops and Companies Claim About Automated License Plate Readers*, Electronic Frontier Foundation, (Mar. 19, 2020), https://www.eff.org/deeplinks/2019/03/heres-why-you-cant-trust-what-cops-and-companies-claim-about-automated-license.

[70] David Maass, "*No Cost" License Plate Readers Are Turning Texas Police into Mobile Debt Collectors and Data Miners*, Electronic Frontier Foundation (Jan. 26, 2016) https://www.eff.org/deeplinks/2016/01/no-cost-license-plate-readers-are-turning-texas-police-mobile-debt-collectors-and/#clarification.

[71] See LexisNexis Risk Solutions, "Jail Booking Data for Accurint for Government" [hereinafter "LexisNexis Appriss Brochure"], https://risk.lexisnexis.com/-/media/files/government/brochure/jail-booking-data-br%20pdf.pdf.

[72] *See* Appendix I, N.Y. Division of Crim. Just. Serv., Law Enforcement Agencies Contributing Data to Appriss Justice Xchange, obtained via public records request and on file with authors (listing agencies with Appriss VINE agreements that share incarceration data with Appriss JusticeXchange, including 30 New Mexico counties and New Mexico Corrections Department). *See also, infra* note 80.

[73] U.S. Immigr. and Customs Enforcement, Justification for Other than Full and Open Competition J&A-21-00148 (June 17, 2021) [hereinafter "Appriss - LexisNexis Award Justification"], https://govtribe.com/file/government-file/p00002-ja-21-00148-competition-advocate-signed-6-dot-24-dot-21-redacted-dot-pdf ("to provide Appriss Insights Justice Intelligence…for the remainder of the five-year contract at…$4,750,899.00"); Award Notice for Modification to Law Enforcement Intelligence Database Subscription Contract (June 28, 2021) [hereinafter "2021 Appriss Award Notice"], on file with authors. *See also* Rae Hodge, "ICE Uses Private Data Brokers to Circumvent Immigrant Sanctuary Laws, Report Says," CNET (Apr. 22, 2022), https://www.cnet.com/news/politics/ice-uses-private-data-brokers-to-circumvent-immigrant-sanctuary-laws-report-says/.

[74] *See* ICE-RELX Contract, *supra* note 14.

[75] ICE detainers are requests that local jails continue to hold individuals up to 48 hours beyond the expiration of the locality's legal authority to jail them, so ICE may detain them. *See* Appriss - LexisNexis Award Justification, *supra* note 73 ("[ICE] ERO [Enforcement and Removal Operations] uses the information to verify an individual's incarceration and/or court documents to support the filing of federal charges or the execution of a Form I-247 ICE Detainer, Form I-200 Warrant of Arrest, or Form I-205 Warrant of Removal").

[76] *See* Nat'l Map of Local Entanglement with ICE, Immigr. Legal Resource Ctr., https://www.ilrc.org/resources/national-map-local-entanglement-ice (zoom to New Mexico; then hover over counties for details of local policies). *See also* Krsna Avila, Kemi Bello, Lena Graber, & Nikki Marquez, *The Rise of Sanctuary: Getting Local Officers Out of the Business of Deportations in the Trump Era*, Immigr. Legal Resource Ctr. (January 2018), https://www.ilrc.org/resources/rise-sanctuary.

[77] Appriss - LexisNexis Award Justification, *supra* note 73.

[78] *See* LexisNexis Appriss Brochure, *supra* note 71.

[79] Equifax, "Victim Safety," https://totalverify.equifax.com/solutions/victim-safety ("48 states offer VINE as a resource to survivors").

[80] Besides the New Mexico counties and state Corrections Department, the New Mexico Children, Youth, and Family Department uses the VINE system. *See* N.M. Sole Source Request and Determination Form, Procurement ID 50-36100-24-CP413 [hereinafter "N.M. Appriss VINE Contracting Document"], on file with authors. *See also*, Appendix I; Law Enforcement Agencies Contributing Data to Appriss Justice Xchange, *supra* note 72.

[81] *See* Law Enforcement Agencies Contributing Data to Appriss Justice Xchange, *supra* note 72; Appriss - LexisNexis Award Justification, *supra* note 73 ("New customers [of Appriss Justice Intelligence], such as ICE, must purchase access from one of their partners' larger database systems, (i.e., LexisNexis' Accurint) and purchase Justice Intelligence as an add-on to their larger base database system."). *See also*, N.M. Appriss VINE

Contracting Document, *supra* note 80; Internal ICE Emails (March and June 2021), obtained via public records request and on file with authors.

[82] *See* Appriss - LexisNexis Award Justification, *supra* note 73.

[83] N.M. Appriss VINE Contracting Document, *supra* note 80.

[84] *See, e.g.*, Cook Cty., Ill. - Appriss VINE Contract No. 2185-18626 Ex. 1, on file with authors ("Using Agency permits internal access (within Contractor) to the Using Agency Data for development and improvement of Contractor's Risk Solutions. Using Agency authorizes third-party access to the Using Agency Data only for Risk Solutions… Contractor may utilize non-confidential Using Agency Data made available to the public"); *id.* at Ex. 4 (listing "law enforcement" and "federal and state agencies" among "Risk Solutions" customers).

[85] This DHS program has existed in various forms as Secure Communities, Priority Enforcement Program, and the Criminal Apprehension Program. *See* U.S. Immigr. and Customs Enforcement, "Secure Communities," https://www.ice.gov/secure-communities; U.S. Immigr. and Customs Enforcement, "Priority Enforcement Program," https://www.ice.gov/pep; and U.S. Immigr. and Customs Enforcement, "Criminal Apprehension Program," https://www.ice.gov/identify-and-arrest/criminal-apprehension-program.

[86] *See* U.S. Gov't Accountability Off., "Secure Communities: Criminal Alien Removals Increased, but Technology Planning Improvements Needed" (July 13, 2012), https://www.gao.gov/products/gao-12-708; Sarah Saldaña, Former Director, U.S. Immigr. and Customs Enforcement, Testimony, U.S. House Committee on Oversight and Gov't Reform (Apr. 28, 2016), https://www.dhs.gov/news/2016/04/28/written-testimony-ice-director-house-committee-oversight-and-government-reform.

[87] *See* Appriss - LexisNexis Award Justification, *supra* note 73.

[88] *Id.*

[89] The Appriss software also incorporates motor vehicle data, visitor logs, mugshots, landline and cell records, and even data detailing individuals' relationships with relatives, coworkers and neighbors, among other personal information. *See* VINE, "Justice Intelligence," https://web.archive.org/web/20220524052643/https://apprisssafety.com/solutions/justice-intelligence/ (brochure); Equifax, "Solve Crimes and Manage Warrant Lists More Efficiently With Near Real-Time Incarceration Data," https://assets.equifax.com/ews/datahub/assets/New_SFTY_Investigations_sheet.pdf (brochure).

[90] *See e.g.*, Form MV-15: New York State Department of Motor Vehicles Request for Certified DMV Records, NY State Dep't of Motor Vehicles, Dec. 2023 https://dmv.ny.gov/forms/mv15.pdf

[91] Motor vehicle-related records; confidential, NM Stat § 66-2-7.1(A)(9) (1998), https://www.nmonesource.com/nmos/nmsa-historical/en/nav_date.do.