Electronic Toll Records Help Solve Crime

By MATT APUZZO

BALTIMORE (AP) - When Assistant U.S. Attorney Jonathan Luna's sedan cruised through a toll booth the night he was killed, his E-ZPass card automatically billed him. More importantly, it left an electronic record of his travels for police investigating the crime.

Millions of drivers now use electronic toll systems to pay for tolls without digging out cash, and investigators are increasingly using the electronic record they create as a crime fighting tool.

The New York Thruway System has received 128 subpoenas from investigators since 1998, and has turned over records in response to 61 of them, said Terry O'Brien, a spokesman for the thruway system.

The thruway system has issued electronic cards for use in 5.1 million vehicles, so the number of records subpoenaed is a small percentage. But experts predict the records will increasingly find their way into both criminal and civil cases.

In Illinois, a man reviewed his wife's electronic toll records during a custody dispute, and divorce attorneys say they see potential for such records in the future.

"Whereabouts can be very important, especially in a custody case where somebody says, 'I'm always around. I can take care of this child,'" said Barbara Ellen Handschu, a New York attorney. "A lot of people probably don't use the records, but when it comes to divorce, you'll see them more and more."
York divorce attorney.

According to a newspaper report, New York City officials last month transferred 30 detectives out of the narcotics bureau for allegedly claiming false overtime. They were discovered passing through E-ZPass lanes miles from where they were supposed to be working.

The key to the E-ZPass system - which operates from Massachusetts to West Virginia and is expanding to Maine and New Hampshire - is the distinct radio signal emitted by each card. Toll receivers detect the signal and bill the corresponding account. Similar regional systems are in use around the country.

In the Luna case, electronic toll records show the 38-year-old took a roundabout route from Maryland to the spot in Lancaster County, Pa., where his body was found last week, investigators said. Authorities fanned out across the region, interviewing gas station attendants and hotel clerks.

An FBI spokesman in Baltimore would not comment on the bureau's use of E-ZPass records in general, citing the ongoing investigation of the Luna case. Investigators subpoenaed toll records from the Pennsylvania Turnpike Commission, the commission said.

While that request was specific, investigators in Massachusetts have occasionally asked highway authorities for general data. For instance: Did any blue Ford pickup trucks pass through Exit 35 Friday night?

Doug Hanchett, a spokesman for the Massachusetts Turnpike Authority, said officials have fought to quash subpoenas it feels are inappropriate. Even with a slight increase this year, however, he said the agency only received about six subpoenas in 2002.

"We take it pretty seriously," Hanchett said.

Other uses beyond crime fighting have been found for electronic toll systems.

New York E-ZPass subscribers can instantly pay for parking at JFK and LaGuardia airports and for food in the drive-through lanes of two McDonald's restaurants in Suffolk County, N.Y.

New Jersey and New York officials use E-ZPass cards to detect traffic back-ups and patterns. Receivers
along 200 miles of highway pick up signals from passing motorists and transmit traffic data in real time. Officials for the transit program say the technology scrambles personal data from the signal, does not link it to specific accounts and does not store it for future use.

But New York businessman Solomon Friedman is wary of the technology's potential for misuse. Anyone with technical savvy, he said, could track radio signals from the cards. He designed a pouch a driver can store the card in, blocking the signal when not in the toll lane.

"Why have data out there about yourself when there's no reason for it?" he said.

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Associated Press writers Brian Witte and Curt Anderson in Washington contributed to this report.

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