



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING PACKET**

SUPPLEMENTAL MATERIAL

**Wednesday, July 12, 2023
6:30 P.M.**

Board Members:

JOHN MOORE III. (CHAIR)
KITTY CALAVITA

JULIE LEFTWICH

REGINA HARRIS (VICE-CHAIR)
LEAH WILSON

MEETING LOCATION

North Berkeley Senior Center
1901 Hearst Avenue
Berkeley, CA 94709

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ALPR – Supplementary Summary Analysis



MEMORANDUM

DATE: July 11, 2023
TO: Police Accountability Board
FROM: Hansel A. Aguilar, Director of Police Accountability *Ha*
Jose D. Murillo, Policy Analyst *Jm*
RE: ALPR-Supplementary Summary Analysis

The purpose of this memorandum is to provide a supplementary summary analysis of the Berkeley Police Department's (BPD) Automated License Plate Readers (ALPR) proposed acquisition report and policies. The memo is produced upon request of Board Member Leah Wilson.

To provide a comprehensive overview, the discussion within the Police Accountability Board (PAB) regarding Automatic License Plate Readers (ALPR) originated from a budget referral made on November 1, 2021. This referral, presented to the City Council on November 30, 2021, received majority approval. The budget referral encompassed several key aspects, including the proposal for ALPR installation at strategic locations, allocation of funds in the FY 23-24 budget specifically for ALPRs, and the development of a policy governing the usage of ALPRs by the Berkeley Police Department in compliance with relevant city ordinances, particularly Berkeley Municipal Code (BMC) 2.99. Moving forward in the timeline, Police Chief Louis presented Policy 422 and Policy 1305, which outlined the proposed ALPR policies, to the Board on May 11, 2023. Subsequently, on June 15, 2023, the Office of the Director of Police Accountability (ODPA) submitted a comprehensive report titled "Automatic License Plate Readers (ALPR) in the City of Berkeley: A Preliminary Review of Proposed BPR Policies" to the PAB.

Consequently, a special meeting of the PAB was held on June 16, 2023, during which the board members voted to object to the acquisition report and the proposed policies in their current form. This objection led to the PAB issuing a formal objection letter addressed to both the Berkeley Police Department (BPD) and the City Council. In response to the PAB's objection, the Public Safety Policy Committee held a special meeting on June 20, 2023, specifically to discuss the ALPR policies. The committee members decided to provide a qualified positive response to the City Council, with the stipulation that the concerns raised by the PAB and the BPD were appropriately addressed. In subsequent developments, on June 27, 2023, a meeting was convened, attended by PAB Chair Moore, Board Member Wilson, Sgt. Ledoux, and ODPa Staff. The purpose of this meeting was to engage in productive discussions aimed at addressing the concerns articulated in the PAB's objection letter. Finally, on July 7, 2023, the BPD submitted updated policies to the PAB, which included proposed redline versions. Additionally, a memo was prepared at the request of the Public Safety Policy Committee, offering specific responses to the concerns raised by the DPA/PAB. It is noteworthy that no changes were made to the previously submitted Acquisition Report during this process.

BPD's Main Arguments for Securing ALPR System:

According to the June 20, 2023 presentation to the Public Safety Committee, the policy was *“initially intended for the fixed ALPRs to aid patrol, which is a different use as described and approved for Parking Enforcement. This comes in response to a 2021 Budget Referral from Councilmember Taplin, Wengraf, and retired CCM Droste.”* (pg. 4, BPD June 20, 2023- Surveillance Use Equipment Fixed Automated License Plate Readers (ALPRs) PPT.)

In the original acquisition report (which has not been amended to date), the Berkeley Police Department investigators *“identified the following instances wherein the use of an effective deployment of ALPRs could have aided the Berkeley Police Department in its efforts to focus on the wanted vehicle prior to a crime occurring in the City of Berkeley and potentially avoided an instance of victimization from happening”* (pg. 1 of the 1305 Appendix A):

- Violent Property crimes

- Armed robbery
- Home invasion robbery
- Car jack
- Catalytic converter thefts with gunfire
- Homicides
- Sex/DV Crime

Additionally, in the July 6, 2023 memo to be presented to the City Council on July 25, 2023, the BPD notes:

- *In 2020 Berkeley Police reported to the FBI a **total of 805 vehicle thefts**.*
- *As of 6/20/23, in the past 180 days, Berkeley Police had **704 reported vehicle thefts**. This data indicates that for the first half of 2023, the City has reached **87% of vehicle thefts for the entire year of 2020**. If that trend continues that **could lead to a 74% increase in vehicle thefts**.*
- *According to a record management query, BPD year to date has noted the loss in vehicle thefts for the City of Berkeley (only those reported to BPD, not including BART, or UCPD-Berkeley as of 6/26/23) is \$1,949,386 in losses just from the vehicles; which does not include lost wages or emotional losses.*

EMPHASIS added (pg.3, BPD Memo titled, Response to the PAB Objections and PSPC on Surveillance Ordinance item related to Fixed Automated License Plate Readers (ALPRs))

- *The item was drafted in response to a City Council Budget referral. However, as it relates to effectiveness, it's difficult to empirically capture the expected effectiveness though the Department expects there to be both:

 - a **deterrent effect**;
 - as well as a **direct measurable impact**.*
- *While some cities like Alameda have few entrances and exits to the city via roadway, Berkeley has several dozens of roadways that enter and exit our neighboring cities.*

- *BPD **is not recommending** tracking all of those avenues but rather focuses on the **main corridors with the limited number of cameras proposed**.*
- *BPD is proposing in this item a **two-year trial period wherein the data can be tracked in the Annual STO report**.*
- *At the end of the trial period City Council will ultimately decide on the extent of continued use.*

EMPHASIS added (pg.3, BPD Memo titled, Response to the PAB Objections and PSPC on Surveillance Ordinance item related to Fixed Automated License Plate Readers (ALPRs))

Lastly, as the ODPa noted in its report, the Berkeleyside¹ (through their review of BPD data), has reported that violent crime and property crimes are on the rise. In a special meeting, Police Chief Jen Louis told the City Council, “Berkeley continues to have one of the highest property crime rates in our region.” (Gecan, 2023). Crime rates in Berkeley witnessed an increase in almost all categories from 2021 to 2022.

In summary, the arguments for the use of ALPRs can be categorized into the following three purposes:

1. **Crime Prevention:** ALPRs provide a proactive tool to deter criminal activity by identifying vehicles involved in previous criminal incidents or suspicious activities.
2. **Crime Solving:** ALPRs can assist law enforcement in identifying and locating suspect vehicles involved in ongoing investigations, aiding in faster resolution of cases.
3. **Resource Maximization/ Force Multiplier**
 - a. As noted in the City Auditor’s report², the City is currently experiencing a staffing crisis. The potential to use technology to execute duties that will take several officers or Departmental staff considerable periods is appealing to an organization.

¹ <https://www.berkeleyside.org/2023/03/17/crime-reports-berkeley-police>

² [Staff Shortages -- City Services Constrained by Staff Retention Challenges and Delayed Hiring 0.pdf \(berkeleyca.gov\)](#)

- b. Enhanced Officer Safety: ALPR systems reduce the need for manual license plate checks, enabling officers to focus on other critical tasks while minimizing potential risks.

Analysis of These Arguments:

ARGUMENTS	EVIDENCE	CONCLUSION
Crime Prevention	<ul style="list-style-type: none"> • In 2011, a Police Executive Research Forum (PERF) paper³ analyzed an auto theft investigation unit in Mesa, Arizona, and showed that there was no reduction in motor theft. • Lum and colleagues (2010) found⁴ that the use of LPRs in auto theft hot spots did not result in a reduction of crime generally or auto theft specifically, during the period of time measured. 	Overall, the review of the empirical studies at this juncture shows that the deterrent effect of ALPRs is still being studied and there is no “concrete” support for its potential for crime prevention.
Crime Solving	<ul style="list-style-type: none"> • The PERF (2011) paper⁵ showed that there was an uptick in recovered vehicles after using ALPRs. 	Undoubtedly, there have been “successful” uses of the technology in their application of crime-solving and recovering

³ Wexler, Chuck. “How Are Innovations in Technology Transforming Policing?” Police Executive Research Forum, 2012. Critical Issues in Policing, https://www.policeforum.org/assets/docs/Critical_Issues_Series/how%20are%20innovations%20in%20technology%20transforming%20policing%202012.pdf.

⁴ Lum, C. Linda Merola, Julie Willis and Breanne Cave. (2010). License Plate Recognition Technologies for Law Enforcement: An Outcome and Legitimacy Evaluation. SPAWAR and National Institute of Justice. http://gemini.gmu.edu/cebcp/LPR_FINAL.pdf.

⁵ Wexler, Chuck. “How Are Innovations in Technology Transforming Policing?” Police Executive Research Forum, 2012. Critical Issues in Policing, https://www.policeforum.org/assets/docs/Critical_Issues_Series/how%20are%20innovations%20in%20technology%20transforming%20policing%202012.pdf.

	<ul style="list-style-type: none"> • In 2018, the Vallejo Police Department conducted a randomized control trial (RCT) (RCT)⁶ study that provided empirical evidence showing that ALPR technology effectively identifies stolen cars and individuals linked to auto theft crimes. • According to a 2021 joint report⁷ by the Independent Institute and Secure Justice, the use of ALPR systems does not reduce automobile thefts, nor are they an asset in generating investigative leads for police. <p>Anecdotal support includes:</p> <ul style="list-style-type: none"> • The BPD’s experiences with real cases (see Acquisition Report). • The assistant chief of the Minneapolis Police Department told the police research forum in 2012 that the department located a vehicle associated with a domestic kidnapping case by searching ALPR images. 	<p>stolen vehicles. There are still, however, considerable factors that need to be considered to determine whether this is “an effective” and “the best” crime-solving solution or tool for a community.</p>
<p>Resource Maximization/ Force Multiplier</p>	<ul style="list-style-type: none"> • PERF (2011) found that officers got nearly three times as many stolen vehicle hits and made about twice as many vehicle recoveries when using 	<p>The use of technological tools like ALPRs, when used transparently, and judiciously, and balance</p>

⁶ 3 "March 2018 RIB (Research in Brief)." International Association of Chiefs of Police (IACP). Accessed June 15, 2023. <https://www.theiacp.org/sites/default/files/2018-08/March%202018%20RIB.pdf>

⁷Hofer, J. (2021). Efficacy of Automated License Plate Reader Hits in Piedmont, California. https://www.independent.org/pdf/research_articles/2021_11_30_alpr.pdf

	<p>an ALPR system, compared to officers performing manual license plate checks.</p>	<p>the respect and protection of civil liberties, can be an effective force multiplier that improves public safety.</p>
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Jurisdictions Where ALPRs are in Place:

ALPR systems have been implemented in various jurisdictions, including Piedmont, El Cerrito, Hercules, Benicia, San Pablo, Alameda (City), Richmond, Concord, Vallejo, and other cities in the Bay Area. By examining these jurisdictions, we can gain valuable insights into the best practices and potential challenges associated with ALPR deployments.

According to the 2020 report titled "Automated License Plate Readers: To Better Protect Individuals' Privacy, Law Enforcement Must Increase Its Safeguards for the Data it Collects" by the Auditor of the State of California, ALPR usage is widespread in the state. A statewide survey of 391 police and sheriff departments revealed that 230 agencies currently employ ALPR systems, with 36 more planning to adopt them⁸. The report specifically examines the ALPR policies of the Fresno Police Department, the Los Angeles Police Department, the Marin Sheriff's Office, and the Sacramento Sheriff's Office. It sheds light on the challenges encountered by law enforcement agencies during their ALPR deployments, such as ensuring compliance with state laws and safeguarding personal information data.

Costs of ALPR Systems in Other Jurisdictions:

The expenses associated with implementing ALPR systems have displayed considerable variation among different cities. By considering the reported or estimated expenditures of various cities, the average cost of installing such systems was found to be approximately \$465,786.65. On average, these installations involved the use of 45 cameras, resulting in an average cost of \$10,290.48 per camera. The cities of Berkeley, Piedmont, El Cerrito,

⁸ <https://www.auditor.ca.gov/reports/2019-118/summary.html>

Benicia, Alameda, and Concord were included in this analysis, as their information was publicly accessible at the time of writing.

Agency	# of ALPR	Population (2021)	Annual Auto-Thefts – 2020 FBI UCR	Cameras per # of People	Annual Cost
Berkeley	52*	117,145	805	1:2252	\$250,000 (Estimated)
BART	-	-	100	-	-
Piedmont	34	11107	67	1:326	<u>\$673,273.92</u>
El Cerrito	40	25845	105	1:646	<u>\$340,000.00</u> (Estimated)
Hercules	25	26091	39	1:1043	**
Benicia	45	26819	48	1:596	<u>\$236,259.00</u> (Estimated)
San Pablo	84	31773	306	1:378	**
UC Berkeley	-	-	38	-	-
Alameda (City)	35	76362	470	1:2181	<u>\$500,000.00</u> (Estimated)
Richmond	40	115639	1511	1:2890	**
Concord	65	124074	695	1:1908	<u>\$789,187.00</u> (Estimated)
Vallejo	98	124886	1067	1:1274	**
<p>* - Proposed acquisition number, refer to the BPD Acquisition Report.</p> <p>** - The required information is currently not easily accessible.</p>					

Metrics Typically Associated with ALPR Use

In the context of law enforcement and crime, several metrics are typically associated with the use of Automatic License Plate Recognition (ALPR) systems. These metrics help evaluate the effectiveness of ALPR technology in assisting law enforcement agencies in their efforts to prevent and solve crimes. Here are some common metrics associated with ALPR use in law enforcement:

1. **Number of Hits:** This metric measures the total number of matches or "hits" generated by the ALPR system against a database of wanted or flagged vehicles. It indicates the system's ability to identify vehicles of interest.
2. **Hit Rate:** The hit rate represents the percentage of scanned license plates that match against a database of wanted or flagged vehicles. It demonstrates the effectiveness of the ALPR system in identifying potentially relevant vehicles.
3. **Hit Quality:** Hit quality refers to the accuracy and reliability of the matches generated by the ALPR system. It assesses whether the matches provided by the system are indeed vehicles of interest or if there are false positives or incorrect identifications.
4. **Arrests or Apprehensions:** This metric measures the number of arrests or apprehensions made as a result of ALPR-generated hits. It indicates the direct impact of ALPR technology in assisting law enforcement in apprehending individuals associated with criminal activities.
5. **Recovery of Stolen Vehicles:** ALPR systems can be highly effective in identifying stolen vehicles. This metric measures the number of stolen vehicles recovered as a result of ALPR hits, demonstrating the system's contribution to recovering stolen property and reducing vehicle theft.
6. **Time to Locate:** Time to locate measures how quickly law enforcement officers can locate a vehicle of interest based on ALPR-generated hits. It assesses the efficiency of ALPR systems in providing real-time or near real-time information to aid in operational decision-making.
7. **Case Clearance Rates:** Case clearance rates measure the percentage of criminal cases that are solved or cleared with the assistance of ALPR technology. It reflects

the impact of ALPR systems in enhancing investigative capabilities and improving the overall clearance rates of criminal cases.

It's important to note that the effectiveness of ALPR systems in law enforcement applications relies on various factors, including the quality of data, database accuracy, system integration, and operational procedures. These metrics help evaluate the performance and outcomes of ALPR use, supporting the continuous improvement and optimization of law enforcement strategies.

Variations in Performance Metrics

The performance metrics provided by law enforcement agencies regarding their utilization of ALPR differ by vendor. Nonetheless, agencies like Vallejo PD document vehicle recoveries, arrests, LPR reads, and the number of cases assisted through regular supplemental reports⁹. On the other hand, systems like Piedmont PD's ALPR Transparency Portal document the overall number of reads, hits, and searches¹⁰. Both agencies in this case use Flock Safety as their vendor which integrates a “transparency portal” with their products.

⁹ <https://www.vallejopd.net/public-information/technology-innovation/alpr-technology/alpr-reports>

¹⁰ <https://transparency.flocksafety.com/piedmont-ca-pd>

Additional Correspondences

From: Kitt Saginor <ksaginor@gmail.com>
Sent: Thursday, July 6, 2023 4:18:09 PM
To: Kate Harrison <kateha76@gmail.com>; Rivka Polatnick <rivkapol@hotmail.com>; Kitty Calavita <kccalavi@uci.edu>; Aguilar, Hansel <HAgUILAR@berkeleyca.gov>
Cc: George Lippman <george@igc.org>; Nathan Mizell <nmizell@berkeley.edu>; Jonah Gottlieb <jonahmgottlieb@gmail.com>; East Bay Communities For Action <east-bay-communities-for-action@googlegroups.com>; Chris N <c@n-a-s-o.com>; Margot Smith <margots999@aol.com>
Subject: How ALPR's will be evaded by vehicle thieves

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I wrote this to Council when the issue was discussed in November of 2021. As far as I can tell, BPD hasn't addressed the issue of effectiveness at all. I guess we're supposed to think that car thieves are too dim-witted to adapt their methods to changing technology?

How ALPR's will be evaded by vehicle thieves. Criminals have several strategies to defeat ALPRs. They can **switch license plates** with a parked car, they can use **counterfeit plates**, they can steal a car, complete their crime and **dump the car before the owner realizes** and reports that it has been stolen. Some of these techniques are already used by those who steal cars in Berkeley. If Berkeley installs an extensive ALPR network, career criminals will adapt and the use of these techniques will also expand proportionately.

License plate switching. Most people are very slow to notice that their car's plates have been swapped out during the night. They don't notice the switch even when they drive their car. Criminals put the hot plates (from their own vehicle or one they have stolen) on a parked car and use the plates they have taken. The criminal drives around with clean plates, while an innocent victim may be apprehended for driving a car with stolen plates.

Counterfeit plates. Although metal plates are hard to counterfeit, fake paper plates are not difficult to obtain. Some states can even be fooled into issuing real paper plates for illegal vehicles.

<https://www.ny1.com/nyc/manhattan/transit/2023/06/29/councilman-calls-for-crackdown-on-fake-license-plates>

<https://slate.com/business/2023/04/fake-license-plates-traffic-cameras-policing-yglesias.html>

<https://www.nbcdfw.com/news/local/fake-texas-temporary-car-tags-linked-to-crimes-as-far-away-as-new-york/2710084/>

<https://www.nbcnewyork.com/investigations/license-to-steal-criminals-use-fake-paper-tags-on-getaway-cars-nypd-says/3189233/>

You can find many more articles by googling fake auto plates - News. In New York, the market for fake temporary tags has expanded to legal vehicle owners who want to skip out on tolls and parking tickets.

Dumping stolen cars after the crime. A license plate number can't get on the hot list until the owner has reported it stolen. It is very often the case that owners do not know their vehicle is missing until the next day - after the stolen vehicle has been used to commit a crime and dumped.

Kitt Saginor
ksaginor@gmail.com

Public

From: kelly hammargren <kellyhammargren@gmail.com>
Sent: Tuesday, July 11, 2023 12:06 AM
To: All Council <council@berkeleyca.gov>; Office of the Director of Public Accountability <OfficeoftheDirectorofPoliceAccountability@berkeleyca.gov>; Wengraf, Susan <SWengraf@berkeleyca.gov>; Hahn, Sophie <SHahn@berkeleyca.gov>; Harrison, Kate <KHarrison@berkeleyca.gov>
Subject: Sacramento Sheriff is sharing license plate reader data with anti-abortion states, records show

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Dear Mayor, Council, PAB and Community

A concern voiced at the June 20, 2023 Policy Committee: Public Safety meeting about automated license plate readers (ALPRs) was that the collected information might be accessed and shared with states limiting access to abortion.

This concern was dismissed as being too over the edge, however, it seems that concern is not over the edge at all as California already has law enforcement from 22 California counties sharing data.

<https://www.sacbee.com/news/politics-government/capitol-alert/article276848586.html>

here is the July 5, 2023 Sacramento Bee article by Andrew Sheeler on sharing license plate reader data copied in for your convenience so those hesitant to use the link from the Sacramento Bee (or restricted from using emailed links) can read the article in full:

[the photograph is not included here]

CORRECTION: A previous version of this story incorrectly included a file photograph of equipment from the Sacramento Police Department. CORRECTED JUL 5, 2023 In 2015,

Democratic Elk Grove Assemblyman Jim Cooper voted for Senate Bill 34, which restricted law enforcement from sharing automated license plate reader (ALPR) data with out-of-state authorities. In 2023, now-Sacramento County Sheriff Cooper appears to be doing just that. The Electronic Frontier Foundation (EFF) a digital rights group, has sent Cooper a letter requesting that the Sacramento County Sheriff's Office cease sharing ALPR data with out-of-state agencies that could use it to prosecute someone for seeking an abortion. According to documents that the Sheriff's Office provided EFF through a public records request, it has shared license plate reader data with law enforcement agencies in states that have passed laws banning abortion, including Alabama, Oklahoma and Texas.

Adam Schwartz, EFF senior staff attorney, called automated license plate readers "a growing threat to everyone's privacy ... that are out there by the thousands in California." Automated license plate readers are often fixed to stationary locations, or police vehicles, and can collect thousands of license plate images that then are stored in a digital cloud. Once in the cloud, it can easily be shared with out-of-state agencies that use the same software. Schwartz said that a sheriff in Texas, Idaho or any other state with an abortion ban on the books could use that data to track people's movements around California, knowing where they live, where they work and where they seek reproductive medical care, including abortions.

The Sacramento County Sheriff's Office isn't the only one sharing that data; in May, EFF released a report showing that 71 law enforcement agencies in 22 California counties — including Sacramento County — were sharing such data. The practice is in violation of a 2015 law that states “a (California law enforcement) agency shall not sell, share, or transfer ALPR information, except to another (California law enforcement) agency, and only as otherwise permitted by law.” When The Bee wrote in May about the initial EFF report, the Sacramento County Sheriff's Office Twitter account responded, even though it was not initially on the list of agencies sharing data. “Law enforcement agencies commonly use information from License Plate Readers (LPRs) to investigate serious crimes, such as homicide, child kidnappings, human trafficking, and drug trafficking across state borders,” the twitter account said. It is unclear who sent the tweets from the official account.

“The bill and this law has absolutely nothing to do with reproductive rights. My record on women's and reproductive rights has been strong throughout my time in the State Assembly, and nothing has changed since becoming Sheriff,” Cooper wrote. Schwartz said that the May tweets “surprised us, because we had not sent a demand letter to them.” He said that he was not aware of any cases where ALPR data was used to prosecute someone for getting an abortion, but added, “We think we shouldn't have to wait until the inevitable happens.” The EFF attorney said that this is a “Tale of Two Cities, best of times and worst of times” situation. While the Sacramento County Sheriff's Office appears to be defying the law, another nearby law enforcement agency that was named in the initial report announced that it is no longer doing so.

In a letter to the EFF that was shared with The Bee, Woodland Police Chief Derrek Kaff wrote, “We have implemented a revised protocol that does not allow the sharing of ALPR data with any out-of-state agencies. As a department we are committed to upholding the privacy rights of individuals and reinforces our dedication to adhering to the principles of the Fourth Amendment.

kelly hammargren

Public

From: Mansour Id-Deen <middeen@hotmail.com>

Sent: Saturday, July 8, 2023 7:22 AM

To: Aguilar, Hansel <HAguilar@berkeleyca.gov>; linda lewis <lslewis9@gmail.com>; Moni Law <monilaw7@gmail.com>

Subject: Re: Invitation to Community Input Session: Berkeley Police Department's Automated License Plate Readers (ALPR) Acquisition Report and Policies

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[California Cops Are Sending License Plate Data To Anti-Abortion States \(msn.com\)](https://www.msn.com)

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California Cops Are Sending License Plate Data To Anti-Abortion States

Story by Erin Marquis • Friday



A male police officer wearing sunglasses is stepping out of his patrol car, his hand on the roof near an automatic license plate reader mounted to the cruiser. © Photo: MediaNews Group/Bay Area News (Getty Images)

Patrol vehicle equipped with three roof mounted license plate reader cameras at the police station in Dublin Calif., on Nov. 22, 2017.

Automated license plate readers have been a nightmare for [privacy rights activists](#) for over a decade, but last year's [Supreme Court Dobbs](#) decision created an even darker vision: the possibility of [pro-choice states assisting anti-abortion states](#) seeking to prosecute people seeking medical care.

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The Electronic Frontier Foundation released a report that found 71 law enforcement agencies in 22 California counties shared ALPR data with law enforcement in places like Texas, Idaho, Oklahoma and other states where not only is abortion illegal, but [leaving the state to seek abortion](#) care can be a crime. ALPRs can capture thousands of license plates an hour tracking everywhere a driver goes. These cameras will even capture images of your car parked in private driveways. If your car is visible to others, the cops can trace it.

While police and the EFF both say they are not aware of any case where license plate data from California was used in prosecution for anti-choice law violations, you probably shouldn't wait for someone's rights to be violated when you can act right now. Indeed, the data sharing seems already to be against California's own laws protecting privacy, according to the *Sacramento Bee* (by way of [Yahoo! News](#)). Police, including the Sacramento County Sheriff Jim Cooper, had a totally reasonable response to the reporting: posting through it.

 Related video

Can license plate data be used against women seeking an abortion?Auto-play

Jim Cooper 
@SheriffJCooper · [Follow](#) 

The Electronic Frontier Foundation (EFF) continues to editorialize legislation as fact, when they clearly have not read the law. I voted for SB 34, which requires individuals to be notified only if ALPR data is breached and prohibits the sale of ALPR data (which we have never... [Show more](#))

The Sacramento Bee  @sacbee_news
An attorney for the Electronic Frontier Foundation called automated license plate readers 'a growing threat to everyone's privacy.' [sacbee.com/news/politics-...](#)

1:41 PM · Jul 5, 2023 

 5  Reply  Share

Sharing ALRP data across state lines is such a vital tool of law enforcement that less than half of California's 58 counties engage in the practice. One California law enforcement agency even ended its sharing with agencies across state lines after it was named in the EFF report. And no one is saying they want drug dealers and murders to run free, just that the police of California follow the eight-year-old law protecting people's privacy.

There still aren't robust protections around data gathering and its use in most of the country. California is ahead of the game, with several laws protecting citizen's rights, including the 2019 [California Consumer Privacy Act](#).

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Civil Liberties Groups Demand California Police Stop Sharing Drivers' Location Data With Police In Anti-Abortion States

This sharing by 71 CA police agencies violates state law and could be used by other states to identify and prosecute abortion seekers and providers.

SAN FRANCISCO—Seventy-one* California police agencies in 22 counties must immediately stop sharing automated license plate reader (ALPR) data with law enforcement agencies in other states because it violates California law and could enable prosecution of abortion seekers and providers elsewhere, three civil liberties groups demanded Thursday in letters to those agencies.

The letters from the Electronic Frontier Foundation (EFF), the American Civil Liberties Union of Northern California (ACLU NorCal), and the American Civil Liberties Union of Southern California (ACLU SoCal) gave the agencies a deadline of June 15 to comply and respond. A months-long EFF investigation involving hundreds of public records requests uncovered that many California police departments share records containing detailed driving profiles of local residents with out-of-state agencies.

ALPR camera systems collect and store location information about drivers, including dates, times, and locations. This sensitive information can reveal where individuals work, live, associate, worship—or seek reproductive health services and other medical care.

“ALPRs invade people’s privacy and violate the rights of entire communities, as they often are deployed in poor and historically overpoliced areas regardless of crime rates,” said EFF Senior Staff Attorney Adam Schwartz. “Sharing ALPR data with law enforcement in states that criminalize abortion undermines California’s extensive efforts to protect reproductive health privacy.”

The letters note how the nation’s legal landscape has changed in the past year.

“Particularly since the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization*, which overturned *Roe v. Wade*, ALPR technology and the information it collects is vulnerable to exploitation against people seeking, providing, and facilitating access to abortion,” the letters say. “Law enforcement officers in anti-abortion jurisdictions who receive the locations of drivers collected by California-based ALPRs may seek to use that information to monitor abortion clinics and the vehicles seen around them and closely track the movements of abortion seekers and providers. This threatens even those obtaining or providing abortions in California, since several anti-abortion states plan to criminalize and prosecute those who seek or assist in out-of-state abortions.”

Idaho, for example, has enacted a law that makes helping a pregnant minor get an abortion in another state punishable by two to five years in prison.

The agencies that received the demand letters have shared ALPR data with law enforcement agencies across the country, including agencies in states with abortion restrictions including Alabama, Idaho, Mississippi, Oklahoma, Tennessee, and Texas. Since 2016, sharing any ALPR data with out-of-state or federal law enforcement agencies is a violation of the California Civil Code (SB 34). Nevertheless, many agencies continue to use services such as Vigilant Solutions or Flock Safety to make the ALPR data they capture available to out-of-state and federal agencies.

California law enforcement’s sharing of ALPR data with law enforcement in states that criminalize abortion also undermines California’s extensive efforts to protect reproductive health privacy, specifically a 2022 law (AB 1242) prohibiting state

and local agencies from providing abortion-related information to out-of-state agencies.

For one of the new letters from EFF, ACLU NorCal, and ACLU SoCal:

<https://eff.org/document/sample-alpr-demand-letter-tracy-police-department>

For information on how ALPRs threaten abortion access:

<https://www.eff.org/deeplinks/2022/09/automated-license-plate-readers-threaten-abortion-access-heres-how-policymakers>

For general information about ALPRs: <https://www.eff.org/pages/automated-license-plate-readers-alpr>

Agencies that received the demand letters include:

- [Alhambra Police Department](#) (Los Angeles County)
- [Antioch Police Department](#) (Contra Costa County)
- [Arcadia Police Department](#) (Los Angeles County)
- [Beaumont Police Department](#) (Riverside County)
- [Brawley Police Department](#) (Imperial County)
- [Brentwood Police Department](#) (Contra Costa County)
- [Buena Park Police Department](#) (Orange County)
- [Burbank Police Department](#) (Los Angeles County)
- [Chino Police Department](#) (San Bernardino County)
- [Clovis Police Department](#) (Fresno County)
- [Cypress Police Department](#) (Orange County)
- [Desert Hot Springs Police Department](#) (Riverside County)
- [Downey Police Department](#) (Los Angeles County)
- [El Centro Police Department](#) (Imperial County)
- [El Dorado County Sheriff's Office](#) (El Dorado County)
- [Escondido Police Department](#) (San Diego County)
- [Folsom Police Department](#) (Sacramento County)
- [Fontana Police Department](#) (San Bernardino County)
- [Fountain Valley Police Department](#) (Orange County)
- [Garden Grove Police Department](#) (Orange County)
- [Gilroy Police Department](#) (Santa Clara County)
- [Hemet Police Department](#) (Riverside County)
- [Hercules Police Department](#) (Contra Costa County)
- [Hermosa Beach Police Department](#) (Los Angeles County)
- [Humboldt County Sheriff's Office](#) (Humboldt County)
- [Imperial County Sheriff's Office](#) (Imperial County)
- [Imperial Police Department](#) (Imperial County)
- [Kern County Sheriff's Office](#) (Kern County)
- [Kings County Sheriff's Office](#) (Kings County)
- [La Habra Police Department](#) (Orange County)

- [La Palma Police Department](#) (Orange County)
- [Laguna Beach Police Department](#) (Orange County)
- [Lincoln Police Department](#) (Placer County)
- [Lodi Police Department](#) (San Joaquin County)
- [Madera Police Department](#) (Madera County)
- [Manteca Police Department](#) (San Joaquin County)
- [Menifee Police Department](#) (Riverside County)
- [Merced Police Department](#) (Merced County)
- [Montebello Police Department](#) (Los Angeles County)
- [Monterey Park Police Department](#) (Los Angeles County)
- [Murrieta Police Department](#) (Riverside County)
- [Novato Police Department](#) (Marin County)
- [Oakley Police Department](#) (Contra Costa County)
- [Ontario Police Department](#) (San Bernardino County)
- [Orange County Sheriff's Department](#) (Orange County)
- [Orange Police Department](#) (Orange County)
- [Oxnard Police Department](#) (Ventura County)
- [Palm Springs Police Department](#) (Riverside County)
- [Palos Verdes Estates Police Department](#) (Los Angeles County)
- [Pasadena Police Department](#) (Los Angeles County)
- [Pittsburg Police Department](#) (Contra Costa County)
- [Rio Vista Police Department](#) (Solano County)
- [Ripon Police Department](#) (San Joaquin County)
- [Riverside County Sheriff's Department](#) (Riverside County)
- [San Bernardino County Sheriff's Department](#) (San Bernardino County)
- [San Bernardino Police Department](#) (San Bernardino County)
- [San Joaquin County Sheriff's Office](#) (San Joaquin County)
- [San Pablo Police Department](#) (Contra Costa County)
- [San Rafael Police Department](#) (Marin County)
- [San Ramon Police Department](#) (Contra Costa County)
- [Seal Beach Police Department](#) (Orange County)
- [Simi Valley Police Department](#) (Ventura County)
- [Stockton Police Department](#) (San Joaquin County)
- [Torrance Police Department](#) (Los Angeles County)
- [Tracy Police Department](#) (San Joaquin County)
- [Tustin Police Department](#) (Orange County)
- [Walnut Creek Police Department](#) (Contra Costa County)
- [West Covina Police Department](#) (Los Angeles County)
- [Westminster Police Department](#) (Orange County)
- [Westmorland Police Department](#) (Imperial County)
- [Woodland Police Department](#) (Yolo County)

That's 71* agencies in 22 counties:

- 12 in Orange County
- 11 in Los Angeles County
- 8 in Contra Costa County
- 7 in Riverside County

- 6 in San Joaquin County
- 5 in San Bernardino County
- 5 in Imperial County
- 2 in Ventura County
- 2 in Marin County
- 1 each in El Dorado, Fresno, Humboldt, Kern, Kings, Madera, Merced, Placer, Sacramento*, San Diego, Santa Clara, Solano, and Yolo counties

* *UPDATE 6/27/2023*: The [Sacramento County Sheriff's Office](#) has now received a demand letter as well.

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