

## **SURVEILLANCE TOOLKIT: SAMPLE LETTER DISCUSSING CONCERNS WITH SPECIFIC SURVEILLANCE TECHNOLOGY PROPOSALS**

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*A letter helps you articulate concerns with surveillance technology and your strategic goal, all while communicating the political power of your coalition. These letters follow a basic, structure: first, introduce your coalition, your issue and state your main ask of the elected leaders; second, explain the issue and the surveillance technology or proposal that you're concerned about; and finally, conclude by summarizing your points, restating your ask, and offering to meet or talk to discuss your perspective. Throughout your letter and wherever possible, center the impacts of surveillance on real people and your coalition partners. The [blue text](#) should be customized.*

### **SAMPLE 1: LETTER EXPRESSING CONCERN ABOUT AUTOMATED LICENSE PLATE READER TECHNOLOGY PROPOSAL**

Month ##, 2020

Mayor  
Councilmember  
Councilmember  
Councilmember  
Councilmember  
Your City Council  
Street address  
City, CA ZIP

Dear City Council,

We are a [community civil rights coalition](#) and write to raise significant concerns with the [Police Department's](#) proposal to expand its use of [automated license plate reader \(ALPR\) technology](#) in our community. We urge the City Council to consider alternatives to surveillance that will keep our community safe without the severe costs to civil rights and civil liberties invited by [ALPR](#).

ALPR systems - whether their cameras are attached to police cars or street lights - collect and store location information about drivers whose cars pass through their cameras' fields of view, which, after being matched to dates, times, and location, can be compiled into databases that reveal sensitive information about where our community members work, live, associate, and visit. No locality should acquire or deploy license plate readers without proper safeguards that protect all residents, given the invasiveness of the technology and the breadth of revealing information it can collect about individuals.

We know that ALPR systems have been misused to harm minority communities. For example, police have used license plate readers to target Muslim Americans by spying on mosques.<sup>1</sup> And before the advent of license plate readers, police monitored the license plates of LGBT people for purposes of extortion.<sup>2</sup> ALPR systems are easily misused: blind reliance by San Francisco police on these readers led to the wrongful detention of a black woman at gunpoint, triggering a multi-year civil rights lawsuit.<sup>3</sup> As with other surveillance technologies, police tend to deploy license plate readers disproportionately in poor areas, regardless of crime rates.<sup>4</sup>

These concerns have taken on a new urgency because ICE now accesses license plate information held by one of the largest ALPR vendors, Vigilant Solutions, access that may include detailed location information collected by local law enforcement agencies. Through this arrangement, ICE can tap into Vigilant's nationwide database of license plate and associated location records to target and deport our immigrant residents.<sup>5</sup>

The community should always have a voice in decisions about whether to acquire surveillance systems such as ALPR and the safeguards and accountability mechanisms that need to be in place to prevent warrantless, mass surveillance. To ensure this debate and oversight occurs, we also urge the City Council to consider an ordinance that requires that decisions about surveillance technology such as ALPR are subject to rigorous democratic debate and input by community members who are impacted by the use of such technologies. More than a dozen U.S. communities – including Berkeley, Oakland, and San Francisco – have adopted ordinances based on ACLU guidance and that require transparency, oversight, and accountability for all surveillance proposals.<sup>6</sup> Our residents deserve a voice in decisions such as these.

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<sup>1</sup> Adam Goldman and Matt Apuzzo, *With cameras, informants, NYPD eyed mosques*, Associated Press, Feb. 23, 2012, <https://www.ap.org/ap-in-the-news/2012/with-cameras-informants-nypd-eyed-mosques>;

<sup>2</sup> Josh Hicks, *A few reasons the public might care about license-plate tracking*, Washington Post, Feb. 19, 2014, <https://www.washingtonpost.com/news/federal-eye/wp/2014/02/19/a-few-reasons-the-public-might-care-about-license-plate-tracking/>.

<sup>3</sup> Kade Crockford, *San Francisco Woman Pulled Out of Car at Gunpoint Because of License Plate Reader Error*, ACLU, May 13, 2014, <https://www.aclu.org/blog/privacy-technology/location-tracking/san-francisco-woman-pulled-out-car-gunpoint-because>; Matt Cagle, *San Francisco – Paying the Price of Surveillance Without Safeguards*, ACLU of Northern California, May 22, 2014, <https://www.aclunc.org/blog/san-francisco-paying-price-surveillance-without-safeguards>.

<sup>4</sup> Dave Maass and Jeremy Gillula, *What You Can Learn from Oakland's Raw ALPR Data*, Electronic Frontier Foundation, Jan. 21, 2015, <https://www.eff.org/deeplinks/2015/01/what-we-learned-oakland-raw-alpr-data> (“If you are driving through or parking your car in a neighborhood with a higher density of white families, you are less likely to be picked up by ALPR cameras.... Overlaying Census data for Black or African-American and Latinx or Hispanic populations show the converse of the white population.”)

<sup>5</sup> Vasudha Talla, *Documents Reveal ICE Using Driver Location Data From Local Police for Deportations*, ACLU, Mar. 13, 2019, <https://www.aclu.org/blog/immigrants-rights/ice-and-border-patrol-abuses/documents-reveal-ice-using-driver-location-data>.

<sup>6</sup> *Making Smart Decisions About Surveillance: A Guide for Community Transparency, Accountability & Oversight*, ACLU of Northern California, <https://www.aclunc.org/smartaboutsurance>; Community

The risks to civil liberties and civil rights that ALPR technology creates are well-documented. The best way to ensure that our residents are safe from unnecessary intrusion into their personal lives and the misuse of their sensitive information is to reject the use of ALPR technology altogether. We urge the City to consider a public safety solution other than ALPR, which invites the creation of databases that are vulnerable to misuse that harms civil rights and residents. At a minimum, the City should press pause on any plans to deploy ALPR while it engages community members in a discussion about whether this surveillance technology is appropriate for our city, and the kinds of safeguards that should be in place whenever surveillance technology including drones are proposed. We would be happy to meet to discuss this issue.

Sincerely,

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Control Over Police Surveillance (CCOPS), <https://www.aclu.org/issues/privacy-technology/surveillance-technologies/community-control-over-police-surveillance>.

## SAMPLE 2: LETTER EXPRESSING CONCERN WITH DRONE PROPOSAL

Month ##, 2020

Mayor  
Councilmember  
Councilmember  
Councilmember  
Councilmember  
Your City Council  
Street address  
City, CA ZIP

Dear City Council,

We are a [community civil rights coalition](#) and write to raise significant concerns with the City’s proposed acquisition of [unmanned aerial vehicles \(“drones”\)](#). This drone proposal invites dragnet and discriminatory surveillance, and as a result threatens the privacy and civil rights of local residents. We urge the City Council to consider alternatives to drone-based surveillance that will keep our community safe without the severe costs to civil rights and civil liberties invited by these systems.

Drones offer unprecedented surveillance power to law enforcement agencies, and intrude into the public’s privacy in a far more significant and invasive fashion than most investigative tools commonly used by police. Drones are small, agile, and capable of being fitted with high-powered cameras that monitor people without their knowledge or consent.<sup>1</sup> Given their power, drones can—and do—monitor people in their private homes, workplaces, and places of worship, as well as in public spaces and during public events like protests.<sup>2</sup> When coupled with powerful sensors such as high-resolution video cameras, facial recognition software, and other forms of biometric data collection programs, drones enable police to stockpile detailed information about individuals that those agencies traditionally would not be able to access. Drone surveillance

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<sup>1</sup> “Due to the heights at which drones can fly, they are often beyond the range of sight for most people. In addition, drones can also be designed to be very small and maneuverable. This means drone surveillance often occurs without the knowledge of the individual being monitored.” *Domestic Unmanned Aerial Vehicles (UAVs) and Drones*, Electronic Privacy Information Center (last visited March 8, 2018), <https://epic.org/privacy/drones/>.

<sup>2</sup> Jeff Stone, *UK police may use drones to monitor protests, siege operations*, International Business Times (January 5, 2016), <http://www.ibtimes.com/uk-police-may-use-drones-monitor-protests-siege-operations-2250287>.

poses a direct threat to civil rights: indeed, police in Northern California have previously deployed drones to monitor student and immigrants' rights protests.<sup>3</sup>

In light of these concerns, people overwhelmingly reject the use of drones by local law enforcement. When the Los Angeles Police Department proposed acquiring and using drones last year, Angelinos inundated LAPD with letters, public comments, and petitions opposing the deployment of drones. Prior to a vote on the program, LAPD received over 1,675 letters in response to requests for public comment on its proposed drone program, the vast majority of which urged LAPD to halt the program in its entirety.<sup>4</sup> The local pushback LAPD received related to its drone program is reflective of broader public sentiment against the use of drones for domestic surveillance.<sup>5</sup>

The community should always have a voice in decisions about whether to acquire surveillance systems such as drones and the safeguards and accountability mechanisms that need to be in place to prevent warrantless, mass surveillance. To ensure this debate and oversight occurs, we also urge the City Council to consider an ordinance that requires that decisions about surveillance technology such as drones are subject to rigorous democratic debate and input by community members who are impacted by the use of such technologies. More than a dozen U.S. communities – including Berkeley, Oakland, and San Francisco – have adopted ordinances based on ACLU guidance and that require transparency, oversight, and accountability for all surveillance proposals.<sup>6</sup> Our residents deserve a voice in decisions such as these.

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<sup>3</sup> See Dave Maass & Mike Katz-Lacabe, *Alameda and Contra Costa County Sheriffs Flew Drones Over Protests*, ELECTRONIC FRONTIER FOUNDATION, <https://www.eff.org/deeplinks/2018/12/alameda-and-contra-costa-county-sheriffs-flew-drones-over-protests> (Dec. 5, 2018).

<sup>4</sup> Makeda Easter and Kate Mather, *Civilian oversight panel hears guidelines for LAPD use of drones*, (October 3, 2017), available at <http://www.latimes.com/local/lanow/la-me-ln-lapd-drones-20171002-story.html>. The public also expressed its opposition to the drone program in two separate petitions, one with over 1,900 signatories and another with more than 800 signatories. See "Drone-Free LAPD. No Drones, LA!", MoveOn.org Petitions, <https://petitions.moveon.org/sign/drone-free-lapd-no-drones-1> (803 signatories as of March 4, 2018).

<sup>5</sup> See Terance Miethe, Miliiakeala S.J. Heen, & Emily Trosyhnski, *Public Attitudes About Aerial Drone Activities: Results of a National Survey (Research in Brief report)*, CENTER FOR CRIME AND JUSTICE POLICY, [https://www.unlv.edu/sites/default/files/page\\_files/27/Research-PublicAttitudesaboutAerialDroneActivities.pdf](https://www.unlv.edu/sites/default/files/page_files/27/Research-PublicAttitudesaboutAerialDroneActivities.pdf) (July 2014). See also Stephen Rice, *Eyes In The Sky: The Public Has Privacy Concerns About Drones*, FORBES, <https://www.forbes.com/sites/stephenrice/2019/02/04/eyes-in-the-sky-the-public-has-privacy-concerns-about-drones/#135ac3d66984> (Feb. 4, 2019) (citing data from a study revealing that drone use generates fears of police and that the general public opposes ongoing drone surveillance).

<sup>6</sup> *Making Smart Decisions About Surveillance: A Guide for Community Transparency, Accountability & Oversight*, ACLU of Northern California, <https://www.aclunc.org/smartaboutsurveillance>; Community Control Over Police Surveillance (CCOPS), <https://www.aclu.org/issues/privacy-technology/surveillance-technologies/community-control-over-police-surveillance>.

We urge the City Council not to approve the acquisition of a drone at this time. The City should engage community members in a discussion about whether this surveillance technology is appropriate for our city, and the kinds of safeguards that should be in place whenever surveillance technology including drones are proposed. We would be happy to meet to discuss this issue.

Sincerely,