



*State of Surveillance in California –
Findings & Recommendations
January 2015*

Executive Summary

In the wake of revelations about the National Security Agency’s rampant warrantless spying and local law enforcement’s use of military equipment in cities like Ferguson, Missouri, community members have been regularly contacting the ACLU with concerns about the proliferation of surveillance. Cities and counties have also increasingly reached out for guidance about how to approach the use of surveillance in ways consistent with civil liberties and civil rights. Yet very little information exists about surveillance technology in California or how to properly consider its acquisition or use. To address this, the ACLU of California conducted a first-of-its-kind assessment of surveillance technology in the state. We also released a new resource guide, *Making Smart Decisions About Surveillance: A Guide for Communities*, and developed a model ordinance designed to help policymakers ensure adequate transparency, oversight, and accountability.¹

The following document summarizes our findings about the state of surveillance in California and recommends several ways that the Attorney General and other state policymakers could take action to help address the widespread lack of transparency, oversight, and accountability for surveillance technology in California.

Methodology and Summary of Surveillance Survey Findings

From June to November 2014, the ACLU of California² examined thousands of publicly available³ records for California’s 58 counties and 60 selected cities.⁴ We researched the types of surveillance technology in communities, including automated license plate readers (ALPRs),⁵ body cameras,⁶ drones,⁷ facial recognition,⁸ “Stingrays,”⁹ and video surveillance.¹⁰ We investigated how much money has been spent to acquire and maintain surveillance technology and the source of those funds. We also examined any public processes in place to provide for transparency, oversight, and accountability for surveillance technology’s acquisition and use. What we discovered raised a number of significant concerns.

Across the state, there is widespread proliferation of surveillance, with at least 90 communities (40 counties, 50 cities) possessing some form of surveillance technology. Vast sums of money are being spent on surveillance, including over \$65 million in publicly available figures, a significant portion of which is federal grant dollars. While some communities are taking important steps to thoroughly consider surveillance technology and develop plans to promote public safety and safeguard citizen rights, we discovered that even basic transparency, oversight, and accountability has become the exception, not the rule. Many California communities lack the

guidance to make smart decisions about surveillance and are moving forward without public conversation, careful consideration of the costs and benefits, or adequate policies in place to prevent misuse and safeguard rights.

There is Widespread Proliferation of Surveillance Technology in California

California communities have acquired and deployed a wide array of surveillance technologies. Our research uncovered at least 90 California communities (40 counties, 50 cities) in possession of various surveillance technologies.¹¹ Video cameras are the most common form of surveillance technology in California - more than half of the cities and counties we examined have acquired them. ALPRs are a close second - 57 of the 118 counties and cities in our survey possess such devices.¹² Finally, at least 32 California communities had body cameras as of November 2014.¹³

Local law enforcement agencies are also acquiring newer, more powerful technologies like drones and Stingray cell phone tracking devices that can facilitate other forms of surreptitious surveillance.¹⁴ At least 3 communities (San Jose and Los Angeles and Alameda Counties) have acquired drones for law enforcement purposes. Information about Stingray purchases was nearly impossible to locate, yet we know from reporting and our research that they exist in at least 10 different communities, including Los Angeles, Oakland, San Jose, San Francisco, San Diego and Sacramento.¹⁵ While a lack of publicly available information about drones and Stingrays makes it difficult to discover which localities possess these tools and the legal basis for their use, it may be that other communities are either considering or already have these technologies as well.

Vast Sums of Money is Being Spent on Surveillance Technology

We found publicly available evidence documenting more than \$65 million dollars in spending on surveillance technology in California. We identified over \$20 million of spending on video surveillance alone.¹⁶ These funds come from multiple sources, including local,¹⁷ state,¹⁸ and federal funding streams.¹⁹ Law enforcement agencies have also obtained surveillance funding from private sources such as police foundations,²⁰ asset forfeiture proceeds,²¹ and other jurisdictions²² (LAPD received its two drones from Seattle police).²³

Federal dollars are a very common source of funding for California's surveillance technology. Federal funds constituted roughly 40 percent of the surveillance programs we examined with identifiable funding sources. Numerous localities have used federal funds to buy everything from automated license plate readers²⁴ to facial recognition technology.²⁵ Federal funds were also originally earmarked for San Jose's drone purchase.²⁶ In California, these federal funds are typically administered under programs operated by the Department Homeland Security Grant Programs that include the Urban Areas Security Initiative (UASI) and the Port Security Grant Program (PSGP). The California Emergency Management Association (CalEMA) also manages federal surveillance grants to local governments.²⁷

Yet with all of the funding we found for the acquisition of these technologies, surveillance technology's post-acquisition costs, including maintenance, replacement, staffing, and training were often not accounted for or reported in publicly available materials. We did not find a single surveillance program that was preceded by a comprehensive cost-benefit analysis that included information about current and future costs and an analysis of the potential impact on civil

liberties and civil rights. It is clear from the few public records that we located that these ongoing costs can be substantial. For example, Clovis was spending at least \$60,000 in maintenance costs for its network of video surveillance cameras by 2011²⁸ and Richmond was spending \$300,000 annually for maintenance by 2013.²⁹

Because our research was based solely on publicly available information about surveillance, the spending data noted is almost certainly just the tip of the iceberg. Very little information is easily and publicly accessible about local surveillance technology acquisitions. For example, although public records reflect that Riverside acquired ALPR units in 2011, the ACLU was unable to locate any other documents concerning the acquisition, funding or policies concerning these ALPR units.³⁰

Basic Transparency, Accountability and Oversight Is the Exception for Surveillance Technology in California, Not the Rule

Surveillance technology is often purchased without adequate community engagement

Our research also revealed that communities in California are also acquiring surveillance technology without first adequately engaging the public.³¹ And when information about surveillance technology is included in public documents at some point in the process, it may include language so vague that it is difficult for the public and even some policymakers to understand what is being considered and know to voice concern.

Community members were surprised to learn in 2014 about drone purchases in San Jose and Alameda County. In San Jose, the relevant city council meeting agenda only specified that the police and fire departments had sought authorization to receive \$983,000 from the federally funded Bay Area Urban Areas Security Initiative.³² The public did not learn about the purchase until months later when ACLU researchers discovered attached agenda documents with earmarked funds for an “unmanned aerial vehicle.”³³ There was immediate public outrage at this “secret” purchase.³⁴ The police soon apologized and have now initiated a public process to consider the potential use of the drone.³⁵ Unfortunately, this trend continues - in late 2014, the Alameda County Sheriff simply announced that he had bought two drones, providing no public notice despite the fact that widespread local concerns sidelined a similar proposal in 2012.³⁶

The purchase of invasive Stingray cell phone surveillance technology is another area where policymakers and the public appear to also be left in the dark. When Sacramento County approved over \$300,000 dollars in funding for what the ACLU believes to be Stingray equipment, the only information provided in public records was that law enforcement was seeking “wireless tracking equipment.”³⁷ In San Jose public documents, over \$300,000 in funding for what the ACLU also suspects to be Stingray technology was referred to as “law enforcement surveillance technology equipment.”³⁸

Public debate is rare and late in the process

Our research found that adequate public debate over surveillance technology is rare and if it happens at all, is very late in the process. We found evidence of public debate about the acquisition of surveillance technology for less than 15% of the programs we tracked. None of the 52 communities we identified with two or more surveillance technologies publicly debated every

technology.³⁹ For more than 100 of the 180 surveillance technology programs we identified in publicly available records, we either could not locate evidence of a public hearing or approval was via consent calendar. Consent calendar items are typically designated as routine in nature, are intended to have no discussion, and are often approved en masse with a single vote. We found only two occasions where surveillance technology proposals were removed from the consent calendar to entertain public debate: for body cameras in Fresno,⁴⁰ and for a mounted infrared video-surveillance camera and microwave transmission system in San Diego County.⁴¹

Even where there are public records disclosing the consideration or acquisition of a surveillance program, they are often incomplete, lacking basic information about the technology involved, costs, or potential impact on civil liberties. The result is that policymakers may not have the information they need to make an informed decision. For example, after the Santa Cruz City Council approved the use of federal funds to purchase ALPRs for the police department, one councilmember was asked what effect the scanners might have on community members, he replied, “I don’t know enough about the technology.”⁴² Another was unaware of privacy issues, admitting, “I was asleep at the wheel. The council didn’t get much correspondence about the potential for the erosion of civil rights that these kinds of devices can cause.... If I’d been better informed about [the ALPRs] I may have voted against the purchase....”⁴³

We also found that the timing of any public debate and policymaker approval is often late in the process – after law enforcement agencies apply and obtain funding for surveillance technology rather than before. The Santa Clara County Sheriff was awarded \$489,000 by the Urban Areas Security Initiative to purchase facial-recognition software prior to public process before the Santa Clara County Board of Supervisors.⁴⁴ In Placerville, police obtained a grant for \$26,000 in federal funds for a license-plate reader before City Council public process.⁴⁵ San Rafael police were awarded \$33,126 in federal funds for a license-plate reader before public process at the city council.⁴⁶ Recently, the San Jose police received federal funding approval and earmarked it to purchase a drone prior to public process at the city council.⁴⁷

While some California communities have taken important steps to ensure a more robust public process, there is a lack of consistency in the process between different surveillance technologies.⁴⁸ For example, before Ventura acquired a \$93,000 video monitoring system, its police department discussed the system’s intended uses with local community councils, addressed residents’ concerns, and explained the proposed internal use restrictions.⁴⁹ And while San Jose’s acquisition of a drone initially lacked public involvement, when considering acquisition of body cameras the city developed a robust 12-month work plan that included a diverse ad-hoc committee, an assessment of technological needs, and the drafting of a policy for Council consideration.⁵⁰ Although we could not locate a community with a policy that ensures consistent public engagement and debate for all surveillance technology, members of the board of supervisors in Santa Clara, San Francisco, and Santa Cruz counties have announced plans to introduce separate Surveillance Technology & Community Safety Ordinances.

Few surveillance technologies have adequate use policies

We found a publicly available use policy for fewer than 1 in 5 surveillance technology programs. None of the 52 communities with two or more surveillance technologies had publicly available use policies for every technology. Many cities had no use policy whatsoever for their surveillance technology – for example, only 3 of the 61 counties and cities we identified using

video surveillance had publicly available use policies. The publicly available policies that do exist largely fail to properly address all of the necessary issues including purpose specification, limited use, training, data security, data retention, auditing, and accountability discussed by the Department of Homeland Security Privacy Office, the International Association of Chiefs of Police Technology Policy Framework, or the ACLU of California guide and model ordinance.⁵¹

Many policies we looked at appear to be modified templates that do not properly address all of the necessary issues. The City of Alameda's 2013 proposal for an ALPR policy is a prime example of this.⁵² Produced by a company called Lexipol, that policy did not place clear limits on the technology's use, instead directing that the technology be used for "official and legitimate business." That policy also lacked detail about officer training, meaningful limits on retention or use of ALPR data, and enforceable consequences for violation of the use policy itself. After analyzing the policy last year, the ACLU urged Alameda to delay adoption of ALPR technology until the community revised and improved its use policy.⁵³

Other surveillance programs appear to have no policies in place except for those written by a federally connected fusion center, such as by the South Bay Information Sharing System (SBISS), the Southern California-based Automated Regional Justice Information System (ARJIS), or the Northern California Regional Intelligence Center (NCRIC).⁵⁴ These policies lack strong protections to prevent against misuse and infringements of constitutionally protected activities.⁵⁵ For example, NCRIC's ALPR policy only prohibits monitoring of First Amendment activities where those activities are the sole reason for monitoring. The ARJIS policy lacks a detailed set of acceptable and prohibited uses.⁵⁶ While NCRIC expressly permits law enforcement agencies to set local retention policies, others, like ARJIS, do not, and once a community decides to share surveillance data with this fusion center, its control over what happens to community members' data diminishes.⁵⁷

We also found that few policies have clear and effective enforcement provisions for violations. The need for enforceable policies is illustrated by Oakland's officer body camera policy, which contains specific directives to officers' use of the equipment, prohibitions on conduct, and instructions for the storage and access to data. However, Oakland's policy does not contain a mechanism ensuring its enforcement⁵⁸ and it appears that Oakland police have repeatedly violated the department's body camera policy without consequence.⁵⁹

Not having a proper use policy can also lead to significant legal problems for communities. San Francisco learned this lesson the hard way when it adopted license plate readers without a formal policy that required officers to confirm plate reads visually to safeguard civil rights. In March 2009, an ALPR unit misread the plate of Denise Green, a 47 year-old African American woman, erroneously flagging her burgundy Lexis as a stolen gray truck. The police stopped Green, handcuffed her, and held her at gunpoint while a search took place.⁶⁰ In early 2014, a federal appeals court authorized a constitutional rights suit by Green against the SFPD, the City, and the patrol officers.

While no community has a surveillance use policy in place that comprehensively addresses all of the necessary issues, several community policies have integrated important building blocks that others can replicate.

- In 2006, the San Francisco Board of Supervisors passed the Community Safety Camera ordinance (CSC).⁶¹ The CSC includes a specific purpose for the cameras and limits use of camera data, requires public notice when new cameras are being considered, a public hearing, a vote of the police commission, approval only if benefits outweigh concerns and community support exists, and annual reporting.
- In 2006, the Fresno Police Department adopted a Video Policing Project Policy and Guidelines Manual.⁶² This extensive manual describes the system and its purpose, includes guidance and specific prohibitions on racial profiling, details access limits for collected data, addresses primary and secondary uses of data, strictly limits retention of footage, addresses the public's right of access to footage obtained by the city's cameras, and requires independent auditing.
- In 2014, Menlo Park's City Council passed an ordinance consisting of a use policy for ALPRs and video surveillance.⁶³ This enforceable policy includes provisions setting forth specific prohibited uses of each technology, quarterly auditing of the use and efficacy of ALPR, and constraints on how data can be shared with third parties including the area fusion center, NCRIC.
- In 2014, a citizens' committee appointed by the Oakland City Council drafted a proposed policy for the City's DHS-funded Port Domain Awareness Center (DAC) that places clear limits on allowable uses, provides guidance to operators with regards to constitutionally protected activities, requires comprehensive auditing, and sets forth enforceable consequences for misuse.⁶⁴

Oversight of surveillance technology after deployment is virtually non-existent

Necessary provisions for oversight of surveillance technology after initial use, including audits, fiscal and civil liberties reviews, and evaluation of program efficacy are few and far between. Two programs we found that planned for more than minimal periodic oversight are Fresno's citywide video-policing program and San Francisco's Community Safety Camera Program.⁶⁵

In Fresno, the city council required an annual independent audit of the police department's citywide, live-feed, video-policing program to ensure that all of the privacy and security guidelines for the system's use are being followed.⁶⁶ The auditor is specifically instructed to report to the city council on police compliance with Fresno's video-policing policies.⁶⁷ The first comprehensive audit was completed in 2014 by a former federal judge.⁶⁸ Fresno Police Chief Jerry Dyer expressed support for the auditing process, saying "I have no doubt the audit will be very helpful to our ongoing video policing operations."⁶⁹

San Francisco's CSC requires that the San Francisco Police Department prepare a report every year on all cameras in the City and County.⁷⁰ The annual report is designed to assess the cameras' effectiveness, effect on crime, and to help the community determine whether any changes to the program should be made.⁷¹ In 2008, researchers at the University of California, Berkeley, comprehensively evaluated San Francisco's surveillance cameras. The resulting report found that the existing camera program had not addressed its intended purpose of preventing or reducing violent crime.⁷² This report informed subsequent public debate amongst the Board of Supervisors regarding a proposal to expand the program.⁷³

Finally, Menlo Park’s ALPR and video surveillance ordinance requires NCRIC (the entity that stores the City’s ALPR data) to provide a quarterly report to the city that summarizes the number of license plates captured by the ALPR in the city, how many of those license plates were “hits” (on an active wanted list), the number of inquiries made by Menlo Park personnel along with the justifications for those inquiries, and information on any data retained beyond six months and the reasons for such retention. In November 2014, Menlo Park published its first quarterly ALPR review. The data indicated that only about .05% of the plate reads were “hits,” most of which were false reads.⁷⁴

Policy Recommendations

Surveillance technology is proliferating in California’s communities largely without mechanisms that ensure transparency, accountability, and oversight for its acquisition and use. Local law enforcement lacks clear guidance and direction from state policymakers on how to promote public safety while safeguarding civil liberties and civil rights. As the state’s chief law officer and defender of liberty for Californians, the Attorney General is well-positioned to work to address these growing concerns in a variety of ways:

1. Issue Attorney General Best Practices for Surveillance Technology

With growing community concern about policing, the Attorney General should use the opportunity to issue clear guidance to law enforcement in the state about the basic mechanisms for public transparency, accountability, and oversight that should be in place at the earliest stage of the process – when surveillance technology is being considered and well before it is purchased or deployed. Best Practices issues by the Attorney General’s Office would be very helpful to communities throughout California. The ACLU of California’s guide for communities, *Making Smart Decisions About Surveillance*, and resources also developed by The International Association of Chiefs of Police, Police Executive Research Forum, and the Department of Homeland Security Privacy Office would hopefully all be helpful to the development of Attorney General Best Practices.⁷⁵

2. Encourage Law Enforcement Support of Local Ordinances

The Attorney General could also encourage local law enforcement to support local Surveillance Technology & Community Safety Ordinances and create mechanisms that facilitate consistent transparency, accountability, and oversight at the local level. Policymakers in Santa Clara County, San Francisco County, and Santa Cruz County have already committed to introducing the ordinance, the Oakland Ad Hoc Advisory Committee on Privacy and Data Retention has also recommended its adoption,⁷⁶ and several other large and small communities throughout California are also considering next steps. Key principles for local ordinances include:

- **Informed Public Debate at Earliest Stage of Process:** Public notice, distribution of information about the proposal and public debate prior to seeking funding or otherwise moving forward with surveillance technology proposals.

- **Determination that Benefits Outweigh Costs and Concerns:** Local leaders, after facilitating an informed public debate, expressly consider costs (fiscal and civil liberties) and determine that surveillance technology is appropriate or not before moving forward.
- **Thorough Surveillance Use Policy:** Legally enforceable Surveillance Use Policy with robust civil liberties, civil rights, and security safeguards approved by policymakers.
- **Ongoing Oversight & Accountability:** Proper oversight of surveillance technology use and accountability through annual reporting, review by policymakers and enforcement mechanisms.

3. Support State Legislation to Create Consistent Transparency, Oversight, and Accountability Mechanisms for California Law Enforcement

The Attorney General might also consider state legislation that also incorporates these key principles and ensures proper and consistent transparency, oversight, and accountability when surveillance technology is being considered by any California law enforcement entity.

4. Develop & Periodically Issue California State of Surveillance Report

The ACLU of California’s extensive research on surveillance in California also highlighted just how difficult it is to identify what is happening in the state. It would be very helpful for the Attorney General to streamline transparency about surveillance in California, both to increase public awareness and facilitate oversight. As a recommendation in Best Practices or a provision in a potential state law, the Attorney General’s Office should consider mechanisms to compile and release regularly-updated information about surveillance technology in the state, including what is being used and where, funding sources, and what processes are in place to provide for transparency, accountability, and oversight.

¹ The *Making Smart Decisions About Surveillance* guide, an interactive map of findings, and additional resources are available at <https://www.aclunc.org/smartabouts-surveillance>.

² Thank you to legal researchers Matt Cagle, Thomas Mann Miller, Molly Caldwell, Tony Huynh, Lauren Harriman, and Leighanna Mixter.

³ For purposes of this document, “publicly available” information is that which a resident with Internet access could obtain online without the assistance of a request under the California Public Records Act. Our search included but was not limited to publicly available agendas, minutes, and staff reports of city councils and county boards of supervisors; documents of regional quasigovernmental entities; government statements; and news reports.

⁴ We researched the following California cities: Anaheim, Bakersfield, Beverly Hills, Burbank, Blythe, Chico, Chula Vista, Clovis, Concord, East Palo Alto, El Centro, Elk Grove, Escondido, Eureka, Fontana, Fremont, Fresno, Gilroy, Glendale, Hayward, Huntington Beach, Inglewood, Irvine, Long Beach, Los Angeles, Martinez, Merced, Menlo Park, Modesto, Moreno Valley, Napa, Oakland, Oceanside, Ontario, Oxnard, Pasadena, Placerville, Rancho Cucamonga, Redding, Redlands, Richmond, Riverside, Roseville, Sacramento, Salinas, San Bernardino, San Diego, San Jose, San Rafael, Santa Ana, Santa Clara, Santa Cruz, Santa Maria, Santa Monica, Santa Rosa, Stockton, Turlock, Ukiah, Vallejo, Ventura, Visalia, Yuba City.

⁵ **Automated license plate readers** are sophisticated camera systems mounted to police cars or light posts that scan license plates that come into view. They are often used to look for vehicles of interest, such as stolen cars, but in the process may record the time and place of all vehicles that drive by.

⁶ **Body cameras** are small cameras worn by police that record audio and video. These cameras can record everything from typical public interactions with police to sounds and images at rallies or even lewd banter in a squad car. Some body cameras are always on, others are controlled by the wearer.

⁷ **Drones** are unmanned aerial vehicles that may carry cameras, microphones, or other sensors or devices. Drones range from small “quadcopters” that can maneuver near ground level to high-altitude planes with extremely powerful cameras. Often quieter than traditional aircraft, drones are capable of surreptitious surveillance.

⁸ **Facial recognition** is software that identifies a person in photos or videos based on various characteristics of the person’s face. Facial recognition software may be applied to photos or videos captured by an array of devices or contained in government databases.

⁹ **“Stingrays,” or International Mobile Subscriber Identity (“IMSI”) Catchers** are devices that emulate a cell phone tower in order to interact with nearby cell phones. Stingrays identify nearby devices, operate in a dragnet fashion that affects every phone in range, and can also be configured to intercept and capture the contents of communications including calls, text messages, or Internet activity.

¹⁰ **Video surveillance camera** systems that allow the remote observation or recording of activity in public spaces. Video feeds may be actively monitored in hopes of spotting crime as it happens or recorded for potential investigations or prosecutions.

¹¹ A summary of the ACLU of California’s surveillance findings is located at the following URL:
<http://www.aclunc.org/surveillancemap>.

¹² We located approximately \$7.8 million in funding allocated for automated license plate readers.

¹³ We located approximately \$8.2 million in funding allocated for officer body cameras.

¹⁴ See Jennifer Valentino-Devries, *‘Stingray’ Phone Tracker Fuels Constitutional Clash*, Wall Street Journal, Sept. 22, 2011, available at: <http://www.wsj.com/articles/SB1000142405311904194604576583112723197574>.

¹⁵ We located publicly available information suggesting the following localities possess Stingrays: San Bernardino, Los Angeles Police Department, Los Angeles Sheriff Department, Oakland Police Department, San Jose Police Department, San Francisco Police Department, San Diego Police Department, San Diego County, Sacramento Police Department, and the Sacramento County Sheriff’s Department.

¹⁶ We located approximately \$21.5 million in funding allocated for video surveillance technology. Cities have spent the most local money on video surveillance programs, totaling almost \$10 million across 12 cities. Fresno spent over \$3 million on its live-feed cameras between 2006 and 2013, and has resorted to staffing the cameras with volunteers, rather than sworn officers as originally intended. Oliver Wanger, “Video Policing Unit Audit” (Nov. 30, 2013), 3–6, available at <http://www.wjhattorneys.com/assets/files/VPU-Audit-00449144.pdf> and <https://s3.amazonaws.com/s3.documentcloud.org/documents/1003257/wanger-report.pdf> (\$870,000 in 2007, \$1,016,477.95 in 2008, \$547,803 in 2009, \$124,200 in 2010, \$103,600 in 2011, \$111,400 in 2012, \$148,320 in 2013, and \$135,200 in 2014, totaling \$3,057,000.95). Richmond and the Port of Richmond spent \$4 million on 34 CCTV cameras in “high-crime” Richmond neighborhoods and 79 cameras at the Port of Richmond, in 2007. Richmond City Council, Meeting Minutes (July 31, 2007), 1–2, available at <http://www.ci.richmond.ca.us/ArchiveCenter/ViewFile/Item/1253> (the City of Richmond contributed \$1,538,244, the Port of Richmond contributed \$3,833,279, and the City of Richmond reserved \$166,721 for contingencies). Oakland has most likely spent millions of dollars on surveillance cameras, but there is no clear record of total spending. In 2008, Oakland police proposed spending \$5.8 million for a wireless mesh system with 20 surveillance cameras and a monitoring center, with expected annual recurring costs of \$800,000, and another \$1.5 million on cameras around public schools. Oakland currently has 35 CCTV cameras and 40 live-feed cameras in the city, 135 cameras at the Oakland Coliseum complex, and over 700 cameras around public schools. Memo from Wayne Tucker, Chief of Police, to the Office of the City Administrator, regarding a report on crime fighting strategies to the Public Safety Committee (Jul. 8, 2008), at 1, Port of Oakland, Board of Port Commissioners Meeting Agenda (May 23, 2013), Item 3.1, at 12, available at http://www.portofoakland.com/pdf/about/meetings/2013/boar_shee_130523.pdf.

¹⁷ For example, in September 2014 the City of Anaheim allocated over \$1.15 million of local funds for the purchase of officer body cameras. The specific source of funds was the Police Dept. 2014/2015 Budget for Civil Liabilities Investigator in the General Fund. See Ana Venagas, *Anaheim police officers to wear cameras*, OC Register, Sept. 9, 2014, available at <http://www.ocregister.com/articles/cameras-634334-video-police.html>; see also http://www.anaheim.net/docs_agend/questys_pub/MG47522/AgendaFrame.htm; http://www.anaheim.net/docs_agend/questys_pub/MG47522/AS47561/AS47565/AI47816/DO47817/DO_47817.pdf.

¹⁸ For example, video surveillance in Roseville was paid for in part with CA Prop. 1b funds.
http://roseville.granicus.com/MetaViewer.php?view_id=2&clip_id=2358&meta_id=88314

¹⁹ For example, the Department of Homeland Security (DHS) funneled \$35,546,960 to local governments in the Bay Area as part of the Urban Area Security Initiative (UASI) between May 1, 2012, and November 30, 2013. From

those funds, Oakland received \$1,200,730 during that period, San Jose received \$1,548,879, Santa Clara County received \$4,143,890, and Santa Cruz received \$345,800, totaling \$7,239,299. While not all UASI funds are allocated to surveillance technology, a significant portion are: *See* Memo from Tristan Levarado, CFO of the Bay Area Urban Area Security Initiative, to the Bay Area Urban Area Security Initiative Approval Authority regarding FY2011 UASI Spending Report (June 12, 2014), *available at* <http://bayareauasi.org/sites/default/files/resources/061214%20Agenda%20Item%207%20FY2011%20UASI%20Spending%20Report.pdf>; Bay Area Urban Areas Security Initiative, Project Proposal Guidance for Fiscal Year 2015 (Interim) (Sept. 11, 2014), at 9, *available at* <http://bayareauasi.org/sites/default/files/resources/091114%20Agenda%20Item%204%20Appendix%20A%20FY15%20Project%20Proposal%20Guidance%20%26%20Sample%20Form.pdf> (marked draft for Approval Authority review).

²⁰ The Chico Police Department Business Support Team funded a license-plate reader in Chico. *See, e.g.*, Chico City Council, Meeting Minutes (Feb. 19, 2013), Consent Agenda Item 2.2 (unanimously approving donation of license-plate reader from Chico Police Department Business Support Team), *available at* http://chico-ca.granicus.com/MinutesViewer.php?view_id=2&clip_id=370&doc_id=9db34992-d762-1030-9122-24b3144c4264;

²¹ Our research uncovered multiple purchases of surveillance technology made with asset forfeiture funds, including officer body cameras in Hayward and El Centro, video surveillance in Santa Barbara and Bakersfield, and ALPRs in Inglewood. *See* Hayward City Council Agenda, July 1, 2014, *available at* <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2014/CCA14PDF/cca070114full.pdf>; City of El Centro Council Agenda Report, Oct. 2, 2012, *available at* <http://www.cityofelcentro.org/userfiles/10-02-12%20-%20Item%209%281%29.pdf>; City of Santa Barbara City Council Minutes, Sept. 20, 2011, *available at* http://services.santabarbaraca.gov/cap/MG100814/AS100818/AS100825/AS100826/AI101983/DO102015/DO_102015.PDF; Gretchen Wenner, *Downtown surveillance cameras will bring Big Brother to Bakersfield*, *The Californian*, Aug. 12, 2010, *available at* <http://www.bakersfieldcalifornian.com/local/x1415295660/Downtown-surveillance-cameras-will-bring-Big-Brother-to-Bakersfield>; City of Inglewood Minutes, July 19, 2011, *available at* <http://www.cityofinglewood.org/civica/filebank/blobdload.asp?BlobID=7045>; *see also* Dave Maass, *Asset Forfeiture and the Cycle of Electronic Surveillance Funding*, Electronic Frontier Foundation, Jan. 16, 2015, <https://www.eff.org/deeplinks/2015/01/asset-forfeiture-and-cycle-electronic-surveillance-funding>.

²² In February 2014, the Modesto police announced they were sending a surveillance vehicle—called an “Armadillo”—equipped with eight live-feed, wide-angle, high-definition cameras to monitor “high-crime” neighborhoods. There was no decision by local leaders to approve the transfer; the police department had received the vehicle as a donation from neighboring Ceres. Modesto Police Department, *Police Armadillo Hits High Crime Areas* (Feb. 25, 2014), <http://www.ci.modesto.ca.us/newsroom/releases/police/prdetail.asp?ID=1872>; Tim Daly, *Modesto cops add “armadillo” to force*, *News 10*, Feb. 26, 2014, *available at* <http://www.news10.net/story/news/local/modesto/2014/02/26/modesto-armadillo-police-camera/5848819/>. In another example, several Native American tribes funded license-plate readers for the San Diego County Sheriff. 2011 ALPR funding \$78,673.25, San Diego County Meeting Agenda, *available at* http://www.sdcounty.ca.gov/lueg/iglcbc/meetingdocs/4-8-11_IGLCBC_MeetingAgenda.pdf.

²³ Joel Rubin, *LAPD adds drones to arsenal, says they’ll be used sparingly*, *LA Times*, May 30, 2014, *available at* <http://www.latimes.com/local/lanow/la-me-ln-lapd-adds-drones-to-arsenal-20140530-story.html> (“[T]he department announced that it had acquired two “unmanned aerial vehicles” as gifts from the Seattle Police Department.”)

²⁴ Numerous California localities have used federal funding to purchase automated license plate readers and include Chula Vista, Clovis, East Palo Alto, Marin County, Roseville, San Diego, Tulare County, and Elk Grove.

²⁵ *See* Memo from Assistant Attorney General Regina B. Schofield to Dr. Pamela Scanlon regarding federal funding in the amount of \$418,000 for the Automated Regional Justice Information System (ARJIS) which includes a “query system based on facial recognition.” *Available at*: https://www.eff.org/files/2013/11/07/01_-_tacids_award_letter_2.pdf; *see also* Jennifer Lynch & Dave Maass, *San Diego Gets in Your Face With New Mobile Identification System*, Electronic Frontier Foundation, Nov. 7, 2013, <https://www.eff.org/deeplinks/2013/11/san-diego-gets-your-face-new-mobile-identification-system>.

²⁶ Memo from Larry Esquivel, San Jose Chief of Police, to the Mayor and City Council (Nov. 1, 2013), at 3, *available at* <http://sanjoseca.gov/DocumentCenter/View/23693> (requesting permission to purchase an unmanned aerial vehicle with \$8,000 of \$354,000 in DHS funding); City of San Jose, City Council Meeting Minutes (Nov. 19, 2013), Item 2.12, at 9, (authorizing execution of agreement with the City and County of San Francisco to accept \$983,000 in funding from the Urban Areas Security Initiative); *see also* Shawn Musgrave, *Despite Repeated Denials, San Jose Police Definitely Have a Drone*, *Vice* (July 29, 2014), *available at*

motherboard.vice.com/read/despite-repeated-denials-san-jose-police-definitely-have-a-drone; Robert Salonga, *San Jose police drone inflames surveillance-state rumblings*, San Jose Mercury News (July 30, 2014), available at http://www.mercurynews.com/crime-courts/ci_26253376/san-jose-surveillance-state-rumblings-inflamed-by-sjpd.

²⁷ For example, the Alameda County Sheriff originally planned to purchase a drone in 2012 with part of a larger \$1.2 million grant dispersed through the California Emergency Management Agency. Angela Woodall, *Alameda County puts the brakes on purchasing drone*, Oakland Tribune, Dec. 4, 2012, available at http://www.mercurynews.com/breaking-news/ci_22122536.

²⁸ City of Clovis, Report to the City Council (Sept. 19, 2011), available at <https://www.ci.clovis.ca.us/Portals/0/Documents/CityCouncil/Agendas/2011/20110919/CC-D-1.pdf>; see also Demian Bulaw, *Future Fuzzy for Government Use of Surveillance Cameras/Still Some Bay Area Cities Hope to Follow Clovis' Lead*, SFGate, July 23, 2006, available at <http://www.sfgate.com/news/article/Future-fuzzy-for-government-use-of-public-2515607.php>.

²⁹ See City of Richmond, Human Resources Management Dept. Meeting Minutes (Apr. 25, 2013), at 1–3, available at <http://www.ci.richmond.ca.us/Archive/ViewFile/Item/5178>.

³⁰ ALPR units were mentioned in a community update newsletter, RPD Happenings, available at <http://www.riversideca.gov/rpd/community/newsletters/rpd-2011-05.pdf>.

³¹ There are many examples of surveillance technology purchases without public notice or involvement. For example, a 2009 report to the Salinas city council listed a video surveillance system as having been acquired “recently” despite the fact that the ACLU could not locate publicly available City Council records mentioning the initial purchase. Salinas Police Department, 180-day Report to the Community, October 20, 2009, available at <http://www.ci.salinas.ca.us/services/police/pdf/180-DayReport-102009.pdf>.

³² Matt Bigler, *Bay Area's first cop drone sparks worry, outrage from civil-rights group*, KCBS Bay Area, <http://sanfrancisco.cbslocal.com/2014/11/13/san-jose-police-hear-residents-concerns-about-surveillance-drone/>; Thom Jensen, Mike Bott, *Is sheriff's department using tracking and data-collecting device without search warrants?*, CBS News 10, June 23, 2014, <http://www.news10.net/story/news/investigations/2014/06/23/is-sacramento-county-sheriff-dept-using-stingray-to-track-collect-data/11296461/>.

³² City of San Jose, City Council Meeting Agenda (Nov. 19, 2013), at 6 (Consent Calendar Item 2.12), available at <http://sanjoseca.gov/DocumentCenter/View/23727>.

³³ When the San Jose City Council gave approval to police to purchase a drone, the description on the city council meeting agenda specified only that the police and fire departments sought authorization to receive \$983,000 from the Bay Area Urban Areas Security Initiative. The description provided only a link to a memo from the police and fire chiefs and the budget director with more information about what the funds would be used for, including \$8,000 for an unmanned aerial vehicle. See City of San Jose, City Council Meeting Agenda (Nov. 19, 2013), at 6 (Consent Calendar Item 2.12), available at <http://sanjoseca.gov/DocumentCenter/View/23727>; Memo from Larry Esquivel, San Jose Chief of Police, to the Mayor and City Council (Nov. 1, 2013), at 3, available at <http://sanjoseca.gov/DocumentCenter/View/23693> (requesting permission to purchase an unmanned aerial vehicle with \$8,000 of \$354,000 in DHS funding).

³⁴ Scott Herhold, *Big Brother, begone: The San Jose police should get rid of their drone*, San Jose Mercury News, Aug. 2, 2014, available at http://www.mercurynews.com/scott-herhold/ci_26264766/big-brother-begone-san-jose-police-should-get; San Jose Peace & Justice Center, *Rally Against the Drone! And Militarization of the Police* (last accessed Jan. 20, 2015), <http://www.sanjosepeace.org/article.php/20141001152838137>.

³⁵ Robert Salonga, *San Jose: Police apologize for drone secrecy, promise transparency*, San Jose Mercury News, Aug. 5, 2014, available at http://www.mercurynews.com/crime-courts/ci_26279254/san-jose-police-apologize-secret-drone-purchase-promise

³⁶ In November 2014 the Alameda County Sheriff purchased two drones with over \$97,000 in funds from the county's Office of Homeland Security and Emergency Services. See Matt O'Brien, *Alameda County sheriff buys two drones*, Dec. 4, 2014, available at http://www.mercurynews.com/crime-courts/ci_27059034/alameda-county-sheriff-buys-two-drones.

³⁷ Sacramento County, Board of Supervisors Agenda (Nov. 5, 2013), Item 14, available at <http://www.agendanet.saccounty.net/sirepub/cache/2/uwdlotm54esv3znz0pwsbzy/1131109042014035517303.htm>; Memo from the Sheriff's Department to the Sacramento County Board of Supervisors for the Agenda of Nov. 5, 2013, at 2, available at <http://www.agendanet.saccounty.net/sirepub/cache/2/uwdlotm54esv3znz0pwsbzy/649263409042014035719458.PDF> (spending authorization request includes \$300,075 for “Wireless Tracking Equipment”) (in a response to a public-records request from the ACLU of Northern California about documents related to IMSI catchers,

Sacramento County returned a document with the same budget line, \$300,075, with the description, apparently “Wireless Tracking Equipment,” redacted); Kim Minugh, *Sacramento County sheriff acknowledges possession, use of cellphone surveillance technology*, Sacramento Bee (Jul. 31, 2014), available at <http://www.sacbee.com/2014/07/31/6596112/sacramento-sheriff-acknowledges.html>.

³⁸ Memo from Christopher M. Moore, Chief of Police, to the San Jose Mayor and City Council (July 30, 2014), at 3 (requesting authorization to enter into agreement with City and County of San Francisco to allocate UASI funds to San Jose, including \$250,000 for “law enforcement surveillance technology equipment”); Agreement Between the City and County of San Francisco and the City of San Jose for the Distribution of FY 2011 UASI Grant Funds (May 1, 2012), at A-3, available at http://www3.sanjoseca.gov/clerk/Agenda/20120821/20120821_0802acon.pdf (\$250,000 to purchase “law enforcement surveillance technology equipment”). The equipment number included in the agreement description, AEL#: 13LE-00-SURV, is used by DHS. See Department of Homeland Security, Equipment, Law Enforcement Surveillance, AEL / SEL Number 13LE-00-SURV, available at <https://www.llis.dhs.gov/knowledgebase/authorizedequipmentlist/equipment-law-enforcement-surveillance> (accessed Sept. 4, 2014) (equipment description: “Surveillance equipment and related accessories, including but not limited to: audio, data, and visual equipment. Includes electronic equipment such as Pen registers (equipment capable of capturing incoming and outgoing phone numbers, along with the duration of calls, without listening to the actual conversations.)”); City of San Jose, Early Distribution Council Packet for May 14, 2013 (Apr. 30, 2013), at 12 (including memo from San Jose Chief of Police Larry Esquivel regarding proposed spending for 2012 UASI funding); Agreement Between the City and County of San Francisco and the City of San Jose for the Distribution of FY 2012 UASI Grant Funds (Dec. 1, 2012), at A-2, available at <http://sanjoseca.gov/DocumentCenter/View/15909> (\$172,000 to purchase “law enforcement surveillance equipment,” AEL# 13LE-00-SURV); The two expenditures of \$250,000 and \$172,000 match records San Jose released in response to a public-records request, including proposals to UASI (for the same amounts) and purchase agreements with Harris Corp. (totaling \$432,485.31), which produces the most well-known IMSI catchers. See KXTV News 10, *9 Calif. law enforcement agencies connected to cellphone spying technology*, Mar. 6, 2014, available at <http://www.news10.net/story/news/investigations/watchdog/2014/03/06/5-california-law-enforcement-agencies-connected-to-stingrays/6147381/>.

³⁹ In at least one instance, local officials did not debate acquisition but did debate policy: the Chico City Council authorized the purchase of a license-plate reader on the consent calendar, in 2013, but directed staff to draft a use policy, which it did debate. City of Chico, City Council Meeting Minutes (Sept. 3, 2013), available at http://chico-ca.granicus.com/MinutesViewer.php?view_id=2&clip_id=416&doc_id=d8a860c2-67dd-1031-9668-843478bb431f; City of Chico, City Council Meeting Agenda (Sept. 3, 2013), available at http://chico-ca.granicus.com/MeetingViewer.php?view_id=2&clip_id=416&meta_id=36829.

⁴⁰ City of Fresno, City Council Meeting Minutes (Jul. 31, 2014), available at <https://fresno.legistar.com/LegislationDetail.aspx?ID=1852287&GUID=833F6193-0CCE-45C7-86CC-3C0194672568>.

⁴¹ San Diego County, Board of Supervisors Meeting Agenda (Jan. 26, 2010), Item 2, available at http://sdcountry.granicus.com/DocumentViewer.php?file=sdcountry_673669eb2e688fc71ef2bec80221ad8c.pdf&view=1; Memo from William D. Gore, San Diego County Sheriff, to the San Diego County Board of Supervisors (Jan. 26, 2010) (request for sole source authority to purchase surveillance equipment), available at http://www.sdcountry.ca.gov/bos/supporting_docs/012610ag02t.pdf.

⁴² John Malkin, *Surveillance City?* GoodTimes, Jan 29, 2014, <http://www.gtweekly.com/index.php/santa-cruz-news/good-times-cover-stories/5386-surveillance-city.html>.

⁴³ *Id.*

⁴⁴ Santa Clara Board of Supervisors, Minutes, Sept. 11, 2012, available at <http://sccgov.iqm2.com/Citizens/FileOpen.aspx?Type=12&ID=4131&Inline=True> (approving grant of UASI federal funds); see also Memo from Laurie Smith, Santa Clara County Sheriff, to the Santa Clara County Board of Supervisors regarding Integrated Regional Law Enforcement Information Sharing System (Coplink) (Feb. 12, 2013) (requesting authorization to spend \$489,000 from the Department of Homeland Security to upgrade regional database with facial recognition software), available at sccgov.iqm2.com/Citizens/FileOpen.aspx?Type=30&ID=13873.

⁴⁵ Memo from George Nielson, Chief of Police, to the Placerville City Council, Aug. 20, 2008, available at <http://www.cityofplacerville.org/civicax/filebank/blobload.aspx?blobid=3962> (“[A]pproximately \$26,000.00 has been approved by the Approval Authority Board for the City's use, for the purchase of an Automated License Plate Recognition system.”)

⁴⁶ City of San Rafael, City Council Agenda Report, prepared by Lt. Raffaello Pata, Captain (Mar. 19, 2012).

⁴⁷ See Memo from Larry Esquivel, San Jose Chief of Police, to the Mayor and City Council (Nov. 1, 2013), at 3, available at <http://sanjoseca.gov/DocumentCenter/View/23693> (requesting permission to purchase an unmanned aerial vehicle with \$8,000 of \$354,000 in DHS funding).

⁴⁸ The Redlands Police Department convened a Citizens' Privacy Council, open to any resident of the city, to provide advice on policy for surveillance cameras and oversee police use of the cameras. Richmond formed an ad-hoc committee to evaluate policies for its video surveillance program. And in 2014, following community backlash and the vote not to expand Oakland's Domain Awareness Center, the City Council created a Privacy and Data Retention Ad Hoc Advisory Committee comprised of diverse community members to create safeguards to protect privacy rights and prevent the misuse of data for a scaled-back system to be used at the Port of Oakland. Redlands Police Department, Citizen Privacy Council, <http://www.cityofredlands.org/police/CPC>; Memorandum, Establishing Ad Hoc Committee to Review the Community Warning System and Industrial Safety Ordinance (Sept. 18, 2012), http://64.166.146.155/agenda_publish.cfm?mt=ALL&get_month=9&get_year=2012&dsp=agm&seq=12339&rev=0&ag=241&ln=23604&nseq=0&nrev=0&pseq=12303&prev=0; see Memorandum, Oakland City Administrator's Weekly Report (Apr. 25, 2014), <http://www2.oaklandnet.com/oakcal/groups/cityadministrator/documents/report/oak046804.pdf>.

⁴⁹ City of Ventura Administrative Report (Dec. 14, 2011), available at http://www.cityofventura.net/files/file/meetings/city_council/2012/01-09-12/item%2004.pdf

⁵⁰ Memo from Larry Esquivel, Chief of Police, to the San Jose Mayor and City Council (Mar. 20, 2014), regarding body worn cameras (detailing work plan for Body Worn Camera Committee), available at <http://www.piersystem.com/external/content/document/1914/2126242/1/03-21-14Police.PDF>.

⁵¹ U.S. Dep't of Homeland Security, CCTV: Developing Best Practices (2007), available at http://www.dhs.gov/xlibrary/assets/privacy/privacy_rpt_cctv_2007.pdf; International Association of Chiefs of Police, Technology Policy Framework (2014), available at www.theiacp.org/Portals/0/documents/pdfs/IACP%20Technology%20Policy%20Framework%20January%202014%20Final.pdf.

⁵² See, e.g., Draft ALPR Policy 462 for the use of Automated License Plate Readers, Alameda City website, http://alamedaca.gov/sites/default/files/department-files/2013-12-26/draft_alpr_policy.pdf.

⁵³ Analysis of Alameda's Draft Policy Manual for Automated License Plate Readers, Jan. 29, 2014, available at http://alamedaca.gov/sites/default/files/department-files/2014-02-04/aclu_analysis_of_alameda_alpr_policy.pdf.

⁵⁴ For example, San Diego, Chula Vista, Oceanside, and Escondido share all data they collect with ALPRs through a regional data-sharing system called ARJIS. In the Bay Area alone, several regional data-sharing systems aggregate and analyze ALPR data, including SBISS for the South Bay (Santa Clara and Gilroy), NCRIC for the North Bay (Menlo Park, San Mateo County), and the UASI's West Node Regional Data Sharing in Marin County.

⁵⁵ NCRIC Automated License Plate Reader Policy, available at <https://ncric.org/html/NCRIC%20ALPR%20POLICY.pdf> ARJIS LPR Regional Guidelines (Jan. 2015 draft), available at <http://www.arjis.org/Portals/0/PortalDocuments/DRAFT%20ARJIS%20LPR%20Acceptable%20Use%20Policy%20psc%2001%2002%202015%20ps.pdf>; SBISS Memorandum of Understanding, http://www3.sanjoseca.gov/clerk/Agenda/20100330/20100330_0210mou.pdf.

⁵⁶ SBISS MOU mentions no set limit. NCRIC has a default length of one year, but allows shorter limits set by contributing cities or counties to trump its retention period. ARJIS has a retention period of one year for fixed cameras and two years for portable cameras regardless of limit set by contributor. City of Palo Alto City Council Staff Report (May 5, 2014), available at <https://www.cityofpaloalto.org/civicax/filebank/documents/40191>; NCRIC Automated License Plate Reader Policy, available at <https://ncric.org/html/NCRIC%20ALPR%20POLICY.pdf>; LPR Regional Guidelines (Jan. 2015 Draft), available at <http://www.arjis.org/Portals/0/PortalDocuments/DRAFT%20ARJIS%20LPR%20Acceptable%20Use%20Policy%20psc%2001%2002%202015%20ps.pdf>; The City of Novato California Staff Report (Oct. 8, 2013), available at http://ci.novato.ca.us/agendas/pdfstaffreports/cc100813_F-3.pdf; Memorandum of Understanding, available at http://apps.co.shasta.ca.us/BOS_Agenda/MG69199/AS69205/AS69234/AI69367/DO69369/13.PDF.

⁵⁷ A data sharing agreement in one jurisdiction may affect residents in another. For example, when the Santa Clara County Board of Supervisors approved, via consent calendar, a request from the county sheriff to upgrade a regional database with facial-recognition software, the decision also affected dozens of other cities that cooperate with the county sheriff and contribute information to the database—including every city in Santa Clara, Santa Cruz, Monterey, and San Benito counties. See Memo from Laurie Smith, Santa Clara County Sheriff, to the Santa Clara

County Board of Supervisors regarding Integrated Regional Law Enforcement Information Sharing System (Coplink) (Feb. 12, 2013) (requesting authorizing to spend \$489,000 from the Department of Homeland Security to upgrade regional database with facial recognition software); Santa Clara County Board of Supervisors, Board of Supervisors Meeting Minutes (Feb. 12, 2013) (approving request from Laurie Smith on consent calendar).

⁵⁸ Oakland Police Department, Portable Video Management System, Departmental General Order, Effective Date Mar. 5 2014, *available at* <https://www.muckrock.com/foi/california-52/oakland-police-dept-body-cam-policy-emails-and-complaints-13459/#files>.

⁵⁹ *See, e.g.*, Sixteenth Monitoring Report of Robert S. Warshaw, Monitor of the Negotiated Settlement Agreement (NSA) in the case of *Delphine Allen, et al., vs. City of Oakland, et al.*, in the United States District Court for the Northern District of California, at 45, *available at* <http://www.cand.uscourts.gov/filelibrary/1350/2014-01%20monitoring%20report.pdf>.

⁶⁰ Matt Cagle, *San Francisco - Paying the Price for Surveillance Without Safeguards*, ACLU-NC Blog, May 22, 2014, <https://www.aclunc.org/blog/san-francisco-paying-price-surveillance-without-safeguards>.

⁶¹ Community Safety Camera Ordinance, Chapter 19 of the San Francisco Administrative Code, *available at* <http://administrative.sanfranciscocode.org/19/>.

⁶² For complete Video Policing Project Policy Guidelines and Manual, *see* Memo from Jerry Dyer, Fresno Police Chief, to Fresno City Council, Oct. 21, 2008, 13–24, *available at* <http://www.fresno.gov/NR/rdonlyres/77999966-4ABA-45C5-9519-42E4E29657A4/0/HonorableBrettDorianVideoPolicingAuditorServices.pdf>.

⁶³ City of Menlo Park, City Council Special and Regular Meeting Agenda (June 3, 2014), Item #D-1, An Ordinance Regarding the Use of Automated License Plate Readers and Neighborhood Surveillance Cameras, *available at* <http://www.menlopark.org/ArchiveCenter/ViewFile/Item/1658>.

⁶⁴ The Ad Hoc committee’s draft, dated January 15, 2015, is available here: <https://oaklandprivacy.files.wordpress.com/2015/01/1-13-15-dac-privacy-and-data-retention-policy-draft-011515.pdf>.

⁶⁵ Cities and counties have occasionally required that surveillance technologies be reviewed within a certain time period after deployment, but these requirements are rare and incomplete where they exist. For example, while San Bernardino maintains a city website listing statistics about the use of ALPR, including stolen cars recovered, publicly available statistics have not been published for any year following 2010. *See* ALPR Statistics, City of San Bernardino website (last visited Jan. 20, 2015), http://www.ci.san-bernardino.ca.us/cityhall/police_department/public_safety/traffic_safety_programs/alpr/default.asp. Roseville’s City Council required that the Roseville Police Department report the benefits and costs of bus cameras to a city commission one year after installation. In the case of Roseville, the ACLU found no record that the post-deployment report was ever conducted. City of Roseville, Transit On-Board Video Cameras Purchase (May 31, 2012), *available at* http://roseville.granicus.com/MetaViewer.php?view_id=2&clip_id=2358&meta_id=88314.

⁶⁶ Fresno City Council Minutes, Sep. 20, 2012, *available at* <http://www.fresno.gov/CouncilDocs/agenda9.20.2012/1b.pdf>.

⁶⁷ *Id.*; City of Fresno, City Council Meeting Minutes, Aug. 22, 2006, *available at* <http://www.fresno.gov/NR/rdonlyres/CE8889CD-A095-40D1-968B-B50237558584/0/August222006CityCouncilMinutes.pdf> (amending policy to include annual audit); City of Fresno, City Council Meeting Minutes, Sep. 26, 2006, *available at* <http://www.fresno.gov/NR/rdonlyres/2D40AAED-5A45-4FD1-8316-1EE714F42D78/0/September262006CityCouncilMinutes.pdf> (amending policy to include greater protections for individuals participating in demonstrations or other lawful gatherings).

⁶⁸ Hon. Oliver W. Wanger, *Annual Audit for the Fresno Police Department Video Policing Unit for the Period Ending November 30, 2013* (December 30, 2013), *available at* <http://www.wjhattorneys.com/assets/files/VPU-Audit-00449144.pdf>; George Hostetter, *Former Judge Wanger Writes Far-Ranging Audit on Fresno Video Policing*, in *The Fresno Bee* (Jan. 7, 2014), *available at* <http://www.fresnobee.com/2014/01/07/3701754/judge-wanger-delivers-impressive.html>.

⁶⁹ Judge Wanger: Fresno video policing done right, needs money, *Fresno Bee*, Jan 8, 2014, *available at* <http://cqrcengage.com/mnmajority/app/document/1354649;jsessionid=ocJiPHEyGHZ19bsd440Xgp5B.undefined>

⁷⁰ Ordinance No. 127-06, Sec. 19.4(d), *available at* <https://sfgov.legistar.com/View.ashx?M=F&ID=2592763&GUID=E040FBD1-E991-425A-AE5B-0A4449FFD108>.

⁷¹ *Id.* The report must “identify the camera locations, the crime statistics (or the vicinity surrounding each camera both before and after the camera is installed, crime statistics from surrounding vicinities, the number of times the Police Department requested copies of the recorded images, the number of times the images were used to bring criminal charges, the types of charges brought, and the results of the charges.”

⁷² See Citris, Citris Study on SF Public Cameras Released (Jan. 9, 2009), <http://citris-uc.org/citris-study-on-sf-publiccameras-released/>.

⁷³ Andrew Dudley, *Lights, Camera, Inaction: San Francisco's Broken Surveillance System*, Hoodline, Oct. 19, 2014, <http://hoodline.com/2014/10/lights-cameras-inaction-san-francisco-s-broken-surveillance-state>.

⁷⁴ Quarterly Review of Data Captured by Automated License Plate Readers (ALPR) for the Period Beginning July 1, 2014 through October 1, 2014, Menlo Park City Council Meeting, Nov. 18, 2014, *available at* <http://menlopark.org/DocumentCenter/View/5786>.

⁷⁵ See *Making Smart Decisions About Surveillance: A Guide for Communities*, <https://www.aclunc.org/publications/making-smart-decisions-about-surveillance-guide-communities>; Map: State of Surveillance in California, ACLU of Northern California, <https://www.aclunc.org/article/map-state-surveillance-california>; U.S. Dep't of Homeland Security, CCTV: Developing Best Practices (2007), *available at* http://www.dhs.gov/xlibrary/assets/privacy/privacy_rpt_cctv_2007.pdf; Police Executive Research Forum, How Are Innovations in Technology Transforming Policing? 26 (Jan. 2012), *available at* http://www.policeforum.org/assets/docs/Critical_Issues_Series/how%20are%20innovations%20in%20technology%20transforming%20policing%202012.pdf; International Association of Chiefs of Police, Technology Policy Framework (2014), *available at* www.theiacp.org/Portals/0/documents/pdfs/IACP%20Technology%20Policy%20Framework%20January%202014%20Final.pdf.

⁷⁶ The DAC Ad Hoc Advisory Committee's recommendations supplementing its privacy policy include a recommendation that Oakland adopt a citywide surveillance technology ordinance. <https://oaklandprivacy.files.wordpress.com/2015/01/1-13-15-dac-privacy-and-data-retention-policy-draft-011515.pdf>.