

## **SURVEILLANCE TOOLKIT: SAMPLE COALITION LETTER OPPOSING THE ACQUISITION OF AUTOMATED LICENSE PLATE READERS**

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

### **Re: Community Opposition to the Proposed Acquisition of Automated License Plate Readers**

Dear Members of the **[X City Council/ X Board of Supervisors]**,

We are a community coalition of groups and individuals dedicated to protecting civil rights and civil liberties, including the right to be free from intrusive, discriminatory, and dangerous government surveillance. We write to raise concerns over the City's proposed acquisition of Automated License Plate Readers ("ALPR"). We express strong opposition to the proposed acquisition of ALPR systems in the **[City/County Name and Department]**. ALPR systems will make our community less, not more, safe because they violate privacy, facilitate dangerous police stops, and risk exposing our immigrant community members to harm.

The **[City Council/Board of Supervisors]** should not authorize a new deployment of ALPR systems in our community. ALPR surveillance cameras automatically record the images of license plates, the vehicle's precise location, and at times even the photographs of the individuals inside of vehicles. ALPR cameras are often placed throughout a community, including on light poles, overpasses, and patrol cars. Government agencies can – and have – used the location information collected by ALPR to deport immigrants and track people exercising their First Amendment rights.

ALPR cameras record and store time and location specific images of thousands of drivers per day, regardless of whether those drivers have violated any law. For drivers who regularly drive past ALPR surveilled areas, the cameras can capture multiple snapshots of their location and vehicles a day. With this sensitive location information, government agents can closely map and track a person's movements, habits, and associations over time, including where they live, work, worship, receive medical care, or where their child attends school.

All people should feel safe to worship, to attend a protest, and go about their personal lives safely without unwarranted surveillance. But in communities with ALPR, there is often no way for a driver to avoid having their location captured by such a system, short of choosing not to drive. Police have also used ALPR to target religious minorities and others exercising First Amendment rights. In 2015, the New York Police Department ("NYPD") recorded and collected pictures of Muslim worshippers' license plate numbers as they arrived at Mosques to pray and exercise their First Amendment rights.<sup>1</sup>

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<sup>1</sup> Adam Goldman & Matt Apuzzo, *With cameras, informants, NYPD eyed mosques*, ASSOCIATED PRESS (Feb. 23, 2021) <https://www.ap.org/ap-in-the-news/2012/with-cameras-informants-nypd-eyed-mosques>.

Local law enforcement agencies frequently share ALPR location information with federal immigration agencies and exposes the lives and futures of immigrants to needless harm. Public records show that Immigration and Customs Enforcement (“ICE”) and Customs and Border Patrol (“CBP”) exploit ALPR-collected location information to target, locate, detain, and deport immigrants as they drive to work, run errands, or drop their children off at school.<sup>2</sup> At least one California law enforcement agency has been sued for sharing the locations of drivers with out-of-state and federal agencies, a practice which is illegal under California law.<sup>3</sup> Any community considering an ALPR system must take seriously that the possibility that the sensitive location local drivers will end up in the hands of a rogue government agency such as ICE.

ALPR systems facilitate police stops of drivers and police violence against motorists. In San Francisco, blind reliance by police on a flagged ALPR scan led to the wrongful detention of a black woman at gunpoint, triggering a multi-year civil rights lawsuit.<sup>4</sup> More recently, police in Walnut Creek detained the director of a non-profit at gunpoint after another unnoticed license plate reader system error.<sup>5</sup> And in Colorado, police officers forced four Black children to lie face down on the hot pavement after misidentifying their car as a “stolen” vehicle based on an incorrect reading of an ALPR system.<sup>6</sup> Whether due to computer or police error, the use of ALPR systems to stop drivers poses a threat to the health and safety of all motorists.

Finally, ALPR systems have not been meaningfully demonstrated to prevent crime or meaningfully improve public safety. To the contrary, studies indicate that ALPRs do not have a deterrent effect on crime, with a recent analysis of ALPR cameras in Alameda County finding that auto thefts actually increased following installation of a system in 2020, ending a period of steady decline.<sup>7</sup> And while ALPR vendors and police agencies often tout the effectiveness of ALPR in reducing crime, public safety experts point out that any reduction in crime cannot be attributed to ALPR themselves.<sup>8</sup>

We urge the **[City Council/Board of Supervisors]** to reject this ALPR proposal. We also encourage the **[City Council/Board of Supervisors]** to adopt an ordinance prohibiting the future acquisition of ALPR by city departments including the police. Moving forward, we urge the **[City/County]** to engage community members in a discussion about non-surveillance

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<sup>2</sup> Vasudha Talla, *Documents Reveal ICE Using Driver Location Data From Local Police for Deportations*, ACLU of Northern California (Mar. 13, 2019), <https://www.aclu.org/blog/immigrants-rights/ice-and-border-patrol-abuses/documents-reveal-ice-using-driver-location-data>.

<sup>3</sup> Case page, *Lagleva v. Doyle*, ACLU of Northern California website, <https://www.aclunc.org/our-work/legal-docket/lagleva-v-doyle-license-plate-surveillance>.

<sup>4</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>5</sup> Zach Norris, Opinion: At gunpoint, police handcuffed me after license-plate reader error, *The Mercury News*, June 23, 2021, <https://www.mercurynews.com/2021/06/23/opinion-at-gunpoint-police-handcuffed-me-because-of-a-license-reader-error/>.

<sup>6</sup> Matt Novak, *Cops terrorize Black family but blame license plate reader for misidentifying ‘stolen’ vehicle*, GIZMODO (Aug. 4, 2020) <https://gizmodo.com/cops-terrorize-black-family-but-blame-license-plate-rea-1844602731>.

<sup>7</sup> Cynthia Lum, Julie Hibdon, Breanne Cave, Christopher S. Koper, & Linda Merola, *License plate reader (LPR) police patrols in crime hot spots: an experimental evaluation in two adjacent jurisdictions*, JOURNAL OF EXPERIMENTAL CRIMINOLOGY, <https://link.springer.com/article/10.1007/s11292-011-9133-9> (2011); Lauren Do (@laurendo), Twitter (Dec. 21, 2021, 2:05 PM), <https://twitter.com/laurendo/status/1473414317605150722?s=11>.

<sup>8</sup> Louise Matsakis, *Flock Safety Says Its License Plate Readers Reduce Crime. It’s Not That Simple*, WIRED (Oct. 24, 2019), <https://www.wired.com/story/flock-safety-license-plate-readers-crime/>.

alternatives to ALPR that have been demonstrated to actually improve the health and safety of communities like our own.

Sincerely,