



Northern
California



IMMEDIATE DISCLOSURE REQUEST

September 16, 2025

Sent Via Email and Postal Mail

San Francisco Police Department
Chief of Police Paul Yep
1245 3rd Street,
San Francisco, CA 94158
SFPDchief@sfgov.org

Re: San Francisco Police Department Failure to Comply with California Privacy Law and Request for Public Records

Dear Chief Yep,

We write to express concern that the San Francisco Police Department (“SFPD”) reportedly provided out-of-state law enforcement agencies direct access to the City’s automated license plate reader (“ALPR”) database and that at least 19 searches run by these agencies were marked as related to U.S. Immigration and Customs Enforcement (“ICE”).¹ This sharing violated state law, as well as exposed sensitive driver location information to misuse by the federal government and by states that lack California’s robust privacy protections.

In particular, SB 34 prohibits the sharing of ALPR information with out-of-state law enforcement agencies, Civ. Code § 1798.90.5 *et seq.*, and the California Values Act (“SB 54”) prohibits state and local law enforcement agencies from sharing information for immigration enforcement purposes, Gov. Code § 7284 *et seq.* SFPD’s sharing of ALPR information out-of-state and for ICE purposes violates *both* SB 34 and 54.

By illegally sharing location information, the SFPD is enabling out-of-state and federal agencies to track, locate, and potentially prosecute California residents and visitors, including for purposes in direct contravention of California values and expressly prohibited by California law. We therefore urge you to immediately investigate any sharing relationships between SFPD and federal or out-of-state agencies and develop a compliance protocol to ensure that such illegal sharing never happens again.

We also request records under the City’s Sunshine Ordinance and the California Public Records Act (“CPRA”) related to compliance with the law. Because this request concerns a surveillance system that is actively collecting location information on drivers in San Francisco

¹Tomoki Chien, *SFPD let Georgia, Texas cops illegally search city surveillance data on behalf of ICE*, THE SAN FRANCISCO STANDARD (September 8, 2025) <https://sfstandard.com/2025/09/08/sfpd-flock-alpr-ice-data-sharing/>.

and potentially exposing it to other agencies in violation of the law, it is crucial that you respond with records in a timely manner so the public may understand the impact on their rights. Accordingly, this letter constitutes an immediate disclosure request, and we look forward to your response as soon as possible.²

I. ALPR Surveillance Harms San Franciscans

ALPR technology is a powerful surveillance system that can be used to invade the privacy of individuals and violate the rights of entire communities. ALPR systems collect and store location information about drivers whose cars pass through ALPR cameras' fields of view, which, along with the date and time of capture, can be built into a database that reveals sensitive details about where individuals work, live, associate, worship, seek medical care, and travel.³ Prior to the advent of modern location tracking, this rich information about a person's movements was traditionally unavailable to law enforcement. Further, government agencies have repeatedly misused ALPR systems to target and harm marginalized communities.⁴ As with other surveillance technologies, police often deploy license plate readers in poor and historically overpoliced areas, regardless of crime rates.⁵

² S.F. Admin. Code § 67.25.

³ See, e.g., *Automatic License Plate Readers*, ELECTRONIC FRONTIER FOUND. (March 29, 2023) <https://www.eff.org/sls/tech/automated-license-plate-readers>; *You Are Being Tracked: How License Plate Readers Are Being Used to Record Americans' Movements*, AM. CIV. LIBERTIES UNION (July 2013) <https://www.aclu.org/other/you-are-being-tracked-how-license-plate-readers-are-being-used-record-americansmovements>.

⁴ See, e.g., Angel Diaz & Rachel Levinson-Waldman, *Automatic License Plate Readers: Legal Status and Policy Recommendations for Law Enforcement Use*, BRENNAN CTR. FOR JUST. (Sept. 10, 2020) <https://www.brennancenter.org/our-work/research-reports/automatic-license-plate-readers-legal-status-and-policyrecommendations>; Christine Hauser, *Aurora Police Chief Apologizes After Officers Handcuff Children on the Ground*, N.Y. TIMES (Aug. 5, 2020) <https://www.nytimes.com/2020/08/05/us/aurora-police-black-family.html> (ALPR falsely flagged a Black family's SUV as stolen, leading to a stop during which entire family, including four children, was forced to lie on the ground during the stop); Vasudha Talla, *Records Reveal ICE Agents Run Thousands of License Plate Queries a Month in Massive Location Database*, ACLU OF NORTHERN CAL. (June 2019) <https://www.aclunc.org/blog/records-reveal-ice-agents-run-thousands-license-plate-queries-month-massive-locationdatabase>; Matt Cagle, *San Francisco – Paying the Price for Surveillance Without Safeguards*, ACLU OF NORTHERN CAL. (May 22, 2014) <https://www.aclunc.org/blog/san-francisco-paying-price-surveillance-without-safeguards>; 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>.
⁵ Dave Maass and Jeremy Gillula, *What You Can Learn from Oakland's Raw ALPR Data*, ELECTRONIC FRONTIER FOUND. (Jan. 21, 2015) <https://www.eff.org/deeplinks/2015/01/what-we-learned-oakland-raw-alpr-data>; Barton Gellman and Sam Adler-Bell, *The Disparate Impact of Surveillance*, THE CENTURY FOUND. (Dec. 21, 2017) <https://production-tcf.imgix.net/app/uploads/2017/12/03151009/the-disparate-impact-of-surveillance.pdf>; see also, e.g., Kaveh Waddell, *How License-Plate Readers Have Helped Police and Lenders Target the Poor*, THE ATLANTIC (Apr. 22, 2016) <https://www.theatlantic.com/technology/archive/2016/04/how-license-plate-readers-have-helpedpolice-and-lenders-target-the-poor/479436/> (summarizing data indicating that Oakland Police Department deployed ALPRs “disproportionately often in low-income areas and in neighborhoods with high concentrations of African-American and Latino residents”).

II. SFPD Shared ALPR Information with Out-of-State Police Agencies, Including for Immigration Purposes

Reporting by the San Francisco Standard reveals that at least between August 2024 and February 2025 SFPD provided out-of-state agencies direct access to the City’s ALPR database.⁶ Law enforcement agencies from Georgia and Texas queried that database. Both of those states place severe restrictions on reproductive care. Furthermore, requests from law enforcement agencies from Georgia, Texas, Massachusetts, and even from California Highway Patrol included references to “ICE” purposes, indicating that the law enforcement agency was requesting information to assist federal agencies enforce immigration law.

III. Sharing ALPR Information with Out-of-State Agencies Violates State Law

Any sharing of ALPR information with out-of-state agencies violates California law and the only way to prevent these violations—and the harm caused by exposing driver information to out-of-state agencies—is to cease such sharing.

A. Sharing ALPR Information with Out-of-State Agencies for Any Purpose Violates SB 34

Under the California Civil Code, as amended by Senate Bill No. 34, “[a] public agency shall not sell, share, or transfer ALPR information, except to another public agency, and only as otherwise permitted by law.” Civ. Code § 1798.90.55(b). A “public agency” is defined as “the state, any city, county, or city and county, or any agency or political subdivision *of the state*.” See Civ. Code § 1798.90.5(f) (emphasis added). The Civil Code, therefore, prohibits an agency from sharing or transferring ALPR information with or to out-of-state agencies, including those listed in the CPRA Records. Accordingly, California Attorney General’s Office has instructed California agencies that “SB 34 does not permit California [law enforcement agencies] to share ALPR information with private entities or out-of-state or federal agencies....”⁷ This prohibition applies to all sharing of ALPR information, regardless of the purpose.

Particularly since the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization*,⁸ which overturned *Roe v. Wade*,⁹ ALPR technology and the information it collects is vulnerable to exploitation against people seeking, providing, and facilitating access to abortion.¹⁰ Law enforcement officers in anti-abortion jurisdictions who receive the locations of drivers collected by San Francisco’s ALPRs may seek to use that information to monitor abortion clinics and the vehicles seen around them and closely track the movements of abortion

⁶ Tomoki Chien, *SFPD let Georgia, Texas cops illegally search city surveillance data on behalf of ICE*, THE SAN FRANCISCO STANDARD (September 8, 2025) <https://sfstandard.com/2025/09/08/sfpd-flock-alpr-ice-data-sharing/>

⁷ *California Automated License Plate Reader Data Guidance: Information Bulletin*, CALIFORNIA DEPARTMENT OF JUSTICE (Oct. 27, 2023) <https://oag.ca.gov/system/files/media/2023-dlc-06.pdf>.

⁸ 142 S. Ct. 2228 (2022).

⁹ 410 U.S. 113 (1972).

¹⁰ Johana Bhuiyan, *How expanding web of license plate readers could be ‘weaponized’ against abortion*, THE GUARDIAN (Oct. 6, 2022) <https://www.theguardian.com/world/2022/oct/06/how-expanding-web-of-licenseplate-readers-could-be-weaponized-against-abortion>.

seekers and providers.¹¹ This threatens even those obtaining or providing abortions in California, since several anti-abortion states are attempting to criminalize and prosecute those who seek or assist in out-of-state abortions.¹²

The sharing of ALPR information is harmful not only because it exposes the locations of drivers to agencies who have no business seeing that information. It also exposes drivers in San Francisco to additional harms by agencies outside the state. The only way to prevent these harms and address these violations of the law is to terminate out-of-state sharing.

B. Sharing of ALPR Information for Immigration Enforcement Purposes Violates SB 54

Any sharing of ALPR information with out-of-state entities for the purpose of assisting with immigration enforcement violates SB 54, also called the California Values Act or California’s “sanctuary” law. SB 54 places restrictions on the use of California state or local resources to assist with federal immigration enforcement. Attorney General Bonta has issued a helpful Information Bulletin clarifying that SB 54 “[p]rohibits use of [California law enforcement agency] resources to investigate, interrogate, detain, detect, or arrest persons for immigration purposes...”¹³

ALPR information is vulnerable to exploitation by federal immigration law enforcement seeking to identify and round up suspected undocumented immigrants for mass deportation. Since Donald Trump returned to office earlier this year, ICE’s budget has ballooned¹⁴ and the agency has been involved in National Guard occupations of two major U.S. cities,¹⁵ where plain clothed men in masks driving unmarked vans arrest anyone they suspect of being an undocumented migrant, often without any warning or due process.¹⁶ Trump has threatened to expand these ICE operations to other cities, with “operation Midway Blitz” targeting immigrants

¹¹ Dave Maass, *Automated License Plate Readers Threaten Abortion Access. Here’s How Policymakers Can Mitigate the Risk*, ELECTRONIC FRONTIER FOUND. (Sept. 28, 2022)

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

¹² See, e.g., *Restrictions on the Right to Travel for Out-of-State Abortion Care*, THE NETWORK FOR PUBLIC HEALTH LAW (May 28, 2025) <https://www.networkforphl.org/wp-content/uploads/2025/05/Restrictions-on-the-Right-to-Travel-for-Out-of-State-Abortion-Care-1.pdf>.

¹³ *Updated Responsibilities of Law Enforcement Agencies Under the California Values Act, California TRUST Act, and the California Truth Act: Information Bulletin*, CALIFORNIA DEPARTMENT OF JUSTICE (Jan. 17, 2025) <https://oag.ca.gov/system/files/attachments/press-docs/2025-dle-03.pdf>.

¹⁴ Margy O’Herron, *Big Budget Act Creates a “Deportation-Industrial Complex,”* BRENNAN CTR. FOR JUST. (Aug. 13, 2025) <https://www.brennancenter.org/our-work/analysis-opinion/big-budget-act-creates-deportation-industrial-complex>.

¹⁵ Los Angeles and Washington, D.C. Rachel Uranga et al., *ICE raids across L.A. spark backlash; Trump officials vow to continue operations*, L.A. TIMES (June 6, 2025) <https://www.latimes.com/california/story/2025-06-06/la-me-ice-raids-protests-color-scene>; Max Matza, *National Guard troops appear in Washington DC as mayor rejects Trump’s ‘authoritarian push,’* BBC (Aug. 13, 2025) <https://www.bbc.com/news/articles/cy7ypm6zxp2o>.

¹⁶ Homa Bash and Elissa Salamy, *Video shows masked federal agents making arrest in DC*, FOX 5 WASHINGTON DC (Sep. 2, 2025) <https://www.fox5dc.com/news/video-shows-men-arrested-masked-federal-agents-dc>.

in Chicago beginning just last week.¹⁷ As a prominent sanctuary city, San Francisco could be next.

Sharing San Francisco ALPR information with ICE will help Trump and his administration terrorize Californians. SFPD must terminate all sharing that assists with immigration enforcement.

IV. SFPD Should Cease Illegal Sharing of ALPR Information and Institute New Protocols to Ensure Compliance

Your office reportedly claims that agencies outside of California are no longer able to access the SFPD ALPR database. However, your office has not explained how outside agencies obtained access in the first place or how you plan to prevent future violations of SB 34 and 54.

We urge your office to conduct a thorough audit of the SFPD ALPR database and ensure that no outside agencies have access. Furthermore, we urge you to institute new protocols to ensure compliance with SB 34 and 54 and to assess penalties and sanctions for any employee or officer found to be sharing ALPR information out of state. Lastly, we remind you of your obligations under the Sunshine Ordinance and CPRA to provide publicly available information regarding SFPD's ALPR system when requested.

V. Immediate Disclosure Request

We seek the following records created on or after January 1, 2025:

1. Documents sufficient to demonstrate that SFPD is not sharing any ALPR information with any out-of-state entity, including but not limited to law enforcement agencies in other states or the federal government. Examples of such documents include the organizational audit log and network audit log, and reports or screenshots of Flock settings;
2. Communications between SFPD and any out-of-state governmental entity referencing driver locations, ALPR systems or information, or the sharing of ALPR information, including but not limited to emails, bulletins, notes of calls, and text messages via SMS or on applications such as WhatsApp, Signal, or iMessage; and
3. The log of hot list actions (typically "create," "update," and "delete") in your agency's Flock Safety system. An example of this document from the Riverside County Sheriff's Department may be viewed here:
https://cdn.muckrock.com/foia_files/2025/08/23/CPRA_C001586_Hotlist.xlsx.

In responding to this Request, please note that the CPRA broadly defines the term "record." Specifically, the term includes "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency

¹⁷ Mariana Alfaro et al., *ICE launches 'Operation Midway Blitz' targeting immigrants in Chicago*, WASHINGTON POST (Sep. 8, 2025) <https://www.washingtonpost.com/immigration/2025/09/08/ice-midway-blitz-chicago-trump/>

regardless of physical form or characteristics.”¹⁸ The CPRA defines, in turn, a “writing” as any “means of recording upon any tangible thing any form of communication or representation.”¹⁹ This Request therefore applies to *all* paper documents, as well as to *all* emails, videos, audio recordings, text messages, or other electronic records within the agency’s possession or control. Even if a record was created by a member of another government agency or a member of the public, it still must be produced so long as it is (or was) “used” or “retained” by the agency.²⁰

As permitted by the CPRA, this Request sets forth the specific categories of information that we are seeking, rather than asking for documents by name.²¹ It is your obligation to conduct record searches based on the criteria identified herein.²² But should you come to believe that the present Request is overly broad, you are required to (1) offer assistance in identifying responsive records and information; (2) describe “the information technology and physical location in which the records exist;” and (3) provide “suggestions for overcoming any practical basis” that you assert as a reason to delay or deny access to the records or information sought.²³

If you contend that an express provision of law exempts a responsive record from disclosure, either in whole or in part, you must make that determination in writing. Such a determination must specify the legal authority on which you rely, and must identify both the name and title of the person(s) responsible for the determination not to disclose.²⁴ Additionally, even if you contend that a portion of a record requested is exempt from disclosure, you still must release the non-exempt portion of that record.²⁵ Please note that the CPRA “endows” your agency with “discretionary authority to override” any of the Act’s statutory exemptions “when a dominating public interest favors disclosure.”²⁶

Because the ACLU of Northern California and the Electronic Frontier Foundation are non-profit organizations and because this Request pertains to a matter of public concern, we request a fee waiver. None of the information obtained will be sold or distributed for profit. We also request that, to the extent possible, documents be provided in electronic format. Doing so will eliminate the need to copy the materials and provides another basis for the requested fee-waiver. If, however, you are unwilling to waive costs and anticipate that costs will exceed \$50, or that the time needed to copy the records will delay their release, please contact us so that we can arrange to inspect the documents or decide which documents we wish to have copied and

¹⁸ Cal. Gov’t Code § 7920.530(a).

¹⁹ *Id.* at § 7920.545.

²⁰ *Id.* at § 7920.530; *see Cal. State Univ. v. Superior Ct.*, 90 Cal. App. 4th 810, 824–25 (2001) (concluding that documents which were “unquestionably ‘used’ and/or ‘retained’ by [an agency]” were public records); *see also City of San Jose v. Superior Court*, 2 Cal. 5th 608 (Cal. 2017) (concluding that a public official’s “writings about public business are not excluded from CPRA simply because they have been sent, received, or stored in a personal account.”).

²¹ Cal. Gov’t Code § 7922.530(a).

²² *See id.* at §§ 7922.525-7922.545, 7922.600-7922.605.

²³ *Id.* at § 7922.600(a).

²⁴ *Id.* at § 7922.000; *see also id.* § 7922.540, S.F. Admin. Code § 67.27.

²⁵ Cal. Gov’t Code §§ 7922.525(b), 7922.535(a), S.F. Admin Code § 67.26.

²⁶ *CBS, Inc. v. Block*, 42 Cal. 3d 646, 652 (1986); *see also Nat’l Conf. of Black Mayors v. Chico Cmty. Publ’g, Inc.*, 25 Cal. App. 5th 570, 579 (2018) (construing the CPRA’s exemptions as “permissive, not mandatory—they allow nondisclosure but do not prohibit disclosure”).

produced. Otherwise, please copy and send all responsive records by September 30, 2025, and—
if necessary—on a rolling basis, to nhidalgo@aclunc.org.

We look forward to your prompt action and response to our records request. We also
welcome the opportunity to answer any questions and discuss this matter with you further.
Please do not hesitate to contact Nick Hidalgo via email or by phone at (916) 620-9706.

Sincerely,



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