



Keep Your Eyes Off My Privacy!

SUMMARY

Sacramento County residents are likely unaware that Law Enforcement Agencies (LEAs) – the Sacramento Sheriff’s Office and the city police departments located within the County – operate an intricate network of stationary and mobile cameras tracking their vehicles as they travel.

This network of cameras is called Automated License Plate Readers (ALPR). ALPR systems scan and record license plates, along with the car’s location, date, and time the digital image is taken.

While these systems provide law enforcement with a powerful tool for legitimate investigations, they also present considerable risks of indiscriminate mass surveillance, potentially tracking innocent individuals as well as the possible misuse of their data. The Sacramento County Grand Jury found the Sacramento Sheriff’s Office (SSO) had previously been cited by a state audit to be non-compliant with the state’s prohibition on sharing data with out-of-state entities. As a result, the Grand Jury initiated an investigation into the SSO regarding the sharing of ALPR information.

The Grand Jury was concerned the stored data could be used to track individuals based on immigration status, place of worship, employment locations, or visits to places such as gun stores or hospitals. Particularly troubling was the potential sharing of ALPR data with other states whose citizens travel to California to seek an abortion, which has been banned or severely restricted in their home states.

As ALPR systems become increasingly prevalent on our streets and highways, significant privacy concerns are emerging about the collection, sharing, and storage of this data.

The residents of Sacramento County have a right to understand who is collecting the data, how the information is shared and stored, and which local LEAs may not be following state privacy laws.

BACKGROUND

The Grand Jury conducted extensive research and data collection to better understand the nature of the laws, rules, and regulations pertaining to the operations of ALPR systems in the State of California and implementation by LEAs within Sacramento County.

The Grand Jury interviewed department leadership and reviewed the ALPR policies for the Citrus Heights, Elk Grove, Folsom, Galt, and Sacramento police departments, and the SSO. The Rancho Cordova Police Department contracts with the SSO, so the Grand Jury did not interview them.

Automated License Plate Readers

ALPR systems use high-speed cameras, either stationary or mobile, with advanced software to automatically read and record license plate numbers from images or videos. Modern ALPR cameras can capture detailed images of vehicles, drivers, and passengers. The collected data, including license plate numbers, dates, times, and locations of scans, is stored and can be matched against predetermined "hotlists" such as Amber Alerts or stolen vehicle lists. LEAs can also manually search for specific license plate movements at any time.

This extensive network of cameras can pinpoint a person's exact whereabouts and track their movement patterns. ALPR technology does not only capture moving vehicles, but parked cars can also be scanned. Over time, LEAs can piece together details about where individuals live, work, worship, shop, and participate in other daily activities.

Some mobile ALPR cameras can capture up to 1,800 plates per minute. The SSO reportedly scanned 1.7 million plates in one week. These images are stored in either an LEA's database or an ALPR vendor's cloud for a specific period. The SSO, for instance, retains images for two years from the date of capture.

Privacy Laws

In 2015, the California Legislature passed Senate Bill 34 (SB 34), establishing requirements for California LEAs utilizing the ALPR system. SB 34 addressed privacy concerns and set stringent policies and requirements for these agencies. It mandated detailed usage and privacy policies to describe the system's purpose, who may use it, how the agency will share, store and protect the data, and how the system will be monitored. Sharing data with any out-of-state agency, including federal agencies, is strictly prohibited by SB 34.

In 2022, the Legislature also passed Assembly Bill 1242, which prohibits state and local agencies from providing abortion-related information to out-of-state agencies. Specifically, this law prohibits LEAs from cooperating with or giving information to a person, agency, or department from another state regarding a lawful abortion performed in California and protected under the laws of this state.

California has positioned itself as a safe haven for women seeking reproductive health care, raising concerns that other states with restrictive abortion laws might use ALPR data to track their citizens traveling to California for such services. In 2023, Attorneys General from 19 states with abortion restrictions requested access to out-of-state medical records from the U.S. Department of Health and Human Services.

In October 2023, the California Attorney General issued an informational bulletin (2023-DLE-06) to guide state and local LEAs on the usage of ALPRs. The purpose of the bulletin outlines the collection, storage, sharing, and usage of ALPR data to ensure compliance with California law, specifically SB 34.

LEAs using ALPR systems are required by law to follow security procedures and practices to safeguard ALPR data from unauthorized access or out-of-state sharing. Agencies must have a usage and privacy policy conspicuously displayed on their website.

METHODOLOGY

During our investigation, the Grand Jury sourced historical, legal, and legislative documentation pertaining to the deployment, management, and scope of ALPR systems. A list of the documents and information we reviewed from public sources and the agencies follows:

- California State ALPR Audit Report 2020
- SSO Responses to the Audit Report of 2020
- ALPR Audit Scope and Objectives
- Sacramento Sheriff's ALPR General Order
- Electronic Frontier Foundation (EFF) Report on misuse of ALPR
- Third Party ALPR service providers
- The California State Attorney General, "Information Bulletin 2023-DLE-06," California Department of Justice Division of Law Enforcement, October 27, 2023
- California Senate Bill 34, April 15, 2015



We reviewed media reports and analyses from local and regional news organizations published after the release of the California State Auditor's report on the operation of ALPR systems in the state of California.

Additionally, throughout the course of the investigation, seven interviews were conducted. The interviews assisted with historical perspectives, legal considerations,

and procedural interpretations and clarifications. As with all Grand Jury investigations, individuals that spoke with the Grand Jury were afforded the rights and protection of confidentiality for the purpose of anonymity.

DISCUSSION

ALPR systems have legitimate law enforcement applications. According to the original SB 34 bill analysis, in the first 30 days of using ALPR technology, the SSO identified and located 495 stolen vehicles, five carjacked vehicles, and 19 other vehicles involved in felonies.

Forty-five suspects were taken into custody, including individuals involved in bank robberies and home invasions. However, the system cannot distinguish between cars used in criminal activities and those operated legally.

The increased use of ALPR surveillance has raised civil liberties and privacy concerns. Reports in major newspapers such as The Sacramento Bee (May 26, 2023 and July 5, 2023), and the San Francisco Chronicle (March 25, 2024) revealed the SSO and the Sacramento Police Department (SPD) were sharing ALPR data with anti-abortion states and unauthorized entities.

Organizations like the Electronic Frontier Foundation (EFF) and the American Civil Liberties Union (ACLU) of Southern California and ACLU of Northern California were among the first to voice privacy concerns. These concerns led the State Auditor to conduct an official audit of SB 34 policies and procedures of four LEAs in California, including the SSO.

California State Audit

In 2020, the California State Auditor issued a report entitled “*Automated License Plate Readers to Better Protect Individuals’ Privacy, Law Enforcement Must Increase Its Safeguards Over The Data It Collects.*” The Auditor examined the ALPR programs and policies in four California LEAs: the SSO, the Fresno Police Department, the Los Angeles Police Department, and the Marin County Sheriff’s Office. The Auditor raised serious concerns about protecting individual privacy, and recommended these agencies immediately safeguard individuals’ privacy by ensuring their policies align with state law.

The audit identified deficiencies within the four agencies. It recommended the California Department of Justice develop a policy template to help local LEAs immediately create effective ALPR policies. The agencies were also directed to take necessary steps to ensure their use of ALPR systems did not infringe on individual privacy rights.

The Grand Jury conducted research and analysis of the audit, which included the findings and recommendations for the SSO. In addition, we reviewed the responses to the state audit, the SSO’s ALPR General Order dated October 2012 (revised in April 2016), and media coverage related to ALPR. Our research found these audited LEAs, including the SSO, did not always follow practices which would protect the individual’s privacy in their handling of the ALPR data.

Despite SB 34's prohibition on sharing ALPR data with out-of-state public agencies and the federal government, the audit found the SSO shared its ALPR images with more than 1,000 entities within California and across the United States. The audit revealed no evidence that the SSO consistently determined whether these entities had a right and need to access the images or if they were public agencies.

The SSO was cited by the state audit to be non-compliant with SB 34's prohibition on sharing data with out-of-state entities. During the Grand Jury's investigation, the SSO committed to change its direction and comply with the Attorney General's Informational Bulletin.

SSO Internal Audit

Additionally, during the Grand Jury investigation, the SSO provided a previous internal audit that verified the license plate searches conducted by its employees complied with necessary protocols. The audit's scope included 10 random license plate searches for each of the 10 selected days in 2022 from February to November. The SSO's administrator compiled search data from various employees to ensure all users complied with query procedures. No single source was used for any one day. The audit results showed all searches included in the parameters had case information and a search reason.

But, the SSO's audit also brought to light a major flaw in the procedures. It was noted that many case number entries lacked specificity. Users are able to enter non-case-specific random characters that do not provide any valid or verifiable data. This flaw brings the reliability of the system's safeguards into question and points to a weakness that could allow data access to unauthorized personnel.

County LEAs

Given ALPR's capabilities and potential for abuse, these revelations prompted the Grand Jury to further scrutinize the data handling practices and policies of other local LEAs. The Grand Jury interviewed police department leadership and reviewed the ALPR policies for the police departments in the cities of Citrus Heights, Elk Grove, Folsom, Galt, and Sacramento. As noted previously, the Grand Jury did not interview the Rancho Cordova Police Department.

All of these police departments, with the exception of the Sacramento Police Department (SPD), comply with SB 34 and the Attorney General's Informational Bulletin prohibiting California LEAs from sharing ALPR information with private entities or out-of-state or federal agencies, including out-of-state and federal law enforcement agencies. Currently, SPD shares ALPR data with LEAs in Washington, Oregon, Nevada, and Arizona.

SPD representatives have recently met with the Attorney General's staff to discuss SPD's compliance with the law. They are reviewing their sharing policy and practice as a result of that meeting. Notwithstanding that discussion, the Grand Jury must still conclude that SPD is not complying with SB 34.

While ALPR policies are posted on some of the LEA's web pages, the policies are difficult to locate and not easy for the public to access. As a result, some LEAs are noncompliant with the intent of the SB 34 requirement to conspicuously post their ALPR policy.

State law aims to protect the data privacy of Sacramento's residents and visitors. The Grand Jury, through conducting this review and research of ALPR measures, seeks to ensure fair and equitable policing and the promotion of community trust.

Privacy is enshrined in the California state Constitution, and LEAs must take this responsibility seriously. Maintaining the effective use of technology while ensuring public safety and statutory compliance is increasingly complex. This requires LEAs be vigilant in internal oversight of their system, ensure full and complete transparency to the public, and stay current with changes to these laws and regulations.

We all must be equally vigilant in our oversight of these agencies to ensure our privacy rights are not further eroded.

FINDINGS

- F1 SSO's practice of sharing ALPR information with out-of-state entities violated SB 34 and unreasonably risked the aiding of potential prosecution by the home-state of women who traveled to California to seek or receive healthcare services. (R1)
- F2 The practice of the SPD to share ALPR information with out-of-state entities violates SB 34 and unreasonably risks the aiding of potential prosecution by the home state of women who have traveled to California to seek or receive healthcare services. (R2)
- F3 SSO's failure to require case number entries with sufficient specificity to track the validity of the request puts ALPR information at risk for unauthorized access, misuse, or disclosure. (R3)
- F4 SSO conducts periodic cursory internal audits of their data, equipment, and processes that do not adequately protect an individual's privacy. The audits are not scheduled or consistent, thereby raising the risk of misuse and abuse of the data. (R4)
- F5 SB 34 requires local LEAs to make their ALPR policies available to the public and post it conspicuously on the agency's website. The failure of most local LEAs to clearly post ALPR policies that can be easily found by the public is noncompliant with California state law. (R5)

RECOMMENDATIONS

- R1 The SSO should update and post its policies and procedures conspicuously on its website to reflect its change in policy to no longer share ALPR data with out-of-state LEAs or the federal government no later than October 1, 2024. (F2)

- R2 The SPD should comply with the Attorney General's Information Bulletin dated October 27, 2023 regarding the compliance with SB 34 requirements prohibiting California LEAs from sharing ALPR information with private entities or out-of-state or federal agencies, including out-of-state and federal law enforcement agencies, as the other LEAs in Sacramento County have done, no later than January 1, 2025. (F2)
- R3 The SSO and other Sacramento County ALPR system administrators should require sufficient and verifiable information which will enable complete and accurate audits on all ALPR data requests no later than January 1, 2025. (F3)
- R4 The SSO should administer quarterly internal audits of ALPR data requests to include user searches and utilize a third-party, external entity to conduct annual audits beginning January 1, 2025. Audit results should be posted conspicuously on the agencies website no later than thirty days after each internal and external audit. (F4)
- R5 All Sacramento LEAs should ensure that their ALPR policies are made available to the public and posted conspicuously on the agencies' websites no later than January 1, 2025. (F5)

Required Responses

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests responses from the following elected official within 60 days:

Sheriff Jim Cooper
Sacramento County Sheriff's Office
4500 Orange Grove Ave.
Sacramento, CA. 95841
(F1, F3, F4, F5, R1, R3, R4, R5)

Mail or deliver hard copy response to:

The Honorable Bunmi Awoniyi
Presiding Judge
Sacramento County Superior Court
720 9th street
Sacramento, CA 95814

Please email a copy of the response to:

Ms. Erendia Tapia-Bouthillier
Superior Court Grand Jury Coordinator
Email: TapiaE@saccourt.gov

Invited Responses

Sacramento City Police Department
Chief Kathy Lester
5770 Freeport Blvd, Suite 200
Sacramento CA. 95822
(F2, F5, R2, R5)

Rob Bonta, Attorney General
Office of the Attorney General
California Department of Justice
1300 "I" Street
P.O. Box 944255
Sacramento, CA 95814-2919

Darrell Steinberg, Mayor
City of Sacramento
915 I Street, 5th. Floor
Sacramento, CA. 95814

Citrus Heights Police Department
Chief Alexander A. Turcotte
6315 Fountain Square Drive
Citrus Heights, CA. 95621

Howard Chan, City Manager
City of Sacramento
915 I Street
Sacramento, CA. 95814

Elk Grove Police Department
Chief Bobby Davis
8400 Laguna Palms Way
Elk Grove, CA 95758

Folsom Police Department
Chief Rick Hillman
46 Natomas Street
Folsom, CA. 95630

Galt Police Department
Chief Brian Kalinowski
455 Industrial Drive
Galt, CA 95632

Sacramento County
Board of Supervisors
700 H Street, Suite 2450
Sacramento, CA 95814

Dr. La Tesha Watson, Director
Office of Public Safety Accountability
915 I Street, Historic City Hall, 3rd Floor
Sacramento, CA 95814

Electronic Frontier Foundation
815 Eddy Street
San Francisco, CA 94109

Planned Parenthood Northern California
2185 Pacheco Street
Concord, CA 94520

Kevin Gardner
Sacramento County Inspector General
799 G Street, Room 747
Sacramento, CA. 95814

Paul Curtis, Chair
Sacramento County
Community Review Commission
700 H Street, Room 2450
Sacramento, CA 95814

APPENDIX

Senate Judiciary Committee, "Bill Analysis: Senate Bill 34 (Hill). Automated License Plate Recognition Systems: Use Of Data," 14 April 2015, pg. 1-2.
http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_0001-0050/sb_34_cfa_20150413_141705_sen_comm.html.

Elaine M. Howle, "Automated License Plate Readers, To Better Protect Individual's Privacy, Law Enforcement Must Increase Its Safeguards for the Data It Collects," California State Auditor Report 2019-118, February 2020, pg. 12,
<https://www.auditor.ca.gov/pdfs/reports/2019-118.pdf>.

Senate Judiciary Committee, "Bill Analysis: Senate Bill 34 (Hill) pg. 6.

Howle, "Automated License Plate Readers" pg. 3.

Attorney General Rob Bonta, "Information Bulletin 2023-DLE-06," California Department of Justice Division of Law Enforcement, 27 October 2023,
<https://oag.ca.gov/system/files/media/2023-dle-06.pdf>



2023 – 2024 Grand Jury of Sacramento County