

**Iraheta, Alba**

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**From:** Margaret Starbuck <  
**Sent:** Monday, January 24, 2022 10:29 AM  
**To:** PublicComment-AutoResponse  
**Cc:** Rivas, Jessica  
**Subject:** Public Comment City Council Meeting 1/24/22

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Dear Councilmembers,

I am writing to ask you to oppose agenda item 7 on today's meeting agenda: the purchasing of additional license plate readers from Vigilant Solutions. My concerns about this purchase are two-fold.

One, there have been serious privacy concerns raised about the use of ALPRs, which indiscriminately capture data about us all as we drive and then often, unless thoroughly regulated by the local contract, Vigilant sells that data on to a database that can be accessed by countless other agencies, including national agencies like ICE. An investigation by the ACLU revealed how by using ALPRs cities are basically green lighting the selling of their citizens data to Vigilant to do with as the corporation sees fit. And a separate investigation by the state auditor of CA revealed that most police departments do not have strong policies around the use of ALPRs and the data collected, which means departments are giving Vigilant license to do with the data as it pleases. I am deeply skeptical about allowing corporations to control and use private citizens data, because their bottom line is profit, not the common good. I am also opposed to sharing data between law enforcement agencies because it often leads to increased deportation and incarceration, breaking families and lives apart over non-violent crimes.

Two, I am concerned about spending \$165,528 on ALPRs. That seems like a large sum to be spending on technology that comes with major privacy concerns. It has also been documented that increasing policing, surveillance, and incarceration disproportionately harms poor, Black, and Brown communities. I know that our city is facing an uptick in gun violence, most of it gang related as far as I understand. Gang intervention and community support are the tactics that have been most successful at reducing cycles of violence and death in other areas. I know that we already have a gang intervention program, but I feel strongly that if we put more funding toward building stronger intervention, de-escalation, mental health counseling, and youth activity programs instead of toward technology like ALPRs and Shot Spotter, we would ultimately save more lives and reduce gun violence further.

Please do not spend our city's money on this invasive technology that will only lead to throwing more of our young people in jail, instead of helping heal our community.

Best,  
Margaret

01/24/2022  
Item 7

## Iraheta, Alba

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**From:** ellen finkelpearl <  
**Sent:** Monday, January 24, 2022 1:35 PM  
**To:** PublicComment-AutoResponse  
**Subject:** Agenda item 7: Vigilant Solutions

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I write to oppose the purchase of ALPRs from Vigilant Solutions. Please refer to the excellent and thorough letter from Una Lee Jost, highlighting especially the threat that information from these readers will be used to locate and deport our immigrant neighbors. The ACLU and other civil rights groups have denounced the use of this company in particular, as one that secretly passes on information to ICE. The police have eaten up more than enough of Pasadena's budget. Vote NO on this item.

Ellen Finkelpearl

Pasadena, 91104

# Automated License Plate Readers??

NO

NO

NO



2022 JAN 26 PM 2:19

I **oppose** the acquisition of license plate readers (ALPR):

1. Inadequate public notice, stakeholder input or statutory guidance
2. Privacy and civil liberties infringement
3. Other surveillance tech (ShotSpotter) hasn't even been installed or shown its efficacy
4. September 21, 2020 resolution regarding Vigilant contract hasn't been implemented by City

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Yadi  
Pasadena resident

City of Pasadena City Council Meeting  
January 24, 2022  
7. License Plate Readers (ALPR) - Vigilant Solutions / Motorola



AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
Southern California

*VIA EMAIL*

Charles Parkin  
Office of City Attorney  
City of Long Beach  
411 West Ocean Boulevard - 9th Floor  
Long Beach, California 90802  
[cityattorney@longbeach.gov](mailto:cityattorney@longbeach.gov)

April 19, 2021

**Re: Long Beach Police Department's Violations of State Law for Sharing License Plate Reader Data**

Dear Mr. Parkin,

I write regarding the enclosed record, which indicates that the Long Beach Police Department ("the Department") shares automated license plate reader ("ALPR") data with dozens of federal and out-of-state law enforcement agencies.<sup>1</sup> Because this sharing violates state law, we ask that you immediately impose a ban on the Department from sharing in this fashion.

This letter describes the threat that the unrestricted use of ALPR technology poses to the privacy and safety of Long Beach community members, summarizes public records from this month indicating that the Department shares information about the locations of local drivers with federal and out-of-state agencies, and explains that California state law prohibits these sharing arrangements. The letter concludes by urging your office to end sharing these data.

**I. ALPR Surveillance of Your Residents' Locations Violates Their Civil Liberties and Civil Rights.**

No jurisdiction should acquire or deploy license plate readers, given the technology's invasiveness and the breadth of revealing information such technology can collect about individuals. ALPR systems collect and store location information about drivers whose cars pass through ALPR cameras' fields of view, which, after being matched to dates, times, and locations, can be built into a database that reveals sensitive information about where individuals work, live,

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<sup>1</sup> Suhauna Hussain & Johana Bhuiyan, *Police in Pasadena, Long Beach pledged not to send license plate data to ICE. They shared it anyway*, L.A. TIMES, Dec. 21, 2020, <https://www.latimes.com/business/technology/story/2020-12-21/pasadena-long-beach-police-ice-automated-license-plate-reader-data>.

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\*deceased

associate, worship, and travel.<sup>2</sup> Much of this information has traditionally been unavailable to law enforcement without a search warrant. Further, ALPR systems are easily misused to harm minority communities—a phenomenon that has been documented for over twenty years.<sup>3</sup> As with other surveillance technologies, police often deploy license plate readers in poor and historically overpoliced areas, regardless of crime rates.<sup>4</sup>

## II. Long Beach Police Department Shares Local Residents' Data with Federal Immigration Authorities and Dozens of Out-of-State Agencies.

Documents obtained by our office in response to a California Public Records Act Request (“PRA”) reveal that the Department lists dozens of federal and out-of-state agencies as sharing partners with the ability to search local ALPR data, including scans of license plates and the

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<sup>2</sup> See, e.g., *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-americans-movements>; *Automatic License Plate Readers*, ELECTRONIC FRONTIER FOUND., <https://www EFF.ORG/sls/tech/automated-license-plate-readers> (last visited Jan. 13, 2021).

<sup>3</sup> 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-policy-recommendations>; 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 5, 2019, <https://www.aclunc.org/blog/records-reveal-ice-agents-run-thousands-license-plate-queries-month-massive-location-database>; 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>; Michael Powell, Sari Horwitz & Toni Locy, *Lt. Stowe's Sudden Fall From Grace*, WASH. POST, Nov. 30, 1997, <https://www.washingtonpost.com/archive/politics/1997/11/30/lt-stowes-sudden-fall-from-grace/a6ac37f2-57d2-47fb-b6da-0f8f6a45dde8/>.

<sup>4</sup> 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/deepinks/2015/01/what-we-learned-oakland-raw-alpr-data> (last visited April 19, 2021); BARTON GELLMAN & SAM ADLER-BELL, THE CENTURY FOUND., THE DISPARATE IMPACT OF SURVEILLANCE 2 (Dec. 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-helped-police-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”).

location of the scanned plate. The enclosed data sharing report dated April 6, 2021 lists the Department as a partner that allows these outside agencies to search the information collected about driver locations. This report is the latest in numerous reports which demonstrate that the Department has a long-standing, multi-year practice of sharing ALPR data with out-of-state and federal law enforcement agencies.

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

Any sharing of ALPR data with out-of-state police departments and federal law enforcement agencies violates state law. First, under the California Civil Code, as amended by Senate Bill No. 34 (“S.B. 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 these agencies, none of which are California state or local agencies.

Additionally, the California Values Act (“S.B. 54”) prohibits the sharing of personal information with agencies “for immigration enforcement purposes.”<sup>5</sup> Cal. Govt. Code §§ 7282, 7282.5, 7284.6(a)(1)(D). Automated license plate reader data constitutes “personal information” within the meaning of S.B. 54 and the California Information Practices Act. *See* Cal. Civ. Code § 1798.3. Given that Long Beach data is shared with U.S. Customs and Border Protection and with U.S. Immigration and Customs Enforcement, the Department also violates S.B. 54.

In addition to violating the plain language of the California Values Act, sharing ALPR data with federal immigration enforcement agencies undermines the values guiding state law, as set out in the legislative findings and declarations which accompany S.B. 54:

“The Legislature finds and declares the following:

- (a) Immigrants are valuable and essential members of the California community. Almost one in three Californians is foreign born and one in two children in California has at least one immigrant parent.
- (b) A relationship of trust between California's immigrant community and state and local agencies is central to the public safety of the people of California.
- (c) This trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school, to the detriment of public safety and the well-being of all Californians.
- (d) Entangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs

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<sup>5</sup> S.B. 54, 2017-18 Leg., Reg. Sess. (Cal. 2017), codified at Cal. Gov't Code §§ 7282 et seq.

the lines of accountability between local, state, and federal governments.

- (e) State and local participation in federal immigration enforcement programs also raises constitutional concerns, including the prospect that California residents could be detained in violation of the Fourth Amendment to the United States Constitution, targeted on the basis of race or ethnicity in violation of the Equal Protection Clause, or denied access to education based on immigration status....
- (f) This chapter seeks to ensure effective policing, to protect the safety, well-being, and constitutional rights of the people of California, and to direct the state's limited resources to matters of greatest concern to state and local governments.
- (g) It is the intent of the Legislature that this chapter shall not be construed as providing, expanding, or ratifying any legal authority for any state or local law enforcement agency to participate in immigration enforcement."

Cal. Govt. Code §§ 7284.2.

**IV. Your Office Should End the Forbidden Sharing of ALPR Data, and Any Further Use of ALPRs.**

We urge you and the Department to end the sharing arrangements documented above.

Further, the risks to civil liberties and civil rights that ALPR technology always creates are well-documented. For example, even if your office takes steps in conjunction with the Department to prevent the formal sharing of data with out-of-state agencies, the risk of informal sharing with these same agencies will remain. Thus, the best way to ensure that your residents are safe from unnecessary intrusion into their safety and personal lives is to reject the use of ALPR technology altogether.

Please advise us of your position by May 3, 2021. If you have any questions, please do not hesitate to email me at [mtajsar@aclusocal.org](mailto:mtajsar@aclusocal.org). I look forward to your prompt action and response.

Sincerely,



Mohammad Tajsar  
encl.

CC: Robert Luna, Chief  
Long Beach Police Department



CITY OF PASADENA  
City Council Minutes  
September 21 2020 – 2:00 P.M.  
City Hall Council Chamber

**SPECIAL MEETING**

The virtual meeting was convened pursuant to Executive Order N-29-20 issued by Governor Gavin Newsom on March 17, 2020, and was held solely by videoconference/teleconference

**OPENING:** Mayor Tornek called the special meeting to order at 2:03 p.m. The pledge of allegiance was led by Councilmember Gordo.

**ROLL CALL:** Mayor Terry Tornek  
Councilmembers: Vice Mayor Tyron Hampton  
Councilmember Victor Gordo  
Councilmember John J. Kennedy  
Councilmember Steve Madison  
Councilmember Gene Masuda  
Councilmember Margaret McAustin  
Councilmember Andy Wilson

**Staff:** City Manager Steve Mermell  
City Attorney/City Prosecutor Michele Beal Bagneris  
City Clerk Mark Jomsky

**CEREMONIAL MATTERS** Mayor Tornek requested that the meeting be adjourned in memory of those that have suffered due to death and illness caused by COVID-19 in Pasadena, the nation and around the world.

Councilmember McAustin spoke on the death of Ruth Bader Ginsburg, Associate Justice of the Supreme Court of the United States, and feminist icon; and asked that the meeting be adjourned her memory.

Mayor Tornek presented a proclamation declaring October 2020 as "First Tee of Greater Pasadena Month," in the City of Pasadena.

Councilmember Madison and Vice Mayor Hampton expressed gratitude to the First Tee of Greater Pasadena for their work and programs in the community.

**CONSENT CALENDAR**

**CONTRACT AWARD TO NATIONAL CNG & FLEET SERVICES LLC, FOR COMPRESSED NATURAL GAS TANK INSPECTION AND REPAIR SERVICES ON CITY-OWNED VEHICLES FOR AN AMOUNT NOT-TO-EXCEED \$375,000 FOR UP TO FIVE YEARS**

**Recommendation:** It is recommended that the City Council:

(1) Find that this action is exempt under the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3), the General Rule that CEQA only applies to projects that may have an effect on the environment; and

**ENHANCEMENTS – TEMPORARY MOCK-UP PANELS FOR AN AMOUNT NOT-TO-EXCEED \$160,210**

Item discussed separately

**PUBLIC SAFETY COMMITTEE: AUTHORIZE THE CITY MANAGER TO ENTER INTO A PURCHASE ORDER WITH VIGILANT SOLUTIONS TO PROVIDE REPLACEMENT AUTOMATED LICENSE PLATE READER HARDWARE AND EQUIPMENT**

**RESIGNATIONS,  
APPOINTMENTS, &  
REAPPOINTMENTS**

**RESIGNATION OF ANASTASCIA MEHMOOD FROM THE LIBRARY COMMISSION (District 3 Nomination)**

**APPOINTMENT OF DAVID AZEVEDO TO THE ROSE BOWL AQUATICS CENTER BOARD (City Nomination)**

**APPOINTMENT OF RENEE MORGAN-HAMPTON TO THE CODE ENFORCEMENT COMMISSION (District 3 Nomination)**

**CLAIMS RECEIVED**

Claim No. 13,614	Desiree Salazar	\$	922.25
Claim No. 13,615	James Kim		948.31
Claim No. 13,616	Cathy Ann Jones		1,300.00
Claim No. 13,617	Joseph Po		1,850.00

**PUBLIC HEARINGS SET**

**October 5, 2020, 2:00 p.m.** - Declaration of Surplus Properties located at 78 N. Marengo Avenue, 255 E. Union Street, 95 N. Garfield Avenue and 280 Ramona Street

**October 19, 2020, 2:00 p.m.** - Substantial Amendment to the 5-Year Consolidated Plan (2020-2024) and Annual Action Plan (2020-2021) Related to the Coronavirus Aid, Relief, and Economic Security (CARES) Act ESG-CV Funds and HOME Investment Partnerships Program Funds

It was moved by Councilmember Kennedy, seconded by Councilmember Wilson, to approve all items on the Consent Calendar, with the exception of Item 6 (Authorization to Enter into a Contract with Rotocraft Support, Inc.), Item 7 (Authorization to Enter into a Contract with JTD Consulting, Inc. dba Wireless Infrastructure Services), Item 8 (Modification of Repayment and Inheritance Provisions of Homeownership Opportunities Program Loans), Item 9 (Purchase Order Award to Custom Design Iron Works, Inc.), and Item 10 (Authorize the City Manager to Enter into a Purchase Order with Vigilant Solutions), which were discussed separately:

**AYES:** Councilmembers Gordo, Kennedy, Madison, Masuda, McAustin, Wilson, Vice Mayor Hampton, Mayor Tornek

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**PUBLIC SAFETY COMMITTEE: AUTHORIZE THE CITY MANAGER TO ENTER INTO A PURCHASE ORDER WITH VIGILANT SOLUTIONS TO PROVIDE REPLACEMENT AUTOMATED LICENSE PLATE READER HARDWARE AND EQUIPMENT**

**Recommendation:** It is recommended that the City Council:

- (1) Find that the proposed contract is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3), and 15378; as the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment;
- (2) Authorize a purchase order with Vigilant Solutions, Inc., for the purchase of replacing three (3) Mobile Automated License Plate Reader (ALPR) systems including hardware, equipment and an enterprise service agreement in an amount not-to-exceed \$80,000. Competitive bidding is not required pursuant to City Charter Section 1002(f), for contracts for professional and unique services; and
- (3) It is further recommended that the City Council grant the proposed contract an exemption from the Competitive Selection process pursuant to Pasadena Municipal Code Section 4.08.049(B) contracts for which the City's best interests are served.

Mark Jomsky, City Clerk, reported that a number of correspondence letters and emails in opposition to the staff recommendation were received, distributed to the City Council, posted on-line, and made part of the public record from the following individuals:

Mohammad Tajsar, representing Pasadena Privacy for All  
Kris Ockerhauser, residence not stated  
Yuny Parada, Pasadena resident  
Sonja K. Berndt, Pasadena resident  
David Krausse, residence not stated  
Yadi Y., Pasadena resident

In addition, he read aloud comments in opposition to the staff recommendation, expressing privacy concerns, and providing comments/suggestions from the following individuals:

Adriana Bautista, Pasadena resident  
Jasmine Richards, Pasadena resident  
CP, San Marino resident  
Jennifer Park, San Marino resident  
Cynthia Park, San Marino resident  
Taylor Paez, Pasadena resident  
T. Jones, Pasadena resident  
Concerned Pasadena Citizen  
Kris Willis, Pasadena resident  
Frank Pocino, Monrovia resident  
Kenichi Yoshida, Pasadena resident  
Sonja K. Berndt, Pasadena resident

Chris Merchant, Pasadena resident  
Gautam Jain, Pasadena resident  
David Chavez, Pasadena resident  
Mark Williams, Altadena resident  
Ferne Hayes, Pasadena resident  
Allen Shay, Pasadena resident  
Olden Denham, Pasadena resident  
Ryan Bell, Pasadena resident  
Aletha Johnson, Pasadena resident  
Edward J. Washatka, representing Privacy for All Coalition  
Cynthia Smith, Long Beach resident  
Allison Henry, Pasadena resident  
Gina Dance, Pasadena resident  
Julie Hoy, Pasadena resident  
Kris Ockershauser, Pasadena resident

City Manager Mermell provided introductory comments, and Police Commander Jason Clawson presented a PowerPoint presentation on the item, including background information on the City's use of Automated License Plate Reader (ALPR); and responded to questions.

Councilmember Madison spoke on the need to access the information ALPR provides to solve and prevent crime. He also spoke on the need to adequately ensure that the information will not be misused, which is why the Public Safety Committee (PSC) recommended a limited two-year retention of the storage of data.

Councilmember Kennedy, Chair of the Public Safety Committee, provided information on the role the City's Community Police Oversight Commission would have in the matter; and provided a summary of the PSC's discussion on the item.

Councilmember Gordo expressed concerns with Vigilant Solutions ability to sell information gathered by ALPR to insurance agencies; and asked staff to ensure that the contract includes language to prevent data sharing to protect the integrity of the program and the community.

In response to Councilmember Kennedy's request for information, Michele Beal Bagneris City Attorney/City Prosecutor, stated that staff can seek to negotiate with Vigilant Solutions the privacy and limited use of the sharing of data collected to law enforcement agencies only.

Following discussion, it was moved by Councilmember Madison, seconded by Councilmember Kennedy, to approve the staff recommendation, amended to include provisions in the contract prohibiting data sharing by Vigilant Solutions for monetary reasons and to limit any data sharing to law enforcement agencies only:

AYES: Councilmembers Gordo, Kennedy, Madison, Masuda, McAustin, Wilson, Vice Mayor Hampton, Mayor Tornek  
NOES: None  
ABSENT: None  
ABSTAIN: None  
ABSTAIN: None

**RECOMMENDATIONS  
FROM OFFICERS AND  
DEPARTMENTS**

**COVID-19 UPDATE FROM CITY MANAGER:**

**ORAL REPORTS FROM DR. YING-YING GOH, PUBLIC HEALTH OFFICER, AND DR. KIMBERLY SHRINER, MEDICAL DIRECTOR INFECTIOUS DISEASES, HUNTINGTON HOSPITAL**

City Manager Mermell provided introductory comments, and Dr. Kimberly Shriner with Huntington Hospital, provided a PowerPoint presentation on data related to COVID-19 throughout Los Angeles County and the City, including COVID-19 patients; and responded to questions. Dr. Ying-Ying Goh, Public Health Officer, provided information related to the number of COVID-19 cases and deaths, in the nation, state, county and City; information on the new State Health Officer orders framework, "Blueprint for a Safer Economy," risk factors related to Halloween, benefits of the flu vaccination, and responded to questions.

Following discussion, by consensus of the City Council, and on order of the Mayor, the information was received and filed.

**ORDINANCE – FIRST  
READING**

**Conduct first reading of "AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF THE PASADENA MUNICIPAL CODE CREATING (A) A COMMUNITY POLICE OVERSIGHT COMMISSION; AND (B) AN INDEPENDENT POLICE AUDITOR"**

**Recommendation:** It is recommended that the City Council:  
(1) Find that this action is exempt from review under the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3), the "general rule" that CEQA only applies to projects which have the potential for causing a significant effect on the environment; and  
(2) Introduce an ordinance creating a Community Police Oversight Commission and Independent Police Auditor, and conduct first reading of the ordinance.

Michele Beal Bagneris City Attorney/City Prosecutor, provided introductory comments, and Javan Rad, Chief Assistant City Attorney, presented a PowerPoint presentation on the item, including amendments to the ordinance, and responded to questions.



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## Automated License Plate Readers

To Better Protect Individuals' Privacy, Law Enforcement Must Increase Its Safeguards for the Data It Collects

Report Number: 2019-118

# Automated License Plate Readers

To Better Protect Individuals' Privacy, Law Enforcement Must Increase Its Safeguards for the Data It Collects

February 2020

## Audit Highlights . . .

Our audit of the use of automated license plate readers (ALPR) at four local law enforcement agencies highlighted the following:

Local law enforcement agencies did not always follow practices that adequately consider the individual's privacy in handling and retaining the ALPR images and associated data.

All four agencies have accumulated a large number of images in their ALPR systems, yet most of the images do not relate to their criminal investigations—99.9 percent of the 320 million images Los Angeles stores are for vehicles that were not on a hot list when the image was made.

- None of the agencies have an ALPR usage and privacy policy that implements all the legally mandated—since 2016—requirements.
- Three agencies did not completely or clearly specify who has system access, who has system oversight, or how to destroy ALPR data, and the remaining agency has not developed a policy at all.
- Two of the agencies add and store names, addresses, dates of birth, and criminal charges to their systems—some of these data may be categorized as criminal justice information and may originate from a system maintained and protected by the Department of Justice.
- Three agencies use a cloud storage vendor to hold their many images and associated data, yet the agencies lack contract guarantees that the cloud vendor will appropriately protect the data.
- Three agencies share their images with hundreds of entities across the U.S. but could not provide evidence that they had determined whether those entities have a right or a need to access the images.

Agencies may be retaining the images longer than necessary and thus increasing the risk to individuals' privacy.

The agencies have few safeguards for creating ALPR user accounts and have not audited the use of their systems.

Report: <https://www.auditor.ca.gov/pdfs/reports/2019-118.pdf>

**Note: Three responding agencies that use ALPR systems did not indicate a retention period for their information: Bakersfield PD, Fountain Valley PD and Pasadena PD**



## **Data Privacy vs. Crime Prevention: The Automated License Plate Recognition Debate**

If your child were the victim of a kidnapping, an automated license plate recognition (ALPR) reader might be a lifesaver—figuratively and literally.

On the other hand, if you were a victim of domestic abuse, ALPR technology in the wrong hands could put you in danger, and the tragic history of World War II taught us what can happen when totalitarian governments have an unlimited ability to collect data on their citizens.

But just what is automated license plate recognition technology, and do you really have a reasonable expectation of privacy in a number emblazoned on the front of your Ford or the back of your Buick?

Police departments, privacy advocates, and the courts have entered the ALPR debate. Is the technology a godsend for safety or an Orwellian data privacy nightmare? Perhaps it's both.

### **Robot Readers**

What are automated license plate recognition readers?

According to the International Association of Chiefs of Police (IACP), ALPR technology consists typically of high-speed, high-resolution cameras with infrared filters that capture images of vehicle license plates. The images are transferred to processing applications performing optical character recognition (OCR) and then compared against law enforcement databases of license plates of interest, sometimes called “hot lists.”

ALPR readers can be deployed in stationary positions, including highway overpasses or streetlight poles, or in mobile units, such as police cars.

Not surprisingly, ALPR developers join many law enforcement advocates in hailing the technology as an important means of protecting the public.

The ALPR company, Leonardo, cites stories of how license plate readers can come to the rescue—including in the return of a one-year-old kidnapping victim to his mother—and the company maintains ALPR technology can make places from college campuses to hotels safer.

Many privacy advocates have a different view.

### **Orwellian Tech Nightmare?**

The digital civil liberties group, the Electronic Frontier Foundation (EFF), paints a picture of a technological Orwellian nightmare brought to us by automated license plate recognition readers.

“Taken in the aggregate, ALPR data can paint an intimate portrait of a driver’s life and even chill First Amendment protected activity. ALPR technology can be used to target drivers who visit sensitive places such as health centers, immigration clinics, gun shops, union halls, protests, or centers of religious worship,” EFF

argues in its statement on the issue.

To those who would counter that there's no reasonable expectation of privacy in a license plate number—something that is displayed openly in public for the world to see—EFF notes the compulsory nature of license plates. In essence, the EFF Big Brother argument is that the government forces you to have a license plate, and then the government tracks your every move with that license plate.

What about that one-year-old kidnapping victim?

EFF notes that law enforcement uses ALPR technology to track millions of ordinary people—and the overwhelming majority of them are not even suspected of committing any crime.

The American Civil Liberties Union (ACLU) shares EFF's concerns.

"Enormous databases of innocent motorists' location information are growing rapidly. This information is often retained for years, or even indefinitely, with few or no restrictions to protect privacy rights," the ACLU argues in its position statement on ALPR.

### **Rules and Regulations for Readers**

Citing a 2012 project in which ACLU affiliates across the nation sent public records act requests to approximately 600 local and state police departments as well as state and federal agencies, the organization says the practice is more widespread than you might think.

In addition, the ACLU says the results of its project are deeply disturbing.

"The documents paint a startling picture of a technology deployed with too few rules that is becoming a tool for mass routine location tracking and surveillance," the ACLU argues.

ALPR is also becoming big business. A recent estimate by Market Study Report indicates the global market for ALPR was \$794.1 million in 2019 and that it will increase to over \$1.2 billion in 2025.

Not surprisingly, the data privacy debate over automated license plate recognition has reached the courts, and last fall, the Virginia Supreme Court weighed in on this legal technology dilemma.

In *Neal v. Fairfax Cty. Police Dep't*, 849 S.E. 2d 123 (2020), Virginia's high court reversed a lower court and held a local police department's use of ALPR technology did not violate Virginia's Government Data Collection and Dissemination Act (the "Data Act").

In *Neal*, Harrison Neal filed a Freedom of Information Act request with Virginia's Fairfax County Police Department, seeking the department's ALPR data for his vehicle. The police returned two sheets of paper, each with a photo of his vehicle and his license plate, each with the time and date the photo was taken.

Neal filed suit, seeking injunctive relief to prevent the police department from collecting and storing ALPR data without any suspicion of criminal activity—the so-called "passive use" of ALPR, where the readers are collecting data from each passing vehicle.

In the proceeding that became known as "*Neal I*," the trial court granted summary judgment to the police, holding the department's use of ALPR technology did not violate Virginia's Data Act because the data collected did not constitute "personal information" under the act.



However, the Virginia Supreme Court reversed. Although the high court conceded that “a license plate number stored in the ALPR database would not be personal information because it does not describe, locate, or index anything about an individual,” the court said that didn’t end the data privacy inquiry because the pictures and data associated with each license plate number did constitute “personal information” under the Data Act.

On remand, the lower court held the ALPR record-keeping process—the technology combined with other law enforcement databases—did constitute an information system under the Data Act, and the police department appealed.

In considering the case on its return visit to the Virginia Supreme Court, the high court noted—almost refreshingly—the limits of its inquiry and that our courts are not here to make public policy.

“In resolving this case, our task is not to reach the right public policy balance by weighing competing demands for efficiency and security against considerations of privacy. Our duty is more modest: we must determine from the text and structure of the Data Act where the legislature has drawn the line,” Justice Stephen McCullough wrote for the court.

In reversing the lower court again, the Virginia Supreme Court noted the additional fact-finding by the lower court on remand and held the ALPR system did not violate the Data Act because the ALPR system itself—without the use of other law enforcement databases—was not an “information system” under the act because it did not contain the “name, personal number, or other identifying particulars of a data subject.”

### **Why the ALPR Debate Matters**

Justice McCullough did an excellent job of articulating why this debate matters when he wrote in Neal: “Modern technology enables governments to acquire information on the population on an unprecedented scale. National, state, and local governments can use that information for a variety of administrative purposes and to help apprehend dangerous criminals. But knowledge is power, and power can be abused.”

Even the police chiefs’ organization cautions that access to ALPR databases should be limited to authorized law enforcement personnel who have met minimum training, certification, and background checks, and that there should be stringent data audits.

Attorney Gail Gottehrer, who has served as a member of Connecticut’s Task Force to Study Fully Autonomous Vehicles and on the New York State Bar Association’s Transportation Committee, sees the important role humans play in the data privacy aspects of automated technologies.

“ALPR technologies, like many emerging technologies, are tools. Whether they help achieve public safety goals or threaten privacy rights depends on who uses them and the ways in which they are used. On their own, ALPR technologies may not reveal much about a specific individual, but when government or private entities combine ALPR data with other data in their possession, the result may be a disturbingly comprehensive profile of that person,” Gottehrer said.

However, Gottehrer notes there are ways to reduce the danger of such disturbingly comprehensive profiles.

“Ways to maximize the benefits of ALPR technologies and minimize the privacy risks associated with them include limiting the types of entities that can collect and use ALPR data and the purposes for which they can use the data—as well as delineating when (or if) the data can be shared, and the period of time for which the data can be kept, after which it (and all copies and backups) must be destroyed,” Gottehrer added

As Gottehrer notes, with any technology, its success or failure depends on how it's used. There's a reason we say "People, process, and technology," and not "Technology and those other two extraneous, superfluous elements."

[https://www.americanbar.org/groups/tort\\_trial\\_insurance\\_practice/committees/automobile-litigation/data-privacy-vs-crime-prevention/](https://www.americanbar.org/groups/tort_trial_insurance_practice/committees/automobile-litigation/data-privacy-vs-crime-prevention/)

## Iraheta, Alba

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**From:** Una Lee Jost < >  
**Sent:** Monday, January 24, 2022 12:14 PM  
**To:** PublicComment-AutoResponse; Bell, Cushon; Dyson, Darla; Porras, Susana; Sullivan, Noreen; Morales, Margo; Suzuki, Takako; Thyret, Pam; Gordo, Victor  
**Subject:** Jan. 24, 2022 Pasadena City Council Meeting – Public Comment – Agenda Item 7  
**Attachments:** aclu\_AutomaticLicensePlateReaders.pdf; aclu\_AutomatedLicensePlateReaders\_ICE.pdf; eff\_AutomatedLicensePlateReaders.pdf

CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you know the content is safe. Report phish using the Phish Alert Button. Learn more...<[https://mydoit.cityofpasadena.net/sp?id=kb\\_article\\_view&sysparm\\_article=KB0010263](https://mydoit.cityofpasadena.net/sp?id=kb_article_view&sysparm_article=KB0010263)>.

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Dear Pasadena City Council Members:

I'm Una Lee Jost, PUSD parent, and long-time resident of Pasadena, District 4.

Thank you for the opportunity to comment on Agenda 7.

I'm deeply troubled by the proposed transaction with Vigilant Solutions, LLC for automated license plate readers.

According to ACLU, the nation's oldest defender of civil liberties, documents received from public records act requests to 600+ law enforcement agencies paint a "startling" picture of automated license plate readers (ALPRs) deployed "with too few rules that is becoming a tool for mass routine location tracking and surveillance."

(<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.aclu.org%2Fissues%2Fprivacy-technology%2Flocation-tracking%2Fautomatic-license-plate-readers&data=04%7C01%7Cairaheta%40cityofpasadena.net%7C773db9aca160428ff4ff08d9df760bc6%7C82d9fc002c664402a28fc6bcd32e491%7C1%7C0%7C637786521712453487%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6I1haWWwlcjVCI6Mn0%3D%7C1000&data=2m9cfGP9DoJIEu3XZk3fYIOcjLMXf0i%2FFIAincShtc%3D&reserved=0>)

A March 2019 ACLU report specifically named Vigilant Solutions, noting ICE's "sweeping use of a vast automated license plate reader (ALPR) database run by a company called Vigilant Solutions."

In the report, ACLU noted how its "grave concerns" about the civil liberties risks of license plate readers take on greater urgency as this surveillance information fuels ICE's deportation machine:

"We already knew that ICE engages in egregious conduct: from arresting a father dropping off his daughter at school to detaining a woman in court seeking a protective order against an abuser. But adding license plate surveillance with its attendant misuse...magnifies ICE's threats to community safety. And now we know which local police departments are helping ICE terrorize immigrant communities by sharing license plate information."

(<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.aclunc.org%2Fblog%2Fdocuments-reveal-ice-using-driver-location-data-local-police-deportations&data=04%7C01%7Cairaheta%40cityofpasadena.net%7C773db9aca160428ff4ff08d9df760bc6%7C82d9fc002c664402a28fc6bcd32e491%7C1%7C0%7C637786521712453487%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6I1haWWwlcjVCI6Mn0%3D%7C1000&data=QJARgQFyaM2RmMSa0B2bAwwE8btP1mgAhe9BXQ2nbss%3D&reserved=0>)

**01/24/2022**  
**Item 7**

The Electronic Frontier Foundation, a nonprofit digital rights organization, has called for an audit of Vigilant Solutions:

"Through years of research spanning California (and beyond), EFF has discovered that agencies that access ALPR data are often ignorant or noncompliant when it comes to the transparency and accountability requirements of state law. Furthermore, their agreements with the vendor Vigilant Solutions often include "non-disparagement" and "non-publication" clauses that contractually bind them to Vigilant Solutions' "media messaging" and prevent agencies from speaking candidly with the press. Meanwhile, training materials created by Vigilant Solutions explicitly recommend that police leave ALPR out of its reports whenever possible.

"But documents obtained as part of the ACLU's lawsuit brings another factor into play: sometimes the claims are just jaw-droppingly inaccurate.

"One email in particular shows exactly how ICE could access data collected at shopping malls through a regional fusion center, despite the mall operator and Vigilant Solutions' repeated denials that it was happening."

(<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eff.org%2Fdeplinks%2F2019%2F03%2Fhe-res-why-you-cant-trust-what-cops-and-companies-claim-about-automated-license&data=04%7C01%7Cairaheta%40cityofpasadena.net%7C773db9aca160428ff4ff08d9df760bc6%7C82d9fc002c664402a28fc6bcd32e491%7C1%7C0%7C637786521712453487%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6I1haWwiLCJXVCi6Mn0%3D%7C1000&data=QgRfbrq%2FJ5eu%2FIptqh861ERWNZT TMOGSewQXy2cQyVI%3D&reserved=0>)

Cities like Alameda and Culver City have already rejected contracts for license plate surveillance. I urge the Council to do likewise and reject any contracts for license plate surveillance, including any proposed transactions with Vigilant Solutions. We need you as our City leaders to take immediate action to limit the exposure of local residents' information to ICE and withhold information from fusion centers that do not do the same.

I also urge the Council to develop and pass ordinances to require transparency, oversight, and approval whenever our City's police department considers purchasing surveillance technology, in line with ACLU recommendations (<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.aclu.org%2Fother%2Fyou-are-being-tracked-how-license-plate-readers-are-being-used-record-americans-movements%3Fredirect%3Dtechnology-and-liberty%2Fyou-are-being-tracked-how-license-plate-readers-are-being-used-record&data=04%7C01%7Cairaheta%40cityofpasadena.net%7C773db9aca160428ff4ff08d9df760bc6%7C82d9fc002c664402a28fc6bcd32e491%7C1%7C0%7C637786521712453487%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6I1haWwiLCJXVCi6Mn0%3D%7C1000&data=N107B5SR2NCgem6EFhkuxwazxSE4Dh9K25ipmNf%2BMEo%3D&reserved=0>)

As the Movement for Black Lives notes, "the explosion of surveillance, policing, mass criminalization, incarceration, and deportation that has devastated Black communities over the past four decades has been fueled by large-scale investments at all levels of government, accompanied by massive disinvestment from meeting community needs.

(<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fm4bl.org%2Fpolicy-platforms%2Fend-the-war-on-black-communities&data=04%7C01%7Cairaheta%40cityofpasadena.net%7C773db9aca160428ff4ff08d9df760bc6%7C82d9fc002c664402a28fc6bcd32e491%7C1%7C0%7C637786521712453487%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6I1haWwiLCJXVCi6Mn0%3D%7C1000&data=4%2BcbVuOk%2FuCMJOwhul0cQxKUCIb2afvgBcQDvgrrcX8%3D&reserved=0>)

Instead of relying on surveillance as a solution, I urge the Council to invest in making our communities stronger and safer through investing in community needs such as quality, affordable housing, community-based transformative violence prevention and intervention strategies, and supports for criminalized populations.

Thank you for representing the concerns of our community.



## **AUTOMATIC LICENSE PLATE READERS**

A little-noticed surveillance technology designed to track the movements of every passing driver is fast proliferating on America's streets. Automatic license plate readers—mounted on police cars or on objects like road signs and bridges—use small high-speed cameras to photograph thousands of plates per minute.

The information captured by the readers—including the license plate number and the date, time, and location of every scan—is being collected and sometimes pooled into regional sharing systems. As a result, enormous databases of innocent motorists' location information are growing rapidly. This information is often retained for years, or even indefinitely, with few or no restrictions to protect privacy rights.

In July 2012, ACLU affiliates in 38 states and Washington, D.C., sent public records act requests to almost 600 local and state police departments, as well as other state and federal agencies, to obtain information on how these agencies use license plate readers. In response, we received thousands of pages of documents detailing the use of the technology around the country.

The documents paint a startling picture of a technology deployed with too few rules that is becoming a tool for mass routine location tracking and surveillance. As the technology spreads, the ACLU calls for the adoption of legislation and law enforcement agency policies adhering to strict privacy principles to prevent the government from tracking our movements on a massive scale.

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Documents Reveal ICE Using Driver Location Data From Local Police for  
Deportations

## Documents Reveal ICE Using Driver Location Data From Local Police for Deportations

Mar 13, 2019



By: Vasudha Talla [@ACLU\\_NorCal](#)

**UPDATE:** *The Union City Police Department informed the ACLU that it does not operate license plate cameras and has no license plate detection data to share with ICE. Union City provided a recent sharing report and screenshots showing that ICE is not listed as a sharing partner and that Union City has not contributed "detections" data to the LEARN database.*

U.S. Immigration and Customs Enforcement is using mass location surveillance to target immigrants. And local governments like Merced and Union City, California, are helping — feeding their residents' personal information to ICE, even when it violates local privacy laws or sanctuary policies. Today, the ACLU is urging an immediate end to this information sharing.

**Records obtained** by the ACLU of Northern California in a Freedom of Information Act **lawsuit** detail ICE's

sweeping use of a vast automated license plate reader (ALPR) database run by a company called **Vigilant Solutions**. Over 9,000 ICE officers have gained access to the Vigilant system under a \$6.1 million contract that the public first **learned** of last year. ICE has access to over **5 billion** data points of location information collected by private businesses, like insurance companies and parking lots, and can gain access to an additional 1.5 billion records collected by law enforcement agencies.

Over 80 local law enforcement agencies, from over a dozen states, have agreed to share license plate location information with ICE. Emails show local police handing driver information over to ICE informally, violating local law and ICE policies.

The ACLU's **grave concerns** about the civil liberties risks of license plate readers take on greater urgency as this surveillance information fuels ICE's deportation machine. Many communities have license plate readers: high-speed cameras mounted on police cars, road signs, or bridges that can photograph every passing license plate. Together with time, date, and location coordinates, the information is stored for years, generating a literal and intimate roadmap of people's private lives. Vigilant also sells ALPR systems to local police and hosts location information collected by law enforcement and private companies in a massive database called **LEARN**.

We already knew that ICE engages in egregious conduct: from arresting a father **dropping off** his



daughter at school to detaining a woman in court **seeking** a protective order against an abuser. But adding license plate surveillance with its attendant misuse — police spying on **Muslim Americans** or unlawfully **detaining** a black woman at gunpoint — magnifies ICE's threats to community safety. And now we know which local police departments are helping ICE terrorize immigrant communities by sharing license plate information.

### **A Nationwide Mass-Surveillance Dragnet**

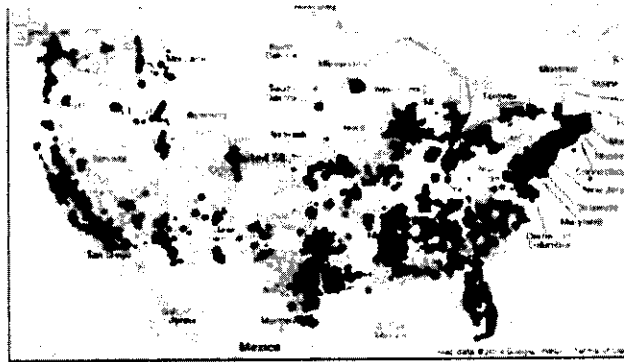
**Contract documents** show that ICE has long desired the ability to locate people with laser-like precision. After prior attempts were scuttled because of **privacy concerns**, ICE **rushed** to finalize a 2017 contract with Thomson Reuters for access to the Vigilant database.

The \$6.1 million **contract** gives ICE access to the Vigilant database through **September 2020**. Not only does Vigilant's existing database contain over **5 billion** license plate scans nationwide, but the database would continue adding, from commercial sources, "**an average of 150-200 million unique**" license plate scans *each month*.

Vigilant draws its license plate information from the "most **populous 50** metropolitan areas" in the country, corresponding to almost **60 percent** of the U.S. population.

The map below shows the density and coverage of Vigilant's commercial LPR data. Red areas have higher concentrations followed by yellow and green.





Number	Metro Area
1	New York-Northern New Jersey-Long Island, NY-NJ-PA
2	Los Angeles-Long Beach-Santa Ana, CA
3	Dallas-Fort Worth-Arlington, TX
4	Chicago-Joliet-Naperville, IL-IN-WI
5	Houston-Sugar Land-Baytown, TX
6	Washington-Arlington-Alexandria, DC-VA-MD-WV
7	Phoenix-Mesa-Glendale, AZ
8	Miami-Fort Lauderdale-Pompano Beach, FL
9	Riverside-San Bernardino-Ontario, CA
10	San Antonio-New Braunfels, TX
11	Baltimore-Towson, MD
12	San Diego-Carlsbad-San Marcos, CA
13	Atlanta-Sandy Springs-Marietta, GA
14	Kansas City, MO-KS
15	Virginia Beach-Norfolk-Newport News, VA-NC
16	San Francisco-Oakland-Fremont, CA
17	Austin-Round Rock-San Marcos, TX
18	St. Louis, MO-IL
19	Cleveland-Elyria-Mentor, OH
20	Richmond, VA

ICE was also told that law enforcement agencies “could provide hundreds of millions more LPR scans available for ICE to search” and that its database held “500 million” license plate locations collected by law enforcement.

License plate information collected and shared by police and sheriffs are key to the surveillance dragnet. Vigilant encourages law enforcement to **share** location

information collected locally with hundreds of other agencies nationwide, making it “as easy as adding a friend on your favorite social media platform.”

In training materials, ICE was given the tools to make friends with local police: an interactive map of the United States displaying the agencies using Vigilant software, together with “a **step-by-step guide** (with pictures!)” containing instructions on requesting access from local agencies to their residents’ location information.

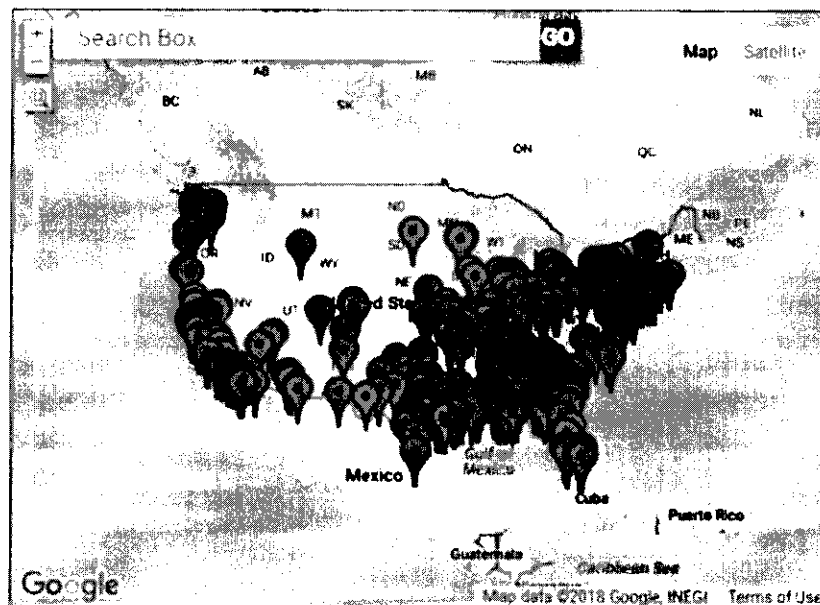


Figure 1: List of Law Enforcement Agencies Who May Provide Data to LEARN (as of May 2018)

ICE’s efforts to exploit locally collected location information are working. An **internal report** lists the 80 local agencies nationwide that granted ICE ongoing access to license plate locations of their residents, including “sanctuary cities” like **Union City**, California. We do not know whether police gave notice to their residents before agreeing to share years of intimate details with ICE.

In addition to ongoing access to local information, ICE makes individual requests to friendly police for surveillance. **Released emails** reveal a years-long relationship between an ICE officer and a detective in a fusion center — an intelligence-sharing agency **long-criticized** by the ACLU for violating civil liberties — in **Orange County, California**.

The detective searched the Vigilant database at the request of ICE and shared the results:

**From:** (b)(6);(b)(7)(C)  
**Sent:** Wednesday, March 7, 2018 10:41 AM  
**To:** (b)(6);(b)(7)(C)  
**Subject:** NVLS

Hi (b)(6);

Will you please run AZ plate (b)(6);(b)(7)(C) I am only able to pull from commercial databases for now.

Thanks!

(b)(6);(b)(7)(C)  
Intelligence Research Specialist  
Narcotics and Gang Group  
Homeland Security Investigations

**From:** (b)(6);(b)(7)(C)  
**To:**  
**Subject:** Re: NVLS  
**Date:** Wednesday, March 07, 2018 6:04:13 PM  
**Attachments:** (b)(6);(b)(7)(C)

Hi there . Sorry i didn't reply sooner . I was sleeping after my graveyard shift when you emailed me

I attached the LPR report.. 1 LE scan that i could find..

hope you are well..

(b)(6);(b)(7)(C) Detective  
Orange County Intelligence Assessment Center (OC IAC)  
La Habra Police Department  
desk (714) 289-(b)(6);  
cell (949) 279-(b)(6);  
(b)(6);(b)(7)(C)

These emails and others reveal ICE's methods for

circumventing both internal privacy rules and attempts by local law enforcement agencies to lock down their information. These informal inquiries violate ICE's **privacy rules** requiring all use of ALPR technology to be documented and justified. And ICE exploits friendly intermediaries like the Orange County detective to obtain information collected by another law enforcement agency that may not want ICE to have access to its information. This contradicts ICE's claim that "there are no circumstances where ICE can gain access through the vendor system if a law enforcement agency has chosen not to share its data."

With more than **9,200 ICE employees** with accounts on the Vigilant database — many of whom have deportation as their primary work — privacy safeguards are essential. Yet ICE's so-called **Privacy Guidance** contains gaping holes that enable ICE to infringe on civil liberties. ICE can sweep up to "five years" of driver information when searching for an immigrant to deport.

Storing that much location information is both a significant invasion of privacy and entirely unnecessary to find someone's current location. The privacy rules also do not prevent ICE from ensnaring other individuals — whom they are not looking for — increasing the chances of **baseless stops** and false arrests.

ICE's privacy rules fail to adequately protect First Amendment-protected speech and activity. While the guidance requires ICE abide by its **Sensitive Location policy** — limiting surveillance near schools, hospitals,

churches, protests, or weddings — there is no way for ICE to know before searching the Vigilant database whether the search will turn up driver information near those locations.

## **Resistance Is Local**

In California, police sharing resident location information with ICE violates the law.

**Senate Bill 34** and the California Values Act (**SB 54**) — passed to protect privacy and immigrant safety — prohibit local law enforcement agencies from sharing license plate information and personal information for immigration enforcement or with out-of-state or federal agencies. Many localities have gone beyond that to adopt ordinances to **provide** sanctuary to immigrants.

Today, the ACLU **called on** local law enforcement agencies to stop sharing their residents' location information with ICE.

California state lawmakers should now call for the state auditor to review compliance with SB 34 and SB 54.

In addition, communities must regain control over their personal information. Some have already rejected contracts for license plate surveillance — like **Alameda** and **Culver City** in California. And all communities should pass **ordinances** to require transparency, oversight, and approval whenever a police department considers purchasing surveillance technology.

If these ordinances existed, and the right questions were being asked and answered from the start, places like Union City wouldn't be endangering their communities by sharing location information with ICE, which is in direct conflict with their sanctuary policies and the law. Local governments need to take immediate action to **limit** the exposure of local residents' information to ICE and withhold information from fusion centers that **do not do the same**.

ICE has long embraced **technology** to target immigrants. Now it's taking surveillance to an unprecedented level to **target** vulnerable communities — and sweeping up everyone else in the process. It's time to take back control of our information and make sure our communities aren't collaborating with ICE.

*Vasudha Talla is a staff attorney with the ACLU of Northern California.*

*Thanks to the Electronic Frontier Foundation and MuckRock for their work documenting the widespread sharing of license plate information among law enforcement agencies nationwide.*



## Here's Why You Can't Trust What Cops and Companies Claim About Automated License Plate Readers

**Emails Prove ICE Could Access Data from Orange County Shopping Malls, Despite the Companies' Denials**

In response to an [ACLU report](#) on how law enforcement agencies share information collected by automated license plate readers (ALPRs) with Immigration and Customs Enforcement, officials have been quick to deny and obfuscate despite documentary evidence obtained directly from ICE itself through a Freedom of Information Act lawsuit

Let's be clear: you can't trust what ALPR company Vigilant Solutions and its clients say. It's time for higher authorities to conduct an audit.

Through [years of research](#) spanning California (and beyond), EFF has discovered that agencies that access ALPR data are often ignorant or noncompliant when it comes to the transparency and accountability requirements of state law. Furthermore, their agreements with the vendor



Vigilant Solutions often include “non-disparagement” and “non-publication” clauses that contractually bind them to Vigilant Solutions’ “media messaging” and prevent agencies from speaking candidly with the press. Meanwhile, training materials created by Vigilant Solutions explicitly recommend that police leave ALPR out of its reports whenever possible.

But documents obtained as part of the ACLU’s lawsuit brings another factor into play: sometimes the claims are just jaw-droppingly inaccurate.

One email in particular shows exactly how ICE could access data collected at shopping malls through a regional fusion center, despite the mall operator and Vigilant Solutions’ repeated denials that it was happening.

For background: ALPR is a technology that allows law enforcement and private companies to track the travel patterns of drivers, through networks of cameras that record license plates, along with time, date and location. That information is uploaded to a database that users can search to find out where a vehicle travelled, reveal what vehicles visited particular locations, and receive real-time alerts on vehicles added to watch lists. It is a mass surveillance technology that captures information on everyone, regardless of whether their vehicle is tied to an investigation.

Last summer, EFF volunteer Zoe Wheatcroft, a high school student in Mesa, Ariz., discovered a curious document on a website belonging to the Irvine Company, a real estate developer based in Orange County. The document showed that private security patrols were using ALPR to gather data on customers at Irvine Company-owned shopping malls . As EFF reported, Irvine Company then transferred that information to Vigilant Solutions, a controversial ALPR vendor well-known for selling data to ICE.

We asked the mall operator, Irvine Company, to explain itself, but it refused to answer questions. However, after EFF published its report, Irvine Company told reporters ALPR data was not shared with ICE, but only three local police departments. Then Vigilant Solutions issued a press release saying “the entire premise of the article is false,” and accused EFF of “creating fake news.” Vigilant Solutions also demanded we retract the post and apologize, saying that it was “evaluating potential legal claims” against EFF.

What they wouldn’t say publicly is that within within two weeks, Irvine

Company quietly terminated its whole ALPR program. EFF only learned of this six months later from Irvine Company directly, but the company's spokesperson refused to tell us the motivation behind ending the surveillance, beyond it being a business decision.

## What Really Happened in Orange County

EFF began to investigate Irvine's Claims that its ALPR data from the shopping malls was tightly controlled and could never be shared with ICE. We filed public records requests with the police department that Irvine Company said were the only agencies allowed to access the data. None of them were able to produce any documentation limiting data sharing—or indeed any limitations at all on data could be used or shared.

Then, earlier this year, the ACLU received more than 1,800 pages of ICE records about the agency's use of ALPR and Vigilant Solutions' technology. Buried in the set is an email exchange that shows unequivocally that ICE accessed the Irvine Company's shopping center data just months before EFF's report.

According to the records: In October 2017, an official with Homeland Security Investigations, an arm of ICE, sent an email to a detective with the La Habra Police Department, who was working out of the regional "fusion center," the Orange County Intelligence Assessment Center. The ICE HSI specialist asked the detective to run a license plate for them, with no explanation of the purpose of the search, even though documenting a purpose is required by California law.

A few hours later, the La Habra detective responded with a PDF attachment exported from Vigilant Solutions' LEARN software that included the plate scans:

"i attached the report... there are a LOT of scans, most of them from fashion island security.. he spends a lot of time parked there.."

i attached the report.. there are a LOT of scans, most of them from fashion island security.. he spends alot of time parked there.. but there are a few others that might be beneficial...

hope you are well..

me

(b)(6) (b)(7)(C) Detective  
Orange County Intelligence Assessment Center (OCIAAC)  
La Habra Police Department  
desk (714) 289- (b)(6)  
cell (949) 279- (b)(6)

This email wasn't just the smoking gun: it was the bullet. The document demonstrates that data could be transferred to ICE

**What They Claimed:** The Irvine Company said the data was only shared with the Irvine, Newport and Tustin police departments. "We have been assured through conversations with Vigilant that only those police departments are receiving information," a spokesperson told the [Orange County Register](#). Vigilant Solutions backed up the claim, writing "As Irvine Company has stated, it is shared with select law enforcement agencies to ensure the security of mall patrons."

**What the Emails Actually Show:** A La Habra Police detective had access to mall data through the fusion center. Neither La Habra nor OCIAAC are one of the three agencies the data access was supposed to be limited to. This raises the question, who else had access to the data? As a fusion center, OCIAAC exists to facilitate the exchange of information across agencies. "Intelligence processes—through which information is collected, integrated, evaluated, analyzed, and disseminated—are a primary focus" of the fusion center, according to [OCIAAC's website](#).

**What They Claimed:** In its press release, Vigilant said, "These law enforcement agencies do not have the ability in Vigilant Solutions' system to electronically copy this data or share this data with other persons or agencies, such as ICE."

**What the Emails Actually Show:** Within hours of receiving the request from ICE, the La Habra Detective was easily able to copy the data as a PDF and share it with ICE via email.

EFF reached out both to Irvine Company and Vigilant Solutions prior to publishing this report. Irvine Company would only confirm the date that it stopped the ALPR program, but would provide no further information. Motorola Solutions, which acquired Vigilant Solutions earlier this year sent the following statement:

We are aware of the ACLU of Northern California's recent report on license plate recognition data and assertions regarding data access by the Irvine Company. The referenced incident predates Motorola Solutions' ownership of Vigilant Solutions, and we are currently working with Vigilant to assess the situation in greater detail.

Motorola Solutions is committed to the highest standard of integrity and data protection, which includes ensuring that vehicle location data is accessed only by authorized law enforcement agencies in accordance with applicable laws and industry standards. We also are committed to working with our customers and partners to ensure that use of vehicle location data hosted in our database is appropriately safeguarded to minimize the potential for misuse by any person.

Motorola Solutions deeply respects individual privacy rights and is committed to mitigating privacy risks associated with data collection, use and storage.

Considering the historic wall of secrecy maintained by Vigilant Solutions and its clients, we believe it is time for a more thorough accounting than just an internal review. We urge the California legislature and the state auditor to investigate Vigilant Solutions and its government clients to find out the truth about how our data is shared with ICE and other agencies and whether these law enforcement agency are violating state laws regulating the use of this mass surveillance technology.

## **RELATED CASES:**

AUTOMATED LICENSE PLATE  
READERS (ALPR)

## Iraheta, Alba

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**From:** Una Lee Jost <  
**Sent:** Monday, January 24, 2022 6:16 PM  
**To:** PublicComment-AutoResponse; Bell, Cushon; Dyson, Darla; Porras, Susana; Sullivan, Noreen; Morales, Margo; Suzuki, Takako; Thyret, Pam; Gordo, Victor; Hampton, Tyron; Williams, Felicia; "JohnJKennedy@cityofpasadena.net gmasuda"@cityofpasadena.net; Rivas, Jessica; Madison, Steve; Wilson, Andy  
**Subject:** Re: Jan. 24, 2022 Pasadena City Council Meeting – Public Comment – Agenda Item 7

CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you know the content is safe. Report phish using the Phish Alert Button. Learn more...<[https://mydoit.cityofpasadena.net/sp?id=kb\\_article\\_view&sysparm\\_article=KB0010263](https://mydoit.cityofpasadena.net/sp?id=kb_article_view&sysparm_article=KB0010263)>.

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Dear Pasadena City Council Members:

I want to reiterate that Vigilant Solutions is an *\*untrustworthy\** vendor:

The Electronic Frontier Foundation, a nonprofit digital rights organization, shows why you cannot trust Vigilant Solutions:

"Through years of research spanning California (and beyond), EFF has discovered that agencies that access ALPR data are often ignorant or noncompliant when it comes to the transparency and accountability requirements of state law. Furthermore, their agreements with the vendor Vigilant Solutions often include "non-disparagement" and "non-publication" clauses that contractually bind them to Vigilant Solutions' "media messaging" and prevent agencies from speaking candidly with the press. Meanwhile, training materials created by Vigilant Solutions explicitly recommend that police leave ALPR out of its reports whenever possible.

"But documents obtained as part of the ACLU's lawsuit brings another factor into play: sometimes the claims are just jaw-droppingly inaccurate.

"One email in particular shows exactly how ICE could access data collected at shopping malls through a regional fusion center, despite the mall operator and Vigilant Solutions' repeated denials that it was happening."

Cities like Alameda and Culver City have already rejected contracts for license plate surveillance. I urge the City to do likewise and reject and/or rescind any agreements with Vigilant Solutions. We *\*need\** the City to take immediate action to limit the exposure of local residents' information to ICE and withhold information from fusion centers that do not do the same.

Thank you,  
~ Una

On 1/24/22 12:13 PM, Una Lee Jost wrote:

> Dear Pasadena City Council Members:

>

> I'm Una Lee Jost, PUSD parent, and long-time resident of Pasadena,

> District 4.

>

> Thank you for the opportunity to comment on Agenda 7.

>

> I'm deeply troubled by the proposed transaction with Vigilant Solutions, LLC for automated license plate readers.

>

> According to ACLU, the nation's oldest defender of civil liberties,

> documents received from public records act requests to 600+ law

> enforcement agencies paint a "startling" picture of automated license

> plate readers (ALPRs) deployed "with too few rules that is becoming a

> tool for mass routine location tracking and surveillance."

> (<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.aclu.org%2Fissues%2Fprivacy-technology%2Flocation-tracking%2Fautomated-license-plate-readers&data=04%7C01%7Cairaheta%40cityofpasadena.net%7C3aabc57aa2f2452f441908d9dfa8974f%7C82d9fc002c664402a28fc6bcd32e491%7C1%7C0%7C637786738078207245%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1haWwiLCJXVCi6Mn0%3D%7C2000&sdata=yIE%2FVDZucDwu2mmUwhcwo61%2FA%2B2XerBhV1jk2%2FqbiCs%3D&reserved=0>)

>

>

> A March 2019 ACLU report specifically named Vigilant Solutions, noting

> ICE's "sweeping use of a vast automated license plate reader (ALPR)

> database run by a company called Vigilant Solutions."

>

> In the report, ACLU noted how its "grave concerns" about the civil

> liberties risks of license plate readers take on greater urgency as

> this surveillance information fuels ICE's deportation machine:

>

> "We already knew that ICE engages in egregious conduct: from arresting

> a father dropping off his daughter at school to detaining a woman in

> court seeking a protective order against an abuser. But adding license

> plate surveillance with its attendant misuse...magnifies ICE's threats

> to community safety. And now we know which local police departments

> are helping ICE terrorize immigrant communities by sharing license

> plate information."

>

> (<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.aclunc.org%2Fblog%2Fdocuments-reveal-ice-using-driver-location-data-local-police-deportations&data=04%7C01%7Cairaheta%40cityofpasadena.net%7C3aabc57aa2f2452f441908d9dfa8974f%7C82d9fc002c664402a28fc6bcd32e491%7C1%7C0%7C637786738078207245%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1haWwiLCJXVCi6Mn0%3D%7C2000&sdata=u51iC8JQgEvHcU4etozMWLLULBJEHsNqEiVnj6sQn%2Fs%3D&reserved=0>)

>

>

> The Electronic Frontier Foundation, a nonprofit digital rights

> organization, has called for an audit of Vigilant Solutions:

>

> "Through years of research spanning California (and beyond), EFF has

> discovered that agencies that access ALPR data are often ignorant or

> noncompliant when it comes to the transparency and accountability

> requirements of state law. Furthermore, their agreements with the

> vendor Vigilant Solutions often include “non-disparagement” and  
> “non-publication” clauses that contractually bind them to Vigilant  
> Solutions’ “media messaging” and prevent agencies from speaking  
> candidly with the press. Meanwhile, training materials created by  
> Vigilant Solutions explicitly recommend that police leave ALPR out of  
> its reports whenever possible.  
>  
> "But documents obtained as part of the ACLU’s lawsuit brings another  
> factor into play: sometimes the claims are just jaw-droppingly inaccurate.  
>  
> "One email in particular shows exactly how ICE could access data  
> collected at shopping malls through a regional fusion center, despite  
> the mall operator and Vigilant Solutions’ repeated denials that it was  
> happening."  
>  
> (https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww  
> .eff.org%2Fdeephlinks%2F2019%2F03%2Fheres-why-you-cant-trust-what-cops-  
> and-companies-claim-about-automated-license&data=04%7C01%7Cairahet  
> a%40cityofpasadena.net%7C3aabc57aa2f2452f441908d9dfa8974f%7C82d9fc002c  
> 664402a28fc6bcd32e491%7C1%7C0%7C637786738078207245%7CUnknown%7CTWFpbG  
> Zsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6I1haWwiLCJXVCi6Mn0%  
> 3D%7C2000&sdata=liwTrGaKL9GDzAvT655dF0qiZFBfHlct8QnAHfMdYvo%3D&  
> ;reserved=0)  
>  
>  
> Cities like Alameda and Culver City have already rejected contracts  
> for license plate surveillance. I urge the Council to do likewise and  
> reject any contracts for license plate surveillance, including any  
> proposed transactions with Vigilant Solutions. We need you as our  
> City leaders to take immediate action to limit the exposure of local  
> residents’ information to ICE and withhold information from fusion  
> centers that do not do the same.  
>  
> I also urge the Council to develop and pass ordinances to require  
> transparency, oversight, and approval whenever our City’s police  
> department considers purchasing surveillance technology, in line with  
> ACLU recommendations  
> (https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww  
> .aclu.org%2Fother%2Fyou-are-being-tracked-how-license-plate-readers-ar  
> e-being-used-record-americans-movements%3Fredirect%3Dtechnology-and-li  
> berty%2Fyou-are-being-tracked-how-license-plate-readers-are-being-used  
> -record&data=04%7C01%7Cairaheta%40cityofpasadena.net%7C3aabc57aa2f  
> 2452f441908d9dfa8974f%7C82d9fc002c664402a28fc6bcd32e491%7C1%7C0%7C637  
> 786738078207245%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2  
> luMzliLCJBTiI6I1haWwiLCJXVCi6Mn0%3D%7C2000&sdata=BmPmwZzBluVmAa%2  
> F8x1h4H23azQJ%2BZYAJcASYz2MVkl%3D&reserved=0)  
>  
>  
> As the Movement for Black Lives notes, “the explosion of surveillance,  
> policing, mass criminalization, incarceration, and deportation that  
> has devastated Black communities over the past four decades has been  
> fueled by large-scale investments at all levels of government,

> accompanied by massive disinvestment from meeting community needs.  
 > (https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fm4b  
 > l.org%2Fpolicy-platforms%2Fend-the-war-on-black-communities&data=0  
 > 4%7C01%7Cairaheta%40cityofpasadena.net%7C3aabc57aa2f2452f441908d9dfa89  
 > 74f%7C82d9fc002c664402a28fc6bcd32e491%7C1%7C0%7C637786738078207245%7C  
 > Unknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Iklh  
 > aWwiLCJXVCi6Mn0%3D%7C2000&data=onXXjDMHse4hj9eYxrWnZZJ3RJYx4BFU2x  
 > ikpmwyn64%3D&reserved=0)  
 >  
 > Instead of relying on surveillance as a solution, I urge the Council  
 > to invest in making our communities stronger and safer through  
 > investing in community needs such as quality, affordable housing,  
 > community-based transformative violence prevention and intervention  
 > strategies, and supports for criminalized populations.  
 >  
 > Thank you for representing the concerns of our community.

--  
 Una Lee Jost  
 Attorney & Counselor-at-Law  
 Jost Legal, 530 S. Lake Ave. #274, Pasadena, CA 91101 una@jostlegal.com | 626.344.8021 |  
 https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.jostlegal.com%2F&data=04%7C01%7Ca  
 iraheta%40cityofpasadena.net%7C3aabc57aa2f2452f441908d9dfa8974f%7C82d9fc002c664402a28fc6bcd32e491%7C1  
 %7C0%7C637786738078207245%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Iklh  
 aWwiLCJXVCi6Mn0%3D%7C2000&data=EQ8Zsyf9OtTV0qxNrVkXZvOgcH%2FpzBdzrdhlj7mhAbl%3D&reserve  
 d=0  
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 "I am convinced that if we are to get on the right side of the world revolution, we as a nation must undergo a radical  
 revolution of values.  
 We must rapidly begin...the shift from a thing-oriented society to a person-oriented society." - Martin Luther King Jr.

~~~~~  
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