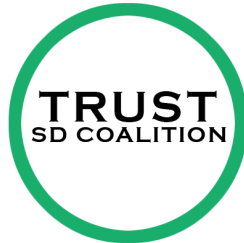


THE PEOPLE'S SURVEILLANCE IMPACT REPORT

for Automated License Plate Readers (ALPR)

March 2025

Authored by the TRUST SD Coalition and community voices



EXECUTIVE SUMMARY

The TRUST Ordinance requires the Privacy Advisory Board and the City Council to annually recertify San Diego's surveillance technologies. City Council must decide whether to continue, cease, or modify use of City surveillance technologies. In 2025, the Privacy Advisory Board is required under SDMC §210.0108 to make the following three advisory recommendations:

“In its review of the Annual Surveillance Report, the Board shall provide its advisory recommendation to the City Council regarding whether (1) the benefits to the community of each item of approved surveillance technology outweigh the costs; (2) civil rights and civil liberties are being safeguarded; and (3) use of the surveillance technology, in accordance with the approved Surveillance Use Policy, should continue, cease, or be modified to address identified concerns.”

This **People's Surveillance Impact Report for ALPR** is intended to assist all readers with their decision and judgement, and it is based on the same categories of a required Surveillance Impact Report as defined in SDMC §210.0102(p). SDPD submitted their required Surveillance Impact Report to the PAB in 2023 with many extreme deficiencies. In 2025, their Annual Surveillance Report suffers from similar deficiencies. San Diego now has an opportunity to evaluate its experiment in ALPR surveillance. This report offers a comprehensive, alternative approach to many of the categories required in the Surveillance Impact Report impact report.

San Diego has a chance now to improve privacy protections at a time of terror for many communities. We remind readers that after its detailed 2023 review, the Privacy Advisory Board officially recommended to City Council that SDPD's Surveillance Use Policies for streetlight surveillance cameras and ALPR cameras be **rejected**. The board found that SDPD's use policies contained numerous deficiencies that amounted to a failure to follow the requirements of TRUST surveillance ordinance, and a failure to protect the rights of San Diegans.

Strong policy protections are essential for preventing exploitation and harm of San Diegans through data. However, strong policy is not enough when data is held and accessed by a complex set of organizations, from SDPD, to third parties that SDPD shares data with, to Flock, a private company in Georgia. Each of these becomes a point where data can be used in ways the people do not want, or even in violation of the soundest policies. Despite promises made by representatives from Flock and Ubicquia in 2023, San Diego still does not have oversight mechanisms in place to make sure Flock does not share data with third parties.

Our research also finds that SDPD lacks sufficient oversight. In fact, SDPD's recent disclosure in its Annual Surveillance Report discloses that SDPD continues to share ALPR data with agencies outside of California, which could be a violation of California SB 34, banning law enforcement agencies from sharing ALPR data with agencies outside of California.

Finally, Flock is a for-profit company, not a “public safety solution,” funded in some cases by extremists like Marc Andreessen and Peter Thiel, who are open about their extreme political opinions in

favor of social control and mass surveillance.¹ The City of San Diego has embraced infrastructure funded by these extremists, contradicting the 2023 recommendation of the Privacy Advisory Board. The discussion of Flock must first be framed as what Flock actually is: a money-making venture for a technology company that sees its business as gathering the most power it can, through deploying mass surveillance in public spaces, at the highest possible cost to taxpayers that the market will bear. And this business is very lucrative² for Flock’s investors, due in part to cities like San Diego.

Based on our report’s findings and the complexity of San Diego’s data flows, we recommend the board make the following advisory recommendations regarding ALPR:

PAB Requirement 1: “The benefits to the community of each item of approved surveillance technology outweigh the costs.”

Report Finding 1: The board **CANNOT** advise that the benefits outweigh the costs for reasons detailed in this report, including: Based on the existing documentation provided by SDPD, and based on published efficacy research performed on ALPR, the benefits of ALPR to the community of San Diego cannot be determined, because the population of ALPR results has not been produced by SDPD nor independently verified, and because the potential harms of San Diego’s Flock ALPR technology have been concealed from the Privacy Advisory Board and the public, and because the potential increase of fiscal costs of ALPR for the year 2025 has not been disclosed to the Privacy Advisory Board. The board therefore is prevented from being able to make a recommendation to City Council on whether the ALPR benefits outweigh the costs, because a full picture of neither benefits nor cost has been provided, nor can it be provided due to the department’s unwillingness to formally recognize San Diegans’ privacy values, and due to their unwillingness to independently verify the ALPR system’s results, and due to SDPD’s unwillingness to be transparent about misuse, other harms, or near term fiscal costs.

PAB Requirement 2: “Civil rights and civil liberties are being safeguarded.”

Report Finding 2: The board **CANNOT** advise that civil rights and civil liberties are being safeguarded, for several reasons detailed in this report, including:

SDPD’s existing deficient impact statement categorically denies San Diegans certain civil liberties; SDPD’s proposed changes to the ALPR Surveillance Use Policy indicates they intend to weaken protection for San Diegans further; SDPD has been unwilling to provide information on the misuse of the ALPR systems, but there is ample evidence from other police departments of misuse and abuse of Flock and similar ALPR systems; there is no independent auditing of the ALPR system; and, finally, in 2024 Chief Wahl misused the TRUST ordinance’s exigent

¹ Roof, Katie. 2025. “Andreessen Leads Funding Valuing Flock Safety at \$7.5 Billion“ https://www.bloomberg.com/news/articles/2025-03-05/andreessen-leads-funding-Valuing-flock-safety-at-7-5-billion?utm_source=chatgpt.com; Matsakis, Louise. 2019. “Flock Safety Says Its License Plate Readers Reduce Crime. It’s Not That Simple” <https://www.wired.com/story/flock-safety-license-plate-readers-crime/>

² Ibid.

circumstances clause to deploy ALPR to new locations without receiving oversight approval. These many serious problems should prevent the board from finding that civil rights and civil liberties are being safeguarded.

PAB Requirement 3: “Use of the surveillance technology, in accordance with the approved Surveillance Use Policy, should continue, cease, or be modified to address identified concerns.”

Report Finding 3: The use of ALPR under the terms of the submitted Surveillance Use Policy, **should CEASE.**

The Privacy Advisory Board should recommend ALPR use **CEASE** for several reasons detailed in this report, including: due to the SDPD’s failure to comply with the TRUST ordinance’s requirements for a Surveillance Use Policy, due to Chief Wahl’s 2024 misuse of the exigent circumstances clause to contravene the TRUST surveillance ordinance, due to the proposed changes to the Surveillance Use Policy that increase the risk of harm to San Diegans, and due to a lack of provable benefit relative to the costs and harms.

If the ALPR Surveillance Use Policy can receive specific improvements prior to the board’s deadline to make a recommendation, the Privacy Advisory Board could make a different determination. However, if the ALPR Surveillance Use Policy does not receive at least the below four specific improvements prior to the board’s decision deadline, the Privacy Advisory Board should recommend city leaders **CEASE** use.

1. In its written Surveillance Use Policy, the department will reduce the amount of data retained in the Flock system from its current retention of 30 days of historical data, to instead retaining only 24 hours of historical data.³ This ensures that all communities are equally protected from abuses of hoarded ALPR data.
 - a. Alternatively, if the city authorities feel they must keep ALPR historical data longer than 24 hours, then require SDPD to obtain a judicial warrant in order to perform any historical search of data with an age of more than 24 hours.
2. In its written Surveillance Use Policy, the department will increase the specificity of their audit policies, and the new details will include audits that are sensitive to the most frequent searchers of the ALPR systems, as well as the actions of administrative users, as well as audits of all officers’ compliance with the department’s accuracy and verification procedures, as well as audits of all credentials for any signs of shared use of credentials. These audits will be performed at least monthly and will involve an auditor independent from the SDPD, such as a designee of the City Auditor. The audit results will be public records and published regularly.
3. Remove from the proposed ALPR use policy SDPD’s proposal to allow some officers who are under investigation for criminal actions to search ALPR data. In its proposed new Surveillance

³ Data minimization is the industry standard best practice of collecting and storing the minimal data needed for a purpose in order to generate data for public good while mitigating data risks and harms.

Use Policy for ALPR⁴, SDPD proposes the following change in the “Data Access” section.

Current policy: “Authorized users under investigation for misconduct or criminal actions shall have their ALPR access revoked for the duration of the investigation and shall not have access restored until they have been cleared of wrongdoing.”

New proposed policy with change in underline: “Authorized users under investigation for misconduct or criminal actions related to ALPR shall have their ALPR access revoked for the duration of the investigation and shall not have access restored until they have been cleared of wrongdoing.”

This change must be rejected. To protect San Diegans from misuse and abuse of ALPR, any authorized user who is under investigation for any misconduct or any criminal action should have their access to any mass surveillance system revoked, including their access to ALPR data and technology.

4. Remove from the proposed ALPR use policy SDPD’s loosening of prohibitions to share data with Immigration and Customs enforcement. In its proposed new Surveillance Use Policy for ALPR⁵, SDPD proposes the following change in the “Third Party Data Sharing” section:

Current policy: “ALPR data shall never be shared with Immigration and Customs Enforcement...”

New proposed policy with change in underline: “ALPR images and data shall never be voluntarily shared with Immigration and Customs Enforcement...”

The proposed change by adding the word “voluntarily” must be rejected. Whether or not the data is shared voluntarily or involuntarily, the expectation of San Diegans based on promises made in 2023 is that the mass surveillance data under the control of Flock and the SDPD will not be shared, and that both of those parties will take all necessary steps and all due care to ensure the data is not involuntarily shared.

Additional recommendations for the Privacy Advisory Board have been made with rationale throughout this report. We urge the Privacy Advisory Board to take up these recommendations in order to increase protections for San Diegans and ensure any use of mass surveillance technology is professionally controlled with proper accountability. All of our coalition’s recommendations from each of the report’s sections are combined on the next pages for the reader’s convenience.

Copies of this report, and any report addendums can be found at our website: sandiegotrust.org

⁴ “ALPR Surveillance Use Policy (Modified - Annual Report 2024).pdf”
[https://sdpdtech.sandiego.gov/Automated%20License%20Plate%20Recognition%20\(ALPR\)/ALPR+Surveillance+Use+Policy+%28Modified+-+Annual+Report+2024%29.pdf](https://sdpdtech.sandiego.gov/Automated%20License%20Plate%20Recognition%20(ALPR)/ALPR+Surveillance+Use+Policy+%28Modified+-+Annual+Report+2024%29.pdf)

⁵ Ibid.

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People's Surveillance Impact Report

Introduction

This People's Surveillance Impact Report serves as a counter-narrative to the 2024 San Diego Police Department (SDPD) Surveillance Impact Report and focuses on educating readers on Automated License Plate Readers (ALPRs).

In 2019, the Transparent and Responsible Use of Surveillance Technology San Diego Coalition (TRUST SD) formed with 30+ participating community organizations to advocate for historically marginalized populations impacted by over-policing and surveillance technologies. TRUST SD has a track record of collective, humanist inquiry that grounds critical technology scholarship within ongoing social movements (Irani & Alexander 2019; Irani & Alexander 2024).

TRUST SD has gained significant momentum by amplifying the pressing concerns surrounding privacy, surveillance accountability, and the overwhelming influence of City and federal funds on Big Tech-driven projects at the expense of community-led initiatives. In 2023, TRUST SD successfully mobilized efforts to defund Shotspotter, an invasive audio surveillance platform, and played a pivotal role in championing the Surveillance Oversight Ordinance (TRUST Ordinance) in San Diego. This groundbreaking initiative also led to the establishment of the Privacy Advisory Board (PAB), marking a significant victory for privacy and oversight.

Summary of All Report Recommendations

Track Record Recommendations

To assure SDPD is following state law and to ensure the demonstrated risk of stalking is reduced as much as possible, as part of its Annual Surveillance Report process, the department should adopt new use policies that reduce the amount of data the department stores, which should be measured in hours of data rather than days. Additionally, SDPD's procedures for audit in its use policy for ALPR should include independent parties and more transparency to the public.

1. The PAB and City Council should not discuss ALPR as a public safety solution, as that claim is unsupported, and is contradicted by independent public research. If the PAB and City Council wish to demonstrate the reliable beneficial effects of ALPR, they should invite independent research into San Diego's ALPR system. That independent research would be welcome and would either confirm or contradict previous studies, which have shown no reliable public safety benefit.
2. Due to the high intrusion on privacy and the demonstrated risks of abuse, SDPD should modify its Use Policy to reduce ALPR retained data to 24 hours instead of 30 days. This will allow SDPD to continue using ALPR, while reducing the stockpiling of data as well as reducing the risk for abuse of San Diegans' locations by ICE or police who violate SB 34.

Alternatively, for any search of Flock data older than 24 hours, the City of San Diego should require that a judicial warrant be first obtained in order to perform a search beyond 24 hours.

3. SDPD should create in its Use Policy specific requirements for an independent party to audit the Flock and Ubicquia systems' use and configuration, as well as specific requirements for the scope and frequency of audits, and recurring cycles for publishing those audit results for public inspection. Frequent use of the Flock system by any single person should be targeted for the most rigorous audit procedures, and the audit should discover any use of shared credentials or any searches performed by administrators that do not comply with requirements. SDPD should also audit ALPR reads as well as law enforcement hotlists for accuracy.
4. SDPD should create in its Use Policy a requirement to notify the PAB and City Council in any instance that SDPD shares information collected from ALPR or streetlight surveillance technology with any other agency. The notification should include a justification for SDPD's belief that it is legal to perform such sharing.

Purpose Recommendations

1. SDPD's listed purposes for using ALPR include multiple vague aspirations instead of measurable purposes and outcomes, as required in SDMC §210.0102(p). SDPD should list specific purposes

of the technology that allow for assessments on whether the intended purposes of the technology are being fulfilled. For example, a theoretical specific purpose could be to continually decrease the number of reported vehicle thefts, or to continually increase the number of cleared cases involving vehicle theft. Measurable purposes will enable decision making based on shared goals.

2. If crime trends since SDPD first implemented ALPR show no reliable decrease in crimes, and no reliable increase in clearance rates, the department should educate the public and city leaders about those facts. Imaginary outcomes should not be part of the stated purpose of the technology, nor should anecdotes be presented as reliable outcomes, if the technology does not reliably produce those outcomes.
3. SDPD should modify its Surveillance Use Policy for ALPR to better ensure their stated purpose of “detering crime” is achievable. Currently the ALPR technology is unrecognizable to the public, and in our interviews with the public, most people are not aware of its existence, making deterrence impossible. Industry standard examples of proven ways to increase deterrence would be: increased public signage around the ALPR cameras, increased public education campaigns, and increased communication with neighborhood, religious and social groups. If additional policies for ensuring crime deterrence aren’t added, then crime deterrence should be removed from the technology’s statement of purpose.
4. SDPD should define purposes of the technology that are evident from their implementation and those purposes should be justified. For example, one unstated purpose appears to be to create data about as many San Diego vehicle trips as possible for later unspecified mining. Hidden or unrecognizable cameras, experts and standards bodies all agree, do not deter crime but they do secretly record the behavior of those who unwittingly appear under cameras and make it available to unknown and untrusted others.

Impact Assessment Recommendations

1. SDPD’s current impact statement for ALPR summarily denies San Diegans’ privacy is impacted by this mass surveillance technology. Their claim is refuted by other major agencies all over our country who have recognized the privacy impacts of ALPR. SDPD should retract its original impact statement and develop a detailed privacy impact assessment for any of its mass surveillance (“overt surveillance”) systems, including ALPR, as a first step to demonstrate the ability to treat data about us with appropriate care and professionalism.

Mitigations Recommendations

1. In order to mitigate ALPR’s harmful impacts, SDPD and city leaders should first abandon their false claim that there are no privacy implications of their mass surveillance system. In writing and in presentation, SDPD and some city leaders routinely hide behind the claim that the public “has no expectation of privacy in public,” to derail discussion of harms from ALPR and streetlight surveillance. Community members voices in this report share harms such as fear of moving in public and even insurance claim denials due to ALPR generated photographs of San Diegans’

cars. Meanwhile, federal, state, and many major city law enforcement agencies have authored thorough and sophisticated Privacy Impact Assessment reports for their ALPR systems that acknowledge the technology's privacy implications. It is impossible for the communities of San Diego to entrust our privacy to SDPD when SDPD categorically denies that those communities are allowed to expect privacy.

2. The single most important mitigation for the harms caused by creating ALPR data about San Diegans is to not create the data in the first place. SDPD should adopt a Use Policy specifying that ALPR devices should only be deployed on a temporary basis, and only then to locations where a specific incident and demonstrable specific need exists, and a measurable purpose can be achieved.
3. Impacts on San Diegans can be further mitigated by reducing the amount of data that is stored after SDPD has created it. Several states and cities enforce a data retention period that is stricter than SDPD's 30 day retention period. Shorter retention periods can mitigate some of the harmful effects of mass surveillance.
4. SDPD has other use policies that may be helpful in mitigating harmful impacts on San Diegans, but they are not transparent about how those policies are enforced and whether they are successful mitigations. Additional audit procedures should be created in SDPD's use policy to independently verify the professional operation of the ALPR systems and help form the basis for public trust in the city's mitigation of harmful impacts.

Locations Recommendations

1. Of the 22 most deadly road intersections in San Diego, cameras have been deployed to only 3 of those intersections, per SDPD's provided map. SDPD should prioritize uses of deterrence and investigative cameras that can result in saved lives, rather than endlessly surveilling San Diegans' routine trips all over the city without any provable value. SDPD should especially prioritize in its Use Policy those intersections correlated with a high number of fatal collisions between cars, bicycles, and pedestrians and should routinely report on how the ALPR technology is being used as part of the City's plan to reduce major injuries and deaths caused by cars.
2. SDPD should create additional use policies that enable members of the public to verify that ALPR and streetlight surveillance cameras are not permanently capturing images of private property and private or sensitive locations, and to enable the public to file requests for changes if surveillance of private places is found to occur.
3. As a precondition for recommending the ALPR system continue to be used, the PAB should require that SDPD disclose the original and current locations of streetlight cameras and ALPR cameras by coordinates rather than only by approximation on a graphical map. This is the only way that PAB and City Council can exercise oversight over the location of the devices.

4. Rather than blanketing the City of San Diego with as many mass surveillance devices as possible and thereby creating an undemocratic dragnet, SDPD should create additional Use Policies that allow installation of ALPR cameras only around areas where specific incidents and demonstrable specific needs exist, and which may temporarily justify the use of mass surveillance to achieve a measurable purpose.

Fiscal Cost Recommendations

1. The department should disclose to the PAB any intention to expand the existing camera and ALPR surveillance network, especially if planning to increase it significantly. The department should disclose this intention in the Annual Surveillance Report as part of its duties in §210.0102(a) and to assist the Privacy Advisory Board with their duties to consider the costs of the system as required in §210.0108(b).
2. As part of its Annual Surveillance Report, the department should report to the PAB on its progress analyzing the network of thousands of streetlight surveillance devices previously deployed in San Diego as part of the contract established around 2016 with vendor GE Current. In October 2023, SDPD included as part of its proposal for the Ubicquia and Flock systems a promise to review whether the old GE Current cameras could be removed as part of the city's promise to be fiscally responsible. Yet, thousands of those devices continue to be present throughout San Diego, confusing San Diegans and giving some a false sense of safety while giving others a false sense of dread. The zombie surveillance devices also needlessly cost the city through utilities usage.
3. The Independent Budget Analyst (IBA) office should conduct annual financial reports and analysis of how to recover funds from mass surveillance programs, including how such programs can be reduced or decommissioned according to best practices.

People’s Stories & Interviews

Government surveillance technologies, like ALPRs, have been forced into our daily lives. They are in fixed locations on lamp posts and street lights, while others are mobile on police cars found throughout the city, unnoticeable in plain sight. San Diegans do not have the choice to opt out from having data created about them, which has raised serious concerns about privacy and civil liberties.

According to SDPD’s *2024 Annual Surveillance Report*, the Police Department did not receive community concerns or complaints other than a letter dated July 31, 2024, from the Community Advocates for Just and Moral Governance titled “Notice of Violations of the TRUST Ordinance – Smart Streetlights and Automated License Plate Readers.” This is far from the reality, as community members and advocates from over thirty human rights-focused community organizations have participated in public comment, written or spoken to their councilmembers, and expressed their deep concerns for their privacy rights, including through local news cycles. People care about how their lives are being surveilled and they want their elected officials to listen and better serve their communities. Here are quotes from San Diego residents on ALPR technologies and national stories we can learn from to better protect the everyday lives of our communities.

“I think law enforcement surveillance has a direct effect on my quality of life. Every time I try to attend a community event or take part in some community advocacy work, I am scared that they are following me or recording me through camera and using that against me.” – Anonymous San Diego resident

Privacy Issue: First Amendment Rights and Stalking

Our ability to exercise our First Amendment Constitutional Rights are a large part of American identity and US history. ALPR and Smart Streetlight technology restrict people from engaging in protests or peaceful forms of civil disobedience because it stirs fear in people’s everyday lives that police will stalk them or ignorantly use their information against them, not protect them.

In an Associated Press investigation, they found Police officers have abused the usage of confidential databases to spy on romantic partners, business associates, neighbors, journalists, and others for reasons that have nothing to do with daily police work⁶. According to the US Department of Justice, “Electronic monitoring was used to stalk 1 in 13 victims. Video or digital cameras were equally likely as

“I think no one including myself do not want my information shared with the local and federal law enforcement. It’s possible they misuse my information. I don’t even know where they recording my personal information and who guarantees that they are not sharing my personal information with other organizations.” – Anonymous San Diego resident

⁶ Gurman, Sadie, and Eric Tucker. 2016. “AP: Across US, police officers abuse confidential databases.” AP News. <https://apnews.com/general-news-699236946e3140659fff8a2362e16f43>.

listening devices or bugs to be used to electronically monitor victims (46% and 42%). Global positioning system (GPS) technology comprised about a tenth of the electronic monitoring of stalking victims⁷.”

In 2024, Police Chief Lee Nygaard admitted to using Flock ALPR data to stalk his ex-girlfriend and her new boyfriend within a four-month period 288 times over four months across multiple cities. He was sentenced to 18 months of probation, did not face any charges, however he did lose his police certification⁸. In 2023, former Lieutenant Victor Heiar used Flock ALPR technology and database to stalk his wife and was also later granted probation for 18 months after pleading guilty for computer crime and stalking⁹. These are recent

ALPR Inaccuracies & Tracking People with No Legal Violations

The City of San Diego uses ALPR technology to quietly monitor the movements of millions of San Diego travelers who are not suspected of any wrongdoing. Many are unaware of this mass surveillance and how it fosters unnecessary hostility in our local communities. Surveillance technologies like ALPRs create fear, not trust. They criminalize people by capitalizing on fear-based speculations, rather than truth or facts. In a randomized control trial, the nonprofit BetaGov found high error rates, with 37% of stationary ALPR “hits” and 35% from mobile units being misreads¹⁰. The following examples demonstrate how ALPRs impact the socio-economic well-being of people in material and literal ways.

“What’s the difference between for profit companies using this vs PI [Principal Investigator] people using this to keep track of someone’s spouse? It is just weird when you start letting companies use this stuff. If they are using it, that makes me wonder who else is using it. They shouldn’t be able to use that data to mess with the public this way. I don’t have the resources to be honest to pay 30% to fix up what broke.”
– *Anonymous San Diego Union Representative*

In an interview, a San Diego-based union representative shared how she was driving a small SUV and was rear-ended by another driver, leaving a dent on her car. After reporting the incident to the insurance company, she was informed that the union representative would be responsible for 30% of the repair costs. The insurer based this decision on ALPR data, which the insurer shared recorded 61 sightings of the vehicle showing pre-existing scratches. The union representative claimed the scratches were from parking too close to their garage, but a dent did not exist before she was hit by the other driver. Why surveil an individual 61 times? What’s the rationale of keeping an excessive amount of data that many times?

⁷ Baum, Katrina et al., *Stalking Victimization in the United States* (Washington, DC: U.S. Department of Justice, 2009), <https://www.justice.gov/archive/ovw/docs/bjs-stalking-rpt.pdf>.

⁸ Stavola, Michael. 2024. “Kansas police chief used Flock license plate cameras 164 times to track ex-girlfriend.” *The Wichita Eagle*. August 17, 2024, <https://www.kansas.com/news/politics-government/article291059560.html>.

⁹ KWCH Staff. 2023. “Former Kechi police lieutenant convicted on stalking charges.” *12 News*. <https://www.kwch.com/2023/04/05/former-kechi-police-lieutenant-convicted-stalking-charges/>.

¹⁰ Potts, Jason. “Research in Brief: Assessing the Effectiveness of Automatic License Plate Readers,” March 2018. <https://www.theiacp.org/sites/default/files/2018-08/March+2018+RIB.pdf>

In 2021, the Las Animas County sheriff used ALPR technology to wrongly accuse Brittany Gilliam, a Black woman, of driving a stolen vehicle. Gilliam and her passengers—four Black girls aged 17, 14, 12, and 6—were forced to lie on the ground in handcuffs, with at least one drawn handgun and two tasers pointed at them, as officers attempted to determine on a “hot list” whether her blue Dodge SUV had been stolen. A review at police headquarters later revealed that the license plate reader had misidentified Gilliam’s car, mistakenly matching her plate number to a stolen motorcycle registered in Montana. However, officers failed to verify the plate in a national database, which would have shown that the stolen motorcycle had a different state and make than Gilliam’s vehicle¹¹.

¹¹ Snowdon, Quincy. 2021. “Aurora cop disciplined after forcing Black girls to lie face down on pavement running for Las Animas County sheriff.” Sentinel Colorado.
<https://sentinelcolorado.com/metro/aurora-cop-disciplined-after-forcing-black-girls-to-lie-face-down-on-pavement-running-for-las-animas-county-sheriff/>.

ALPR Legal Issues

Communities nationwide are sounding the alarm on ALPR technology, raising critical questions about the collateral consequences and effects of this type of mass government surveillance on residents' daily lives. Recently, issues have emerged regarding federal immigration enforcement accessing local ALPR databases to track individuals in immigrant communities, which could lead to legal challenges depending on how federal agents obtain the data and the extent of local laws.¹² In California, law enforcement agencies are ignoring statutory requirements by continuing to share ALPR data in direct violation of SB 34¹³. Recent disclosures in the San Diego Police Department's Annual Surveillance Report suggest that this unlawful practice may be occurring within San Diego's police department as well.

As legal challenges grow, judges are considering key constitutional and statutory issues surrounding the use and collection of ALPR data. The following cases illustrate how ALPR technology is being challenged on various legal fronts, ranging from Fourth Amendment claims to violations of state and local laws.

Schmidt v. City of Norfolk

In October 2024, two Virginia residents filed a lawsuit against the City of Norfolk, challenging the constitutionality of Flock Safety's ALPR cameras. The plaintiffs argued that the city's network of cameras, which track and store residents' movements, facilitated warrantless surveillance, violating their Fourth Amendment rights.¹⁴ The City's motion to dismiss the case was denied. In his ruling, Judge Davis referenced the U.S. Supreme Court case *Carpenter v. United States*, which found that tracking an individual's movements via cell phone location data is a search that requires a warrant under the Fourth Amendment. Judge Davis noted that the plaintiff's complaint "presents facts similar to those in *Carpenter*, where the Supreme Court found a clear violation of society's expectation of privacy: law enforcement secretly monitoring and recording the movements of tens of thousands of individuals over an extended period."¹⁵

Earlier, in a separate case, Norfolk Circuit Court Judge Jamillah LeCruise ruled in favor of a defendant's motion to suppress evidence gathered through Flock ALPR cameras without a search warrant. Judge LeCruise stated that "installing a global positioning system (GPS) device on a vehicle to track a citizen's location is considered a search and requires a warrant,"¹⁶ and that the extensive coverage of Flock cameras throughout Norfolk, along with their data storage capabilities, is similar to a GPS device, thus requiring a warrant.

Both Judge Davis and Judge LeCruise's rulings emphasize the importance of the Fourth Amendment in protecting individuals from warrantless surveillance and suggest that courts are closely considering how ALPR technologies may violate these constitutional protections.

¹² <https://www.theguardian.com/us-news/2025/mar/11/ice-car-trackers-sanctuary-cities>

¹³ <https://www.eff.org/press/releases/civil-liberties-groups-demand-california-police-stop-sharing-drivers-location-data>

¹⁴ <https://law.justia.com/cases/federal/district-courts/virginia/vaedce/2:2024cv00621/562101/29/>

¹⁵ <https://ij.org/press-release/judge-rules-lawsuit-challenging-norfolks-use-of-flock-cameras-can-proceed/>

¹⁶ <https://www.govtech.com/public-safety/virginia-judge-rejects-alpr-evidence-without-warrant>

Scholl v. Illinois State Police

In Cook County, Illinois, residents sued the Illinois State Police over the use of ALPRs. In their May 2024 complaint, plaintiffs argued that the warrantless, indiscriminate surveillance enabled by ALPR technology amounts to an unreasonable search under the Fourth Amendment.¹⁷ “Defendants are tracking anyone who drives to work in Cook County—or to school, or a grocery store, or a doctor’s office, or a pharmacy, or a political rally, or a romantic encounter, or family gathering—every day,” the lawsuit states, “without any reason to suspect anyone of anything, and are holding onto those whereabouts just in case they decide in the future that some citizen might be an appropriate target of law enforcement.”¹⁸

A January 8, 2025 article in *Chicago Reader* underscored this harm by introducing the findings of internet security researcher Matt Brown. Brown found that some Motorola Solutions’ ALPRs used by law enforcement across several states were improperly configured to transmit video and detailed vehicle information over an unsecured public network. This vulnerability enabled anyone with a computer to potentially track a person’s location in real time. Brown’s research identified at least 172 cameras open to the public, including 14 in Chicago, Illinois and 28 in Naperville, Illinois, based on their IP addresses.¹⁹

The lawsuit filed by Cook County residents against the Illinois State Police highlights significant concerns regarding the use of ALPR technology for warrantless surveillance. The case is further compounded by Brown’s findings regarding vulnerabilities in ALPR systems that could allow the public to track individuals’ movements. As legal and privacy issues surrounding ALPR technology continue to unfold, this case exemplifies the growing scrutiny of surveillance practices and their potential impact on privacy rights.

Lagleva v. Doyle

In June 2022, community activists in Marin County, California, reached a settlement in a lawsuit against the County Sheriff’s Department over its illegal practice of sharing ALPR data with federal and out-of-state agencies.²⁰ In *Lagleva et al. v. Doyle*, the plaintiffs argued that the sheriff’s department had unlawfully shared license plate and location data captured by surveillance cameras with Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP), in violation of SB 34 and the California Values Act (SB 54).²¹ As part of the settlement, Sheriff Doyle agreed to cease sharing ALPR data with agencies outside California, ensuring compliance with state laws.²²

The settlement in *Lagleva et al. v. Doyle* marks a major win for immigrant communities in California. By halting the unlawful sharing of ALPR data with federal and out-of-state agencies, the settlement reinforces law enforcement’s obligation to adhere to state laws like SB 34 and the California Values Act.

¹⁷ <https://clearinghouse.net/doc/151312/>

¹⁸ <https://libertyjusticecenter.org/newsroom/liberty-justice-center-on-automatic-license-plate-readers-lawsuit-the-fourth-amendment-was-written-long-before-we-had-the-technology-to-track-peoples-movements>

¹⁹ <https://chicagoreader.com/news/license-plate-motorola-privacy/>

²⁰ <https://www.eff.org/document/lagleva-v-doyle-settlement-agreement>

²¹ <https://www.aclu-sdic.org/en/cases/lagleva-et-al-v-doyle-0>

²² <https://www.eff.org/press/releases/community-activists-reach-settlement-marin-county-sheriff-unlawfully-sharing-drivers>

Irani v. City of San Diego

In San Diego, residents filed a lawsuit against the City and its police department, alleging violations of the Transparent and Responsible Use of Surveillance Technology (TRUST) Ordinance. The lawsuit claims that the San Diego Police Department (SDPD) used surveillance tools, such as Smart Streetlights and Automated License Plate Readers (ALPR), at major 2024 events like the Pride Parade and Comic-Con without obtaining proper public approval or disclosing their use in the Surveillance Use Policy, as required by the ordinance.²³ This lawsuit underscores that violations of surveillance regulations extend beyond federal and state levels, reaching local governments as well.

The status of legal interpretations of ALPR surveillance remains complicated in 2025. The technology's flaws continue to generate lawsuits against cities, especially when officers misuse the technology to stop a mismatched car or to hold unsuspecting people at gunpoint. Such lawsuits have generated large financial settlements for the victims. As ALPR proliferates, the combination of errors in the technology and officers who do not have accuracy check policies or who do not follow those policies are a recipe for guaranteed trauma to victims of ALPR and for large financial costs for taxpayers.

²³<https://www.nbcсандiego.com/news/local/lawsuit-alleges-san-diego-police-use-of-surveillance-tech-violates-city-ordinance/3706717/>

Discussion of ALPR Impact and Recommendations

Review of ALPR Track Record

In February 2025, surveillance device maker Axon stated publicly that “Flock has demonstrated a pattern of behavior that creates barriers for customer integrations in attempts to create a digital silo and coerce customers to purchase additional Flock services.”²⁴

The City of San Diego must frame the use of Flock’s ALPR technology in an accurate way in order to achieve any desired results. To do that, city leaders and the PAB must acknowledge that Flock is a for-profit company, funded in some cases by extremists like Marc Andreessen and Peter Thiel, who are open about their extreme political opinions in favor of social control and mass surveillance. These extremists and their extremely invasive technology is what the City of San Diego has embraced, contradicting the 2023 recommendation of the Privacy Advisory Board.

The framing of Flock’s ALPR technology as a “public safety solution” is false, as the public safety value of ALPR has not been established by independent research, or anyone other than those who thirst for surveillance power and those who sell surveillance. In fact, of the three examples of public safety benefits quoted by Flock on their website²⁵, none of those crime reduction or case clearance “successes” from 2021 to 2022 continue to persist in those cities today, according to the FBI’s uniform crime reporting.

Rather, the discussion of Flock must first be framed as what Flock actually is: a money-making venture for a technology company that sees its business as gathering the most power it can, through deploying mass surveillance in public spaces, at the highest possible cost to taxpayers that the market will bear. And this business is very lucrative²⁶ for Flock’s investors, due in part to cities like San Diego.

SDPD assures the PAB and the City of San Diego that ALPR is successful, citing incidents where SDPD used the surveillance in connection with a crime. The department does not attempt to juxtapose the efficacy of Flock relative to its former ALPR system from Vigilant, nor does SDPD attempt to illuminate the trends of crime that occurred in very recent years when SDPD was using no ALPR system at all. Certainly, SDPD has not provided any historical perspective about how crimes were deterred or investigated prior to any ALPR system ever being installed, and how those methods of deterrence and investigation compare to ALPR.

Lastly, the department is silent on the question of why continuing, and potentially increasing, San Diego’s investment into Flock ALPR is necessary, if the current city-wide deployment is already effective, and overall crime trends are down. Will the SDPD continue to ask for more mass surveillance, regardless of whether crime trends up or down? If so, then the technology has no democratic purpose, and

²⁴<https://www.forbes.com/sites/thomasbrewster/2025/02/07/axon-vs-flock-two-policing-tech-giants-just-had-a-big-falling-out/>

²⁵ <https://www.flocksafety.com/resources/license-plate-reader-cameras-overview>

²⁶ Roof, Katie. 2025. “Andreessen Leads Funding Valuing Flock Safety at \$7.5 Billion”
<https://www.bloomberg.com/news/articles/2025-03-05/andreessen-leads-funding-valuing-flock-safety-at-7-5-billion>

only the surveillance oversight process, led by the community and the PAB, can prevent wasteful spending on mass surveillance systems that are intrinsically harmful.

What does the research on ALPR say?

Researchers that span ideological divides have found that ALPR technology does not correlate with more investigative leads, much less does it result in lower crime. Each of the below studies notes incidents where ALPR surveillance may have been helpful, but on aggregate they are unable to demonstrate any reliable correlation between reduced crime and ALPR, or investigative leads and ALPR.

1. [2010 George Mason ALPR](#)²⁷
2. [2011 Police Executive Research Forum](#)²⁸
3. [2011 Journal of Experimental Criminology](#)²⁹
4. [2021 Independent Institute](#)³⁰

The lack of research supporting the claims of ALPR's benefits is such a problem for Flock that they attempt to lure researchers into cherry-picking evidence to create biased research³¹ supporting Flock's marketing claims. The researcher involved with Flock's 2024 effort now criticizes the very same work he oversaw.

While the efficacy of ALPR for crime reduction continues to be speculative, based on claims unverified by independent researchers, and often based on claims issued from only the marketing departments of for-profit surveillance corporations like Flock Safety, the evidence of ALPR's harms continues to pile up, resulting in litigation and very real harms for those people who are violated by human agents of surveillance.

ALPR Harms

Abuse

1. In 2024, Lee Nygaard, the police chief for Sedgwick, Kansas, resigned after it was discovered that he had abused his access to Flock Safety cameras to stalk his ex-girlfriend and her new boyfriend hundreds of times over a four-month period. Despite this being an example of admitting to a criminal act, Nygaard faced no criminal accountability.
2. In 2022, Lieutenant Victor Heiar of the Wichita police department was also found to be abusing his access to Flock cameras, again to stalk his ex-wife. Heiar was held criminally accountable for his acts.

²⁷ https://cebcp.org/wp-content/evidence-based-policing/LPR_FINAL.pdf

²⁸ https://www.policeforum.org/assets/docs/Free_Online_Documents/Technology/combating%20auto%20theft%20in%20arizona%20-%20a%20randomized%20experiment%20with%20lpr%20technology%202011.pdf

²⁹ <https://link.springer.com/article/10.1007/s11292-011-9133-9>

³⁰ https://www.independent.org/pdf/research_articles/2021_11_30_alpr.pdf

³¹ <https://www.404media.co/researcher-who-oversaw-flock-surveillance-study-now-has-concerns-about-it/>

3. This issue is not new, and yet the public is not aware of the full scope of the problem. In 2015, a Mancos, Colorado officer John Cox used license plate databases to stalk his girlfriend by running license plates for all white pickup trucks. Cox was convicted for other crimes but never faced accountability for this crime.
4. A 2023 audit³² of New Jersey law enforcement’s use of ALPR uncovered issues where detectives were sharing login credentials, which obfuscated the identity of the person searching the ALPR system. Administrators of the ALPR system were also found to be searching using improper justification.
5. A 2015 audit³³ of Vermont law enforcement’s use of ALPR found that 11% of searches did not comply with the law.

While Flock’s corporate marketing has much to say about its claims that it will “end crime” in the next 10 years, it understandably has much less to say about the police officers using its equipment to perpetrate crime against the public. It has also stated publicly that it doesn’t care what the definition of crime is, and wants to help authorities enforce any law that a state can pass³⁴.

Misuse

Police agencies in California use their ALPR systems to break the law, directly contradicting their claims that the technology is used to increase public safety. In 2023, 71 California police agencies³⁵ were found to be sharing ALPR data in violation of California’s ALPR sharing regulations under SB 34.

The problem of police using Flock to break the law may have also come to San Diego. SDPD’s recent disclosure in its Annual Surveillance Report for sharing ALPR data discloses that SDPD continues to share ALPR data with agencies outside of California, which could be a violation of a California 2016 law, SB 34, that bans California law enforcement agencies from sharing ALPR data with agencies outside of California.

California Attorney General Rob Bonta issued guidance in 2023 leaving absolutely no question regarding SDPD’s responsibility:

ADDENDUM A – OUTSIDE AGENCY SHARING	
Agency	Times Data Shared
Drug Enforcement Agency	20
Eureka Police	1
Federal Bureau of Investigation	3
High Intensity Drug Trafficking Areas	1
Homeland Security Investigations	4
Internet Crimes Against Children	3
Royal Canadian Mounted Police	1
U.S. Customs and Border Protection	6 *
U.S. Marshals Office	3
U.S. Probation	4
U.S. Postal Inspection Service	8
U.S. Secret Service	14
Violent Crimes Task Force	1

³² [https://nj.gov/njsp/ALPR/pdf/20240716_2023_Audit_Automated_License_Plate_Recognition_\(ALPR\).pdf](https://nj.gov/njsp/ALPR/pdf/20240716_2023_Audit_Automated_License_Plate_Recognition_(ALPR).pdf)

³³ <https://auditor.vermont.gov/sites/auditor/files/documents/ALPR%20Final.pdf>

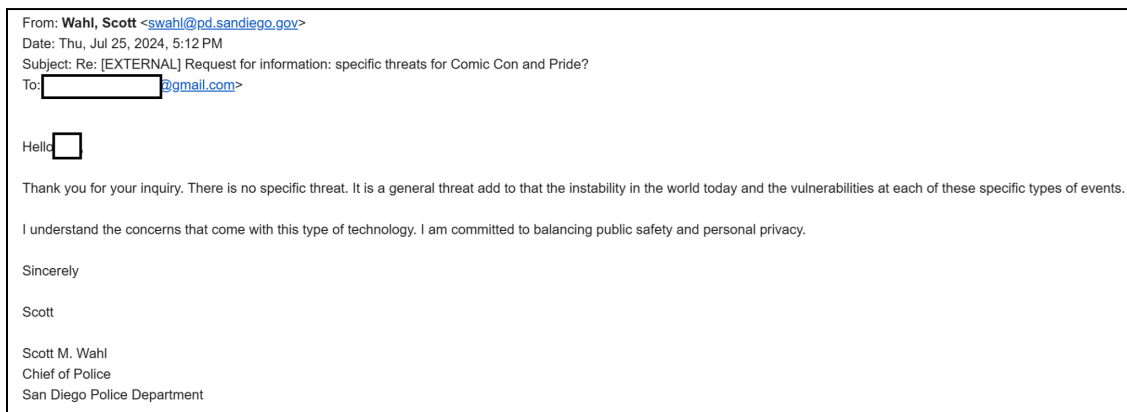
³⁴ <https://www.theguardian.com/world/2022/oct/06/how-expanding-web-of-license-plate-readers-could-be-weaponized-against-abortion>

³⁵ <https://www.eff.org/press/releases/civil-liberties-groups-demand-california-police-stop-sharing-drivers-location-data>

“SB 34 does not permit California law enforcement agencies (LEAs) to share ALPR information with private entities or out-of-state or federal agencies, including out-of-state and federal law enforcement agencies. This prohibition applies to ALPR database(s) that LEAs access through private or public vendors who maintain ALPR information collected from multiple databases and/or public agencies.”

Despite this clear mandate of law, SDPD reports that in 2024 they shared ALPR data with multiple federal agencies, and out-of-state law enforcement, and a foreign law enforcement agency, including Customs and Border Protection (CBP). If these actions violated SB 34, such lawless behavior would need to be explained by SDPD and those responsible would need to be held accountable. The California legislature passed these laws to protect immigrant communities' information from falling into the hands of federal immigration enforcement. Considering the current administration's tactics against immigrants, SDPD's potential violation of these laws puts immigrants at high risk and the City of San Diego should act to establish increased protections and increased accountability. Regardless, additional controls for how SDPD shares the ALPR data are also advisable to ensure future compliance. See above recommendations.

In addition to SDPD's potentially illegal sharing of ALPR data, in 2024 SDPD Chief Wahl also chose to misuse his powers under the TRUST surveillance ordinance by inappropriately declaring emergency “exigent circumstances.” After declaring that the Comic-Con convention and the Pride Parade amounted to an emergency³⁶, Chief Wahl deployed streetlight surveillance cameras and ALPR cameras without seeking any approval, as he is required to do. Wahl later went on to admit in writing that there were no specific threats known at either Pride or Comic-Con.



While this incident is the subject of ongoing litigation, PAB members do not need any court direction to see for themselves that SDPD may seek to misuse the ALPR system in contravention of the law, and the board can similarly decide that the we need increased protections for San Diegans in the ALPR Use Policy.

³⁶<https://www.sandiego.gov/sites/default/files/2024-07/20240708-san-diego-police-taking-immediate-steps-to-install-smart-streetlight-lpr-technologies-in-hillcrest.pdf>

Traumatic errors

People living their daily lives under ALPR surveillance continue to experience traumatic police interactions due to the inaccuracy of ALPR systems and the bias of police officers.

1. [2024 Oldsmar](#) police wrongly rely on ALPR to hold a man and his epileptic daughter at gunpoint.
2. [2020, Aurora, CO](#) Police officer arrests entire family including children after wrongly relying on ALPR.
3. [2006, New York](#) uses ALPR to surveil religious minorities.

These examples are not aberrations. Rather, they are the predictable results of problems intrinsic to the ALPR technology. A study in recent years concluded that approximately 10% of plate scans from Flock ALPR [are simply wrong](#). Additionally, even when departments have policies about relying on ALPR, police officers may fail to follow those policies.

As opposed to the unfounded speculation of police and corporations that ALPR may deter crime, or increase public safety, it is apparent in actual evidence that human abuse, misuse, and traumatic error is an intrinsic part of ALPR systems when oversight of the technology is weak. Given the evidence of both police stalking and police misreliance on faulty ALPR data, and given the widespread violations of SB 34 regulations, SDPD's controls in their ALPR Surveillance Use Policy should be modified so that public safety is increased by further protecting San Diegans.

Recommendations from Track Record Review

To assure SDPD is following state law and to ensure the demonstrated risk of stalking is reduced as much as possible, as part of its Annual Surveillance Report process, the City should require the department to adopt new use policies that reduce the amount of ALPR data stored by SDPD, which should be measured in hours of data rather than days. Additionally, SDPD's procedures for audit in its use policy for ALPR should include independent parties and more transparency to the public.

1. The PAB and City Council should not discuss ALPR as a public safety solution, as that claim is unsupported in the track record, and is contradicted by independent public research. If the PAB and City Council wish to demonstrate the reliable beneficial effects of ALPR, they should invite independent research into San Diego's ALPR system, which would either confirm or contradict previous studies, which have shown no reliable public safety benefit.
2. Due to the low value of old vehicle trip data, the high intrusion on privacy, and the demonstrated risks of abuse, SDPD should modify its Use Policy to reduce ALPR retained data to 24 hours instead of 30 days. Alternatively, for any search of Flock that exceeds 24 hours, the City of San Diego should require that a judicial warrant be first obtained in order to perform a search beyond 24 hours.
3. SDPD should create in its Use Policy specific requirements for an independent party to audit the Flock and Ubiqquia systems' use and configuration, as well as specific requirements for the scope and frequency of audits, and recurring cycles for publishing those audit results for public

inspection. Frequent use of the Flock system by any single person should be targeted for the most rigorous audit procedures, and the audit should discover any use of shared credentials or any searches performed by administrators that do not comply with requirements. Officer compliance with policies regarding check ALPR accuracy and checking hotlist accuracy should also be audited.

4. SDPD should create in its Use Policy a requirement to notify the PAB and City Council in any instance that SDPD shares information collected from ALPR or streetlight surveillance technology with any other agency. The notification should include a justification for SDPD's belief that it is legal to perform such sharing.

Review of ALPR Alternatives

Many successful strategies have been deployed to investigate crimes while protecting the public's rights, both prior to and after the invention of ALPR technology.

1. For years, the State of New Hampshire has required ALPR data to be destroyed after it is unused after 3 minutes. This, and other states (Utah, Maine) who have retention period requirements stricter than 30 days, demonstrate that ALPR technology can more safely be used with shorter retention periods than it is in San Diego.
2. A strategy of public education, public signage, and partnership with private parking lots used in San Ysidro in the late 90s [resulted in a 53% drop](#) in vehicle thefts and car prowls.
3. A [study of ALPR in 2012](#) found that when specialized police units were present in an area checking license plates manually, vehicle theft rates went down, but there was no such reduction in an area where ALPR was used.

“While we do not find that the [ALPR] was able to reduce auto theft we did find that another hot spots policing approach (the same auto theft unit doing focused police work but doing manual checking of license plates) was able to reduce auto theft...”

Review of ALPR Purpose

The intrinsic purpose of any ALPR system is to capture images of vehicles that pass by cameras and convert the information in those images to data that can be searched. The number of potential uses for this technology for any surveillance operator increases as the number of cameras increases, and the number of images captured increases, which creates more data for searching.

Law enforcement's fundamental purpose for using ALPR in public is to continually create new data about vehicle trips within an entire geographic region, to enable the maximum amount of data creation to be able to search against. This data can quickly or even automatically infer the identity of an individual in the car. This empowers law enforcement to mine that data at will for any purpose they see fit.

In its use policy, SDPD could define the purpose of the system in the same ways that they argue for it in public. That is, SDPD could write that the purpose of the system is to reduce vehicle thefts, increase case clearances for certain types of crime, or any of the other similar claims SDPD makes during its public presentations. Instead, SDPD's Surveillance Use Policy chooses vague and unmeasurable purposes, and overseers have not yet asked for specific, measurable purposes, as is required in SDMC §210.0102(p). If measurable purposes were placed into SDPD's Surveillance Use Policies, questions of whether the technology is "good" or "bad" could be replaced by questions of whether the technology is achieving its purpose, and whether the costs are worth any benefits.

If specific purposes were defined that refer to specific crime impacts, a problem with defining the purpose of ALPR in terms of the tiny number of cases where it is helpful is that research on ALPR shows it is not capable of reliably producing decreases in crime or increases in case clearances. Yet these two "purposes" dominate the conversation about ALPR surveillance, not just with the public but with overseers like experts and city leaders who have a duty to be aware that ALPR cannot deliver this purpose.

One study showed a California city's ALPR system data was useful only .03% of the time. That is, 99.97% of the data created by ALPR is not useful, and is tracking movements of people the police have no good reason to suspect, investigate, or to create data about. At the time of writing, SDPD's Flock system had detected 2,899,904 vehicles in the last 30 days.

Since San Diego has allowed this dragnet surveillance system to be owned and operated by SDPD, officers who are usually obligated to obtain probable cause and search warrants may instead search the data of San Diegans without any independent oversight or warrant, and can use this search power in any way that they feel is justifiable, as detailed within the Use Policy they write for themselves.

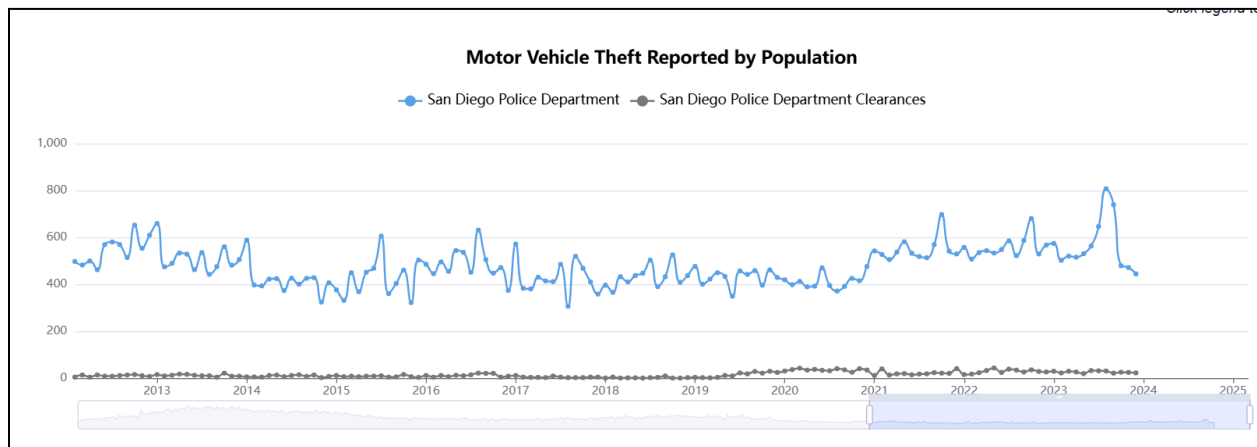
Predictably, the use of Flock ALPR without measurable purposes leads to a reliance on sales tactics like fear and exaggeration to justify the endless growth of and spending into the technology. Higher crime can justify more surveillance. Lower crime can justify more surveillance. Unless measurable purposes are defined for this technology, the fiscal costs and the dignity costs to San Diegans will continue to rise to levels even more unsustainable than they already are.

SDPD’s Expected Outcomes

If ALPR technology was successful at deterring auto theft as SDPD claims it is, we would expect to see a constant lowering of auto theft rates in San Diego since at least 2012 when the technology began to be widely adopted.

If ALPR technology was successful at assisting police with solving auto theft, we would expect to see a steady or rising rate of auto theft “clearances”, or cases solved, since ALPR was adopted.

Below are the theft report rates and clearance rates from 2012 to 2024, according to the FBI’s uniform crime reports.



Data from the FBI shows SDPD Motor Vehicle Thefts reported and clearance rates reported since 2012.

Note that reported auto thefts have fluctuated constantly since ALPR was placed in use in San Diego. Note also that SDPD’s low clearance rate has barely ever budged since ALPR was put into use.

The questions of whether ALPR technology reduces crime or increases clearance rates are not unique to San Diego. Since crime data can fluctuate for so many different reasons, experts rely on sober and peer-reviewed studies when attempting to discover the single cause of a rise or drop in crime. Studies of ALPR that have been conducted do not show that crime is reliably reduced when unrecognizable ALPR cameras are deployed. Examples of such studies:

1. [2010 George Mason ALPR](#)
2. [2011 Police Executive Research Forum](#)
3. [2011 Journal of Experimental Criminology](#)
4. [2021 Independent Institute](#)

For its own part, Flock has a track record of [publishing false claims about crime reduction](#), and even goes so far as to hire researchers who later go on to [disclaim the “research” published by Flock](#).

SDPD’s stated purposes in their Surveillance Use Policy only envisions for police work to be more efficient and “enhance public safety.” Neither of these goals are definable or particular to ALPR technology specifically, so neither of those purposes can ever be measured for achievement.

SDPD does say that ALPR's purpose is to deter crime. Deterrence of crime is a measurable purpose that can be acted on.

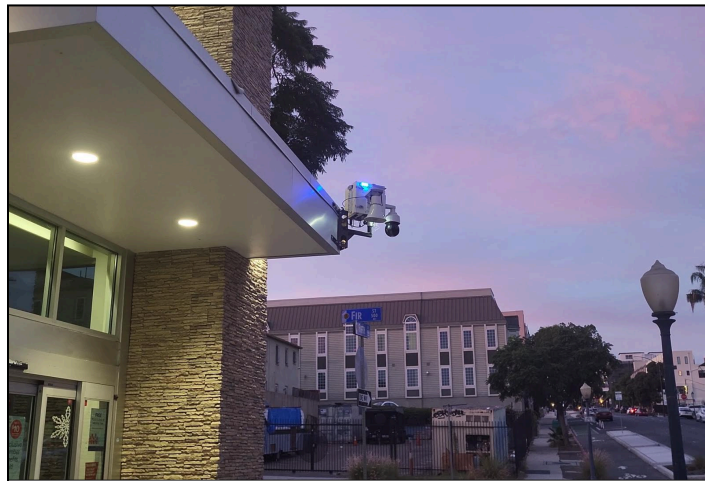
Deterrence of crime

Deterrence is a measurable outcome defined by SDPD, and is a purpose of surveillance that receives attention in research, in expert commentary and in frameworks of surveillance standards. For a camera to be a deterrent, someone prone to contemplating criminal action would need to be aware of the presence of the device in order to be deterred.

A 2011 study by the Urban Institute Justice Policy Center advises:

“The key purpose of camera signage and lights is to advertise the camera’s presence, enhancing its prevention and deterrence value. Prominent signs and flashing lights remind would-be criminals that there is a camera in the area that could potentially record any illegal activities they might attempt. Regardless of whether or not a monitor is actually viewing the cameras, the mere potential that someone might be watching should serve as a deterrent.”

Here is an example taken from the sidewalk in San Diego of a surveillance device that is intended to be a deterrent.



This device was prominent, was placed conspicuously, had flashing lights, and occasionally issued audio warnings to draw attention to the surveillance. This is a classic example of a device deployed to deter crime in a way that conforms to industry best practices.

Compare the above example with the below example of SDPD's streetlight camera and ALPR camera, which are supposedly deployed to deter crime:



A streetlight camera and ALPR camera are present on this streetlight, if you can find them.

The above view is taken from the street level and reflects the typical driver's view of the devices. SDPD's cameras are, essentially, hidden. Not only would drivers moving at regular speeds not be aware of the devices' presence, but a person lingering at the crosswalk directly underneath the devices would have to be a specialist to realize their activities were being recorded, and to make a behavior calculation.

When the residents of nearby Escondido travel around Flock ALPR cameras, they know it. That's because authorities in Escondido understand that deterrence is only possible when awareness is raised. So, Escondido deploys signage near their Flock ALPR cameras, as pictured here.

Standards for achieving goals using surveillance exist, published from a variety of public and private sources, such as those from the Security Industry Association or those from the Department of Homeland Security. One member of the Privacy Advisory Board asked SDPD in 2023 why the department was not benchmarking their use of surveillance technology against any of these standards. The department representative replied that they



don't follow standards because they don't have to. To date, SDPD still do not follow these surveillance standards.

If the City of San Diego wants to achieve any goal by using surveillance, the lowest possible bar that we can set for our departments would be to follow the freely available guidance that has been drawn from decades of public and private experience across the country. If our departments are so unprepared and incapacitated that they are unwilling to follow industry standards, then city leaders should require departments to first become willing to follow those standards, prior to ever approving the use of any powerful and dangerous technology.

Intrinsic Outcomes of Surveillance

Some outcomes are built-in to using ALPR surveillance in the way that SDPD does now.

- Intimidation of the public

Our interviews with the public regarding this technology indicate that when the public learns about the technology, some are fearful of not previously knowing of it, fearful of how police will use it, and they express that the surveillance damages the trust they have in city leaders and police.

- Reduction of privacy for all people

Untargeted, unwarranted mass surveillance intrinsically denies the personhood, dignity and autonomy of the entire population in that geography that is under surveillance. By deploying mass surveillance, SDPD and city leaders are asserting their power to create and store data about the daily lives and movements of individual San Diegans, where that data previously would never have existed. Worse, this untargeted mass surveillance is likely to expand and grow like a cancer, creating more and more data about us, especially when it is used without defined and measurable purposes.

- High Expense

Private, for-profit companies like Flock have discovered a gold mine in selling mass surveillance under claims that it will end crime and increase public safety. The fact that mass surveillance does not achieve those goals is actually beneficial to surveillance sellers and their profit-motivated investors. They simply sell more surveillance as a result. What is important to surveillance sellers and surveillance operators is creating the most data about the most people at the highest possible expense that taxpayers are willing to suffer, for the benefit of the surveillance sellers and operators, and at the expense of those who are the subjects.

- Errors

ALPR technology has a high error rate that the surveillance sellers like Flock do not want to discuss, and those errors lead to people getting hurt. The most common examples are inaccurate data in the ALPR database and inaccurate inferences by police officers who base their actions on unreliable data found in ALPR databases.

- Misuse and Abuse

ALPR surveillance is used by imperfect people who can decide to use the technology in harmful ways for purposes of their own choosing. Cases of police stalking people using Flock continue to be uncovered, as do cases of police breaking laws about when they are allowed to search ALPR data and who they are allowed to share ALPR data with. Human misuse and abuse of ALPR is a permanent problem intrinsic to the technology.

- Lawsuits

Misuse and abuse of the ALPR technology has led to lawsuits, which are costly in both time and finances for all parties, and often amplify public awareness of a department's lack of willingness to collaborate with their subjects or to follow best practices. Because misuse and abuse are intrinsic outcomes of ALPR surveillance, lawsuits and the loss of public trust in city leaders that follow from lawsuits is also an intrinsic outcome of using surveillance technology.

Recommendations from Purpose Review

1. SDPD's listed purposes for using ALPR include multiple vague aspirations instead of measurable purposes and outcomes, as required in SDMC §210.0102(p). SDPD should list specific purposes of the technology that allow for assessments on whether the intended purposes of the technology are being fulfilled. For example, a theoretical specific purpose could be to continually decrease the number of reported vehicle thefts, or to continually increase the number of cleared cases involving vehicle theft. Measurable purposes will enable decision making based on shared goals.
2. If crime trends since SDPD first implemented ALPR show no reliable decrease in crimes, and no reliable increase in clearance rates, the department should educate the public and city leaders about those facts. Imaginary outcomes should not be part of the stated purpose of the technology, nor should anecdotes be presented as reliable outcomes, if the technology does not reliably produce those outcomes.
3. SDPD should modify its Surveillance Use Policy for ALPR to better ensure their stated purpose of "detering crime" is achievable. Currently the ALPR technology is unrecognizable to the public, and in our interviews with the public, most people are not aware of its existence, making deterrence impossible. Industry standard examples of proven ways to increase deterrence would be: increased public signage around the ALPR cameras, increased public education campaigns, and increased communication with neighborhood, religious and social groups.
4. If additional policies for ensuring crime deterrence aren't added, then crime deterrence should be removed from the technology's statement of purpose, and other measurable purposes should be defined. For example, one purpose appears to be to quietly create data about as many San Diego

vehicle trips as possible for later unspecified mining. Experts and standards bodies all agree that hidden or unrecognizable cameras are not useful for deterrence, rather, hidden cameras are instead used to secretly record the behavior of those who unwittingly appear within their gaze.

Review of ALPR Fiscal Cost

In 2025, San Diegans have been put on notice that our city leaders' past spending habits have caught up with them, and the response to excessive spending is increasing fees, increasing taxes, and increasing penalties on taxpayers, while decreasing the services delivered to San Diegans. Any ongoing or new expense facing San Diegans must be viewed within the framing that we are all affected by the city's crisis of unsustainable spending.

Flock ALPR, integrated with the City's streetlight surveillance program, was projected to cost San Diego \$3.5 million in the first year, in SDPD's original impact report. The total cost of the system was estimated at [\\$12.5 million over 5 years](#). In 2024 and 2025, the mayor and some city council members have publicly stated on social media and at community meetings they intend to expand San Diego's ALPR and streetlight camera network, perhaps by as much as double the current number of devices. Due to the city's ALPR system being integrated with the Ubicquia streetlight surveillance system, there is no reason to expect that such an expansion project will cost anything less than double the annual amount originally projected.

With the 2024 deployment not even yet fully finished, the "bait and switch" of a program that was projected to cost San Diego taxpayers \$2 million annually has already begun, possibly doubling in cost just one year after it was approved. This switch precisely illustrates our city leaders' unsustainable approach to acquiring surveillance and unsustainable spending habits, which ultimately fall as a heavy burden on San Diego residents who must tolerate government hands reaching into our pockets for bailout funds to pay for unproven and unnecessary projects like mass surveillance.

These costs fall to San Diego taxpayers despite SDPD's claims that they would attempt to pay for the system through unspecified grant funding. In reality, all funds for streetlight cameras and ALPR are coming from the city's General Fund, which means the city is paying for ALPR surveillance instead of paying for other obligations or improvements to our city.

On 12-11-2024 a payment of \$1,449,602.08 was authorized for calendar year 2025 contract obligations.

All funding sources were from the city General Fund.

Lastly, when SDPD brought the Ubicquia and Flock system to San Diego City Council for approval, they claimed that part of the project would be a review of the thousands of prior surveillance cameras that were still attached to streetlights. The units may be still powered on and consuming billable resources, and obviously should be shut down.

Yet thousands of these zombie surveillance cameras still litter San Diego, not only as a monument to the failure of city leaders to successfully vet technology systems, but also as a monument for the inability of city leaders to clean up a scandalous and intrusive mass surveillance system that drew widespread ire from San Diegans. Every single one of these invasive, expensive and useless devices should be removed.

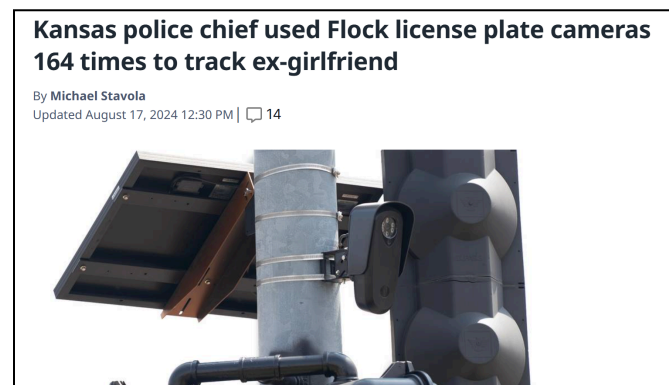
Recommendations from Fiscal Cost Review

1. The department should disclose to the PAB any intention to expand the existing camera and ALPR surveillance network, especially if planning to increase it significantly. The department should disclose this intention in the Annual Surveillance Report as part of its duties in §210.0102(a) and to assist the Privacy Advisory Board with their duties to consider the costs of the system as required in §210.0108(b).
2. As part of its Annual Surveillance Report, the department should report to the PAB on its progress analyzing the network of thousands of streetlight surveillance devices previously deployed in San Diego as part of the contract established around 2016 with vendor GE Current. In October 2023, SDPD included as part of its proposal for the Ubicquia and Flock systems a promise to review whether the old GE Current cameras could be removed as part of the city's promise to be fiscally responsible. Yet, thousands of those devices continue to be present throughout San Diego, confusing San Diegans and giving some a false sense of safety while giving others a false sense of dread. The zombie surveillance devices also needlessly cost the city through utilities usage.

Review of ALPR Impact Assessment

An important impact of using streetlight cameras and ALPR is the impact of its opportunity cost. Due to SDPD's overfocus and overspending on a dragnet of surveillance cameras, the staff focus and the millions of dollars which could otherwise be used to increase public safety via proven methods are being wasted. For every million dollars thrown into the abyss of extremist mass surveillance technologies, San Diego denies those funds to programs that prevent evictions, or that prepare neighborhoods for emergencies, or that maintain public restrooms, or that fund youth and volunteer programs that bring lasting safety to the City of San Diego.

In SDPD's existing impact report, its impact statement consists of three paragraphs, two of which are spent denying that San Diegans have any right to expect privacy in their lives as they move around San Diego. This obtuse and false impact statement sets SDPD in a lonely category, far away from other



large agencies that officially recognize the privacy impacts of ALPR and who have developed comprehensive impact studies. At the very minimum, victims who are stalked by police using ALPR systems would strongly object to SDPD's authoritarian impact statement.

San Diegans cannot entrust their privacy to city leaders who don't believe that the public is allowed any privacy. City leaders must first resolve this conflict in order for there to be the

possibility of a trust relationship between operators of surveillance and the public.

Examples of widely recognized privacy impact categories from ALPR:

- Identification of individuals
- Misidentification of objects (false matches leading to false criminalization)
- Data quality and accuracy (bad data)
- Non-relevant data (e.g religious affiliations, healthcare activities)
- Potential societal harms (opportunity costs and damaged trust)

Examples of Privacy Impact Assessments developed by responsible agencies that could guide SDPD to acknowledging the privacy risks of ALPR:

1. [International Association of Police Chiefs](#)
2. [Department of Homeland Security](#)
3. [Northern California Regional Intelligence Center](#)
4. [City of Seattle](#)
5. [San Diego Association of Governments](#) (SANDAG)

Recommendations from ALPR Impact Assessment

1. SDPD's current impact statement denies San Diegans' privacy is impacted by mass surveillance. SDPD should develop a detailed privacy impact assessment for any of its mass surveillance ("overt surveillance") systems, including ALPR, so that San Diegans can potentially establish trust that the department and city leaders are treating data about us with appropriate care and professionalism.

Review of ALPR Mitigations

It is currently impossible to discuss with SDPD and city leaders how to mitigate the evident and well documented harms that can be caused by using streetlight cameras and ALPR, because they refuse to acknowledge any privacy harms that may come from using those technologies. Instead, in every public conversation about mass surveillance, SDPD and city leaders focus on the phrase “no reasonable expectation of privacy in public” to derail further conversation.

Arguments over “reasonable expectations of privacy while in public” are drawn from legal scholarship and belong exclusively in the courtroom and classroom. San Diegans do not elect courts, we do not live our lives in court, and when we demand respect for privacy, we are not making a legal argument. Rather, we are asserting our shared human values. For whatever it is worth, much like “safety” and “happiness,” “obtaining privacy” is a basic shared value set out in the earliest sections of the California constitution, and nowhere does it say that right is limited to our homes.

ARTICLE I DECLARATION OF RIGHTS

SECTION 1.

All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

When San Diegans ask for our privacy rights to be respected, we are not inviting a lecture on the history of the Fourth Amendment. SDPD and our city leaders are not judges, and the communities of our city are not plaintiffs. San Diegans demand that our city leaders respect our basic privacy in the streets, in our city departments, in our laws and politics and in our public spaces, not because it is decreed by a high court, but because it is demanded by those communities SDPD is alleged to serve, and by those communities who elect our leaders to execute our shared values.

When a police officer or a city leader derails an inquiry into the harms of mass surveillance technology by claiming we have no expectation of privacy in public, they are asserting their own power to deny San Diegans’ shared values of respect for privacy. Leaders and agencies in many other cities, states and countries have already chosen differently, and San Diegans deserve leadership who will assist with achieving our values rather than attacking those values.

Once San Diegans have leadership that acknowledges our communities’ shared values of privacy throughout our city, and a privacy impact assessment is complete, mitigations for those impacts will become more clear. They often include:

1. Minimizing the amount of data created by mass surveillance systems.
2. Rejecting technology based on its accuracy rates.

3. Requiring warrants.
4. Routine independent audits with transparent results.
 - a. Audits of the Ubiqquia and Flock system configurations were promised by the vendor and the department in 2023.
 - b. Audits of the proper aging and proper deletion of retained data was also promised in 2023.

Recommendations from ALPR Mitigations

1. In order to mitigate ALPR’s harmful impacts, SDPD and city leaders should first abandon their false claim that there are no privacy implications of their mass surveillance system. In writing and in presentation, SDPD and some city leaders routinely hide behind the claim that the public “has no expectation of privacy in public,” to derail discussion of harms from ALPR and streetlight surveillance. Meanwhile, federal, state and many major city law enforcement agencies have authored thorough and sophisticated Privacy Impact Assessment reports for their ALPR systems that acknowledge the technology’s privacy implications. It is impossible for the communities of San Diego to entrust our privacy to SDPD when SDPD categorically denies that those communities are allowed to expect privacy.
2. The single most important mitigation for the harms caused by creating ALPR data about San Diegans is to not create the data in the first place. SDPD should adopt a Use Policy specifying that ALPR devices should only be deployed on a temporary basis, and only then to locations where a demonstrable specific need exists, and a reliable benefit can be proven.
3. Impacts on San Diegans can be further mitigated by reducing the amount of data that is stored after SDPD has created it. Several states and cities enforce a data retention period that is stricter than SDPD’s 30 day retention period. Shorter retention periods can mitigate some of the harmful effects of mass surveillance.
4. SDPD has other use policies that may be helpful in mitigating harmful impacts on San Diegans, but they are not transparent about how those policies are enforced and whether they are successful mitigations. Additional audit procedures should be created in SDPD’s use policy to independently verify the professional operation of the ALPR systems and help form the basis for public trust in the city’s mitigation of harmful impacts.


Review of ALPR Locations

SDPD selects for themselves the locations where the ALPR cameras will be placed. As of 2025, SDPD has received approval to move the cameras within a “2 block radius” without any requirements for approval or oversight. Since there exists no public maintained list of coordinates where ALPR and streetlight cameras have been originally installed or even currently are installed (the department provides only a visual map with icons near the camera location), this ability to move the cameras in a “2 block radius” of an undefined original location effectively removes oversight over the location of these surveillance devices. A “2 block radius” of an unspecified original location is anywhere. No enforcement is possible, due to a lack of specificity in the use policy requirements and weak oversight by City Council.

An analysis of the locations provided by SDPD indicates the cameras are placed based on a combination of location sensitivity, as well as based on a desire to capture the greatest amount of vehicle traffic as possible. As currently designed, a very high percentage of vehicle trips made by all people in the City of San Diego would be captured multiple times during a single trip. It is likely that at least 99.97% of the data created by SDPD’s ALPR cameras about these vehicle trips will be useless. SDPD should work to prevent the creation of useless data about San Diegans’ vehicle trips.

SDPD has refused to include policies that would ensure camera devices are not placed and positioned in a way that permanently records private property where every San Diegan would believe they have complete privacy. The department only claims that they review this internally, but refuse to offer any method for verification or oversight.

In August 2023, as a condition of accepting SDPD’s ALPR and Streetlight surveillance use policies, councilmembers asked SDPD to increase protections for private property and to setup a process to review placements, but there still is no use policy provision for someone living next to SDPD’s camera to verify their private property is not in the camera’s view.




ITEM 333: SMART STREETLIGHT AND AUTOMATIC LICENSE PLATE READER TECHNOLOGY PURSUANT TO THE TRANSPARENT AND RESPONSIBLE USE OF SURVEILLANCE TECHNOLOGY ORDINANCE.

Requesting that the Mayor’s office, in consultation with any relevant departments as well as the Privacy Advisory Board, further develop language within each use policy to address the following items:

- A process to review and adjust camera placements based on data feedback and community needs
- Additional procedures to protect private property
- Additional information regarding security practices for data protection
- Restrictions on third-party data sharing, including thru shared multi-agency databases
- A regular schedule for updating trainings and refresher trainings as needed
- Audit procedures to ensure adherence to use policies and procedures
- Any additional changes as deemed necessary to follow best practices, to account for any changes in law, and/or to further transparent and responsible use

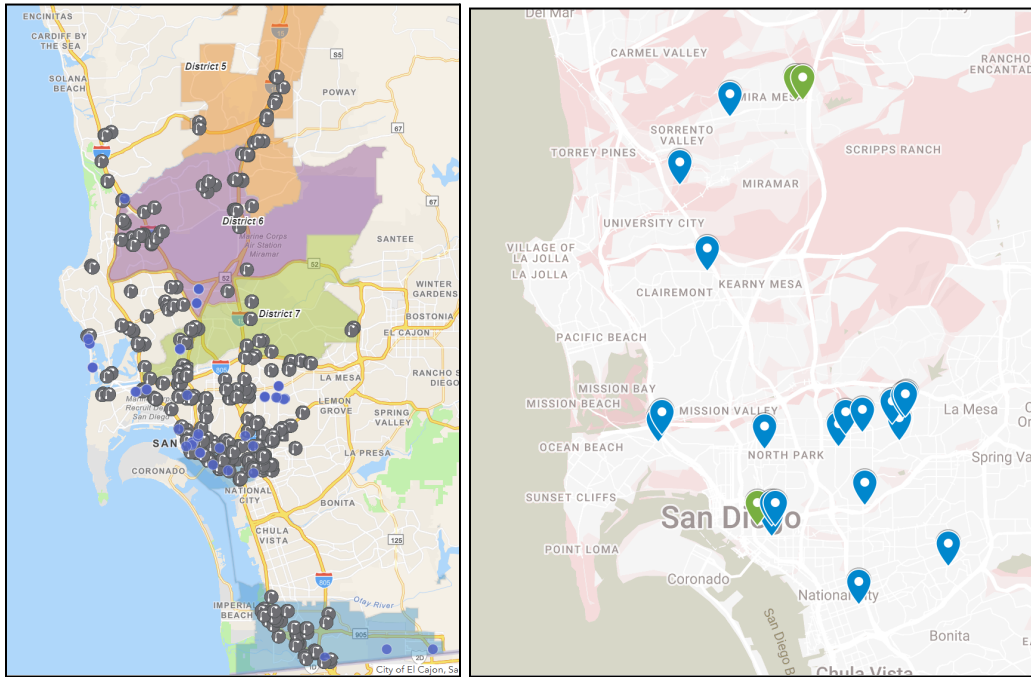
Request that the revised use policy return to council for future review.

Request that an initial report on both technologies is provided to Council within 6 months following contract approvals.


SAN DIEGO CITY COUNCIL
ITEM 333
AUGUST 1, 2023

Despite the City of San Diego’s Vision Zero plan being adopted in 2015 with the goal of eliminating pedestrian deaths on roads, pedestrian deaths have steadily risen over that period. While the

investment into ALPR is purportedly to increase public safety in undefined and immeasurable ways, reducing pedestrian deaths to zero is an actual goal that is measurable, and the use of cameras to diagnose problematic traffic intersections, determine root causes of fatal crashes and aid enforcement should be reviewed. Unfortunately, of the 20 or so most deadly traffic intersections in San Diego, SDPD has chosen to place surveillance cameras at only 3 of those intersections. SDPD should consider removing the technology from places where it serves no purpose, and instead redeploying the technology to locations where lives are routinely lost on our streets.



On the left, surveillance camera locations. On the right, deadliest intersections with cameras, in green.

It should also be noted that in 2025, Flock Safety has [threatened litigation](#) against the owner of a website that aggregates the location of Flock cameras all over the USA. This hints at the character of the surveillance partner that San Diego has embraced.

Recommendations from ALPR Locations

1. SDPD should create additional use policies that enable members of the public to verify that ALPR and streetlight surveillance cameras are not permanently capturing images of private property and private or sensitive locations, and to enable the public to file requests for changes if surveillance of private places is found to occur.
2. As a precondition for recommending the ALPR system continue to be used, the PAB should require that SDPD disclose the original and current locations of streetlight cameras and ALPR cameras by coordinates rather than only by approximation on a graphical map. This is the only way that PAB and City Council can exercise oversight over the location of the devices.

3. Rather than blanketing the City of San Diego with as many mass surveillance devices as possible and thereby creating an undemocratic dragnet, SDPD should create additional Use Policies that allow installation of surveillance cameras only around areas of where qualifying illegal behavior is known to be actively occurring, and which may temporarily justify the use of mass surveillance.
4. Of the 22 most deadly road intersections in San Diego, cameras have been deployed to only 3 of those intersections, per SDPD's provided map. SDPD should prioritize uses of deterrence and investigative cameras that can result in saved lives, rather than endlessly surveilling San Diegans' routine trips all over the city without any provable value. SDPD should especially prioritize in its Use Policy those intersections correlated with a high number of fatal collisions between cars, bicycles, and pedestrians and should routinely report on how the ALPR technology is being used as part of the City's plan to reduce major injuries and deaths caused by cars.