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*D-86  
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ORIGINAL FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

MAY 6 - 2013

John A. Clarke, Executive Officer/Clerk  
BY *Mary Flores* Deputy

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11 Attorneys for Petitioners

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13  
14 **SUPERIOR COURT OF CALIFORNIA**

15 **IN AND FOR THE COUNTY OF LOS ANGELES**

BS143004

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17 AMERICAN CIVIL LIBERTIES UNION )  
FOUNDATION OF SOUTHERN )  
18 CALIFORNIA and ELECTRONIC FRONTIER )  
FOUNDATION, )

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Petitioners,

v.

COUNTY OF LOS ANGELES, and the )  
LOS ANGELES COUNTY SHERIFF'S )  
23 DEPARTMENT, and the CITY OF LOS )  
ANGELES, and the LOS ANGELES POLICE )  
24 DEPARTMENT, )

Respondents.

Case No.: \_\_\_\_\_

**VERIFIED PETITION FOR  
PEREMPTORY WRIT OF MANDATE  
AND WRIT OF MANDATE ORDERING  
COMPLIANCE WITH THE  
CALIFORNIA PUBLIC RECORDS ACT**

[Gov. Code §§ 6250, *et seq.*;  
Civ. Proc. Code §§ 1085, *et seq.*]

Department:

1 INTRODUCTION

2 1. By this petition and pursuant to Code of Civil Procedure §§ 1085, *et seq.* and  
3 Government Code §§ 6250, *et seq.*, Petitioners Electronic Frontier Foundation (EFF) and American  
4 Civil Liberties Union Foundation of Southern California (ACLU-SC) seek a writ of mandate to  
5 enforce the California Public Records Act (CPRA). In August through October 2012, Petitioners  
6 submitted requests for records concerning Respondents Los Angeles County Sheriff’s Department  
7 (LASD) and Los Angeles Police Department’s (LAPD) uses of Automated License Plate  
8 Recognition (ALPR) tools. Respondents released some records to Petitioners but those releases  
9 were inconsistent and did not include the full scope of records requested by Petitioners.  
10 Respondents refused to release several categories of requested records. By providing inconsistent  
11 releases and refusing to release records, Respondents have violated their legal duties. Petitioners  
12 therefore ask this Court for a writ of mandate to command LAPD and LASD to comply with the  
13 CPRA.

14 PARTIES

15 2. Petitioner ACLU-SC is a non-profit organization under the laws of the state of  
16 California, and is an affiliate of the American Civil Liberties Union (“ACLU”), a national  
17 organization of 500,000 members dedicated to the principles of liberty and equality embodied in  
18 both the United States and California constitutions and our nations’ civil rights law. Both ACLU-  
19 SC and ACLU have long been concerned about the impact of new technologies on the  
20 constitutional protections for privacy. *See, e.g., United States v. Jones*, 565 U.S. \_\_\_, 132 S.Ct. 945  
21 (2012) (amicus curiae in case holding that police officers’ warrantless placement of GPS device on  
22 car to track its location violated Fourth Amendment); *and City of Ontario v. Quon*, 560 U.S. \_\_\_,  
23 130 S. Ct. 2619, 2631 (2010) (amicus curiae in case addressing police officers’ expectation of  
24 privacy in messages on department-issued pagers). As part of its advocacy, the ACLU-SC  
25 routinely uses public records laws to gather information about the policies and practices of local,  
26 state, and federal governments, in order to compile information for publication in reports published  
27 in hard copy and distributed electronically through the ACLU-SC’s website, in amicus briefs, and  
28

1 through the media. As such, the ACLU-SC is beneficially interested in the outcome of these  
2 proceedings and in Respondents' performance of their legal duties.

3 3. Petitioner EFF is a not-for-profit corporation established under the laws of the  
4 Commonwealth of Massachusetts, with offices in San Francisco, California and Washington, D.C.  
5 As a donor-supported membership organization, EFF has worked for more than 20 years to inform  
6 policymakers and the general public about civil liberties issues related to technology and to protect  
7 civil liberties, privacy, consumer interests, and innovation in new technologies. In support of its  
8 mission, EFF uses state and federal transparency laws to obtain and disseminate information to the  
9 public concerning government activities. EFF reports on and publishes records it receives in  
10 response to public records requests on its website, [www.eff.org](http://www.eff.org); in its online newsletter, the  
11 *EFFector* (in publication since 1990, currently with more than 179,000 subscribers); and through  
12 white papers, amicus briefs, books, and its staff members' speaking engagements. As such, EFF is  
13 beneficially interested in the outcome of these proceedings and in Respondents' performance of  
14 their legal duties.

15 4. Respondent County of Los Angeles is a local public agency within the meaning of  
16 Government Code § 6252(d). The Los Angeles Sheriff's Department is a department of the county.

17 5. Respondent City of Los Angeles is a local public agency within the meaning of  
18 Government Code § 6252(d). The Los Angeles Police Department is a department of the City.

19 6. Upon information and belief, Respondent is in possession of records sought by this  
20 Petition.

### 21 **JURISDICTION AND VENUE**

22 7. This court has jurisdiction under Government Code §§ 6258, 6259, Code of Civil  
23 Procedure §§ 1060, and 1085, and Article VI, section 10 of the California Constitution.

24 8. Venue is proper in this Court: The records in question, or some portion of them, are  
25 situated in the County of Los Angeles and City of Los Angeles. Gov't Code § 6259; Code Civ. Pro.  
26 § 401(1). Also, Respondents reside in, and the acts and omissions complained of herein occurred  
27 in, Los Angeles County. *See* Code Civ. Pro. §§ 393, 394(a).

1 **FACTS**

2 *EFF's Request to Los Angeles Police Department*

3 9. On August 30, 2012, Petitioner EFF sent a PRA request to Respondent LAPD. A  
4 copy of this request is attached to this petition as Exhibit A. The request sought records related to  
5 LAPD's use of Automated License Plate Recognition (ALPR) tools, including, specifically:

- 6 a. all ALPR data collected or generated between 12:01 AM on August 12,  
7 2012 and 11:59 PM on August 19, 2012, including, at a minimum, the  
8 license plate number, date, time, and location information for each  
9 license plate recorded;
- 10 b. any policies, guidelines, training manuals and/or instructions on the use  
11 of ALPR technology and the use and retention of ALPR data, including  
12 records on where the data is stored, how long it is stored, who has  
13 access to the data, and how they access the data.

14 10. EFF stated that its request applied to all documents in the LAPD's possession,  
15 including electronic records. It also included documents that were created by a member of another  
16 government agency or a member of the public, including ALPR software and device manufacturers  
17 or vendors. EFF asked that if specific portions of any documents were exempt from disclosure, that  
18 the LAPD provide the non-exempt portions.

19 11. All of the records requested in Exhibit A fall within the definition of public records  
20 set forth in the PRA. *See* Gov't Code § 6252(e).

21 12. On September 14, 2012, the LAPD responded to this request by letter. It refused to  
22 produce the ALPR data generated between August 12 and August 19, 2012, stating that the  
23 "database and the data contained therein are exempt from disclosure because it contains official  
24 information." LAPD cited Government Code § 6254(k) and Evidence Code § 1040. LAPD also  
25 cited Government Code § 6255 and asserted that it needed "to retain confidentiality of the report."  
26 Finally, LAPD claimed the records were either investigatory records or part of an investigative file  
27 and therefore exempt under Government Code § 6254(f). A copy of this letter is attached to this  
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1 petition as Exhibit B.

2 13. By this same letter, LAPD agreed to produce some records upon payment of a fee.  
3 These records included the “PIPS Technology Automatic License Plate Recognition Vehicle User  
4 Guide,” the “PIPS Technology Quick Start Guide,” and copies of the City of Los Angeles’s records  
5 retention policies.

6 14. On October 10, 2012, EFF sent a check to LAPD for \$2.40 to cover processing costs  
7 related to its PRA request.

8 15. On October 16, 2012, LAPD produced the records discussed in Paragraph 13.

9 16. As of the time this Petition was verified, Respondent LAPD has not provided  
10 Petitioner with any records responsive to the portion of EFF’s request seeking ALPR data  
11 generated between August 12 and August 19, 2012.

12 17. Upon information and belief, the LAPD has at least some of the requested records in  
13 its possession. On June 1, 2012, *LA Weekly* reported that the LAPD and Los Angeles Sheriff’s  
14 Department “are two of the biggest gatherers of automatic license plate recognition information  
15 [and] have logged more than 160 million data points — a massive database of the movements of  
16 millions of drivers in Southern California.”<sup>1</sup> The *Weekly* article noted that ALPR “units  
17 continuously scan and photograph every license plate within view, logging the time and location of  
18 each, and that “Police have already conducted, on average, some 22 scans for every one of the  
19 7,014,131 vehicles registered in L.A. County.”<sup>2</sup> The article stated that “[p]olice officials are quick  
20 to note that the information being gathered isn't private.”<sup>3</sup>

21 *EFF's Request to Los Angeles Sheriff's Department*

22 18. On September 4, 2012, Petitioner EFF sent a PRA request to Respondent LASD. A  
23 copy of this request is attached to this petition as Exhibit C. The request sought records related to  
24 LASD’s use of Automated License Plate Recognition (ALPR) tools, including the same categories  
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26 <sup>1</sup> Jon Campbell, “License Plate Recognition Logs Our Lives Long Before We Sin,” *LA Weekly*  
(June 21, 2012) <http://www.laweekly.com/2012-06-21/news/license-plate-recognition-tracks-los-angeles/>.

27 <sup>2</sup> *Id.*

28 <sup>3</sup> *Id.*

1 of records listed in Paragraphs 9-10 above.

2 19. All of the records requested in Exhibit C fall within the definition of public records  
3 set forth in the PRA. *See* Gov't Code § 6252(e).

4 20. On September 5, 2012, the LASD responded to this request by letter. It refused to  
5 produce the ALPR data generated between August 12 and August 19, 2012, asserting the records  
6 were exempt pursuant to Government Code §§ 6254(f)(k) and 6255(a) because they were  
7 "investigatory or security files." LASD asserted that "[t]he public interest served by not disclosing  
8 the record clearly outweighs the public interest served by disclosure of the record." LASD also  
9 asserted the records were exempt pursuant to Evidence Code §1040(b)(2) and stated that  
10 "[d]isclosure of the information is against the public interest because there is a necessity for  
11 preserving the confidentiality of the information that outweighs the necessity for disclosure in the  
12 interest of justice." A copy of this letter is attached to this petition as Exhibit D.

13 21. By this same letter, LASD agreed to produce records responsive to the second part  
14 of EFF's request upon payment of a fee.

15 22. On October 10, 2012, EFF sent a check to LASD for \$6.11 to cover processing costs  
16 related to its request.

17 23. On October 15, 2012, LASD produced the following records: "Los Angeles County  
18 Sheriff's Department, Field Operations Direction 09-04 - Automated License Plate Recognition  
19 (ALPR) System" and "Department Policies and Guidelines." LASD also produced a CD that  
20 contained a PowerPoint presentation titled "ASAP: Advanced Surveillance and Protection" that  
21 discussed the Department's ALPR program.

22 24. As of the time this Petition was verified, Respondent LASD has not provided  
23 Petitioner with any records responsive to the portion of EFF's request seeking ALPR data  
24 generated between August 12 and August 19, 2012.

25 25. Upon information and belief, the LASD has at least some of the requested records in  
26 its possession. The June 1, 2012, *LA Weekly* article discussed above in Paragraph 17, discusses  
27 aspects of the LASD's program. According to the *Weekly*, by June 2012, the LASD had "77  
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1 [ALPR] devices and another 200 in procurement.” Another article, published in March 2008 in  
2 *Police Chief* magazine by LASD Lieutenant Scott Edson noted, “ALPR systems can scan up to  
3 8,000 license plates during the course of a single shift.”<sup>4</sup> The article also stated that, as of March  
4 2008,

5 the LASD has 17 mobile ALPR units deployed across several  
6 patrol stations. . . . Six fixed ALPR cameras are installed in  
7 the city of Compton . . . and four are installed in La Habra  
8 Heights. . . . Thirteen additional mobile ALPR units have  
9 been procured for the LASD, while several other mobile and  
10 fixed systems are in the procurement process by the  
11 department’s contract cities.<sup>5</sup>

12 *ACLU-SC’s Requests to Los Angeles Sheriff’s Department*

13 26. On August 10, 2011, Petitioner ACLU sent a PRA request to Respondent LASD. A  
14 copy of this request is attached to this petition as Exhibit E. The request sought records related to  
15 LASD’s use of Automated License Plate Recognition (ALPR) tools, in addition to records related  
16 to a variety of other surveillance technologies.

17 27. All of the records requested in Exhibit E fall within the definition of public records  
18 set forth in the PRA. *See* Gov’t Code § 6252(e).

19 28. On September 2, 2011, LASD responded to ACLU’s request, declining to produce  
20 records responsive to the request for records related to “All policies, procedures, and practices  
21 governing use by the department of GPS Tracking Devices and/or ALPRs” on the basis that the  
22 records were “investigatory files” exempt under § 6254(f). A copy of this letter is attached to this  
23 petition as Exhibit F.

24 29. In the same letter, LASD also declined to produce records responsive to the request  
25 for records related to “All policies, procedures, training, and practices governing and/or limiting  
26 the purposes for which information obtained through use of GPS Tracking Devices and/or ALPRs  
27 may be used by the department or shared with other (federal, state or local) government agencies or  
28 non-governmental agencies,” on the basis that they were “investigatory files” exempt under

<sup>4</sup> Lieutenant Scott Edson, “Technology Talk: Los Angeles County Sheriff’s Department ASAP Program,” *Police Chief* (March 2008) [http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display\\_arch&article\\_id=1445&issue\\_id=32008](http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=1445&issue_id=32008).

<sup>5</sup> *Id.*

1 § 6254(f).

2 30. LASD also denied access to records responsive to the request for “data policies  
3 relating to the maintenance and retention of information obtained through GPS Tracking Devices  
4 and/or ALPRs, including but not limited to policies detailing how records of such information are  
5 kept, databases in which they are placed, limitations on who may access the records and for what  
6 purposes, and circumstances under which they are deleted.” The LASD claimed that these, too,  
7 were “investigatory files” exempt under § 6254(f).

8 31. On September 18, 2012, the ACLU sent a letter to LASD renewing those three  
9 requests that had been denied the prior year. A copy of this letter has been attached to this petition  
10 as Exhibit G. The ACLU’s letter explained why these requests for policies would not be exempt as  
11 “investigatory files.”

12 32. All of the records requested in Exhibit G fall within the definition of public records  
13 set forth in the PRA. *See* Gov’t Code § 6252(e).

14 33. On October 15, 2012, the LASD responded to the ACLU’s letter, producing the  
15 following documents: “Field Operations Directive 09-04 – Automated License Plate recognition  
16 System;” “Department Policies and Guidelines;” and “Century Station Order #72 – Advanced  
17 Surveillance and Protection.” A copy of LASD’s letter is attached as Exhibit H.

18 34. The document titled “Field Operations Directive 09-04,” described in Paragraph 33  
19 and attached to this petition as Exhibit I, states that LASD’s ALPR system uses “hot lists” which  
20 are “comprised of user defined data that is manually input into the informational data file so that  
21 ALPR users will be alerted whenever a ‘vehicle of interest’ is located.” The policy directive  
22 explained that “[c]urrent use of hot lists include AMBER alerts and vehicles associated with 290  
23 sex registrants.” The document notes, “Often times, these hotlists will identify a ‘vehicle of  
24 interest’ which is not necessarily wanted for a crime (ex: sex registrants vehicle). Personnel must  
25 use discretion and in some cases have independent information justifying a traffic stop.”

26 35. To learn more about the “hot list” system, the ACLU sent LASD a second request  
27 on October 22, 2012, requesting several different categories of records related to the hot list  
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1 system. A copy of this letter is attached to this petition as Exhibit J.

2 36. All of the records requested in Exhibit J fall within the definition of public records  
3 set forth in the PRA. *See* Gov't Code § 6252(e).

4 37. In response to two requests for records indicating “[t]he number and nature of  
5 currently existing ‘hot lists’” and “[t]he number of vehicles and/or persons currently placed on all  
6 existing ‘hot lists,’ cumulatively and per ‘hot list’,” LASD declined to provide records, claiming  
7 that they were “investigatory files” exempt pursuant to § 6254(f) in a letter dated December 5,  
8 2012. A copy of this letter is attached to this petition as Exhibit K.

9 38. Upon information and belief, LASD possesses additional public records responsive  
10 to ACLU’s first request, as evidenced by its failure to produce any training documents and its  
11 failure to produce documents that it produced to EFF. Furthermore, upon information and belief,  
12 LASD possesses additional public records responsive to ACLU’s second request, as evidenced by  
13 its own records discussing the “hot lists.” These records do not fall under any exemption to the  
14 CPRA, and, even if portions of them do, they could be produced in redacted form. Upon  
15 information and belief, LASD possesses records related to the sharing of ALPR data with other law  
16 enforcement agencies, as evidenced by a PowerPoint presentation produced by LASD to EFF  
17 suggesting that ALPR data gathered by other agencies can be searched by LASD personnel.

18 *ACLU-SC’s Request to Los Angeles Police Department*

19 39. On September 18, 2012, the ACLU sent a request to the LAPD for records related to  
20 its use of ALPR and GPS devices. A copy of this request is attached to this petition as Exhibit L.

21 40. All of the records requested in Exhibit L fall within the definition of public records  
22 set forth in the PRA. *See* Gov't Code § 6252(e).

23 41. On October 31, 2012, LAPD responded to ACLU’s request. A copy of LAPD’s  
24 response is attached to this petition as Exhibit M. LAPD agreed to produce a variety of records in  
25 response to ACLU’s request, but it did not produce any records related to sharing of ALPR data as  
26 requested.



1 as the court may allow. *Id.* § 6259(a).

2 47. If the Court finds that the failure to disclose is not justified, it shall order the public  
3 official to make the record public. *Id.* § 6259(b).

4 48. To ensure that access to the public's information is not delayed or obstructed, the  
5 PRA requires that "[t]he times for responsive pleadings and for hearings in these proceedings shall  
6 be set by the judge of the court with the object of securing a decision as to these matters at the  
7 earliest possible time." Gov't Code § 6258.

8 49. The California Constitution provides an additional, independent right of access to  
9 government records: "The people have the right of access to information concerning the conduct of  
10 the people's business, and, therefore, the meetings of public bodies and the writings of public  
11 officials and agencies shall be open to public scrutiny." Cal. Const., Art. 1 § 3(b)(1). This provision  
12 was adopted by the voters in 2004 because, as the ballot argument supporting the measure put it,  
13 when Californians asked questions of their government they increasingly found out "that answers  
14 are hard to get." The constitutional provision is intended to reverse that trend.

15 **FIRST CAUSE OF ACTION**  
16 **For Violation of the California Public Records Act &**  
17 **Article I, § 3 of the California Constitution**  
(All Petitioners against all Respondents)

18 50. Petitioners incorporate herein by reference the allegations of paragraphs 1 through  
19 49 above, as if set forth in full.

20 51. Respondents' refusal to release records and inadequate search for records, as  
21 evidenced by the inconsistent record productions, violate the PRA and Article I, § 3 of the  
22 California Constitution.

23 **PRAYER FOR RELIEF**

24 **WHEREFORE**, Petitioner prays as follows:

- 25 1. That the Court issue a peremptory writ of mandate directing Respondents to provide  
26 Petitioners with all requested records except those records that the Court determines  
27 may lawfully be withheld;

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- 2. That Petitioners be awarded attorneys' fees and costs; and
- 3. For such other and further relief as the Court deems proper and just.

Dated: May 3, 2013

Respectfully submitted,

ACLU FOUNDATION OF SOUTHERN CALIFORNIA

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Attorney for Petitioner



VERIFICATION

1  
2 I, Peter Bibring, have read this VERIFIED PETITION FOR PEREMPTORY WRIT OF  
3 MANDATE AND WRIT OF MANDATE in the matter of *ACLU-SC, et al. v. County of Los*  
4 *Angeles, et al.* The facts alleged in paragraphs 2, 3, 9, 10, 12, 13, 14, 15, 16, 17, 18, 20, 20, 21, 22,  
5 23, 24, 25, 26, 28, 29, 30, 31, 33, 34, 35, 37, 38, 39, 41, and 42 are within my own knowledge and I  
6 know these facts to be true. As to the remainder of the Petition, I am informed, and do believe, that  
7 the matters herein are true. On that ground I allege that the matters stated herein are true.

8 I declare under penalty of perjury under the laws of the State of California that the  
9 foregoing is true and correct. Executed on May 3, 2013 in Los Angeles, California.

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Peter Bibring  
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- 2. That Petitioners be awarded attorneys' fees and costs; and
- 3. For such other and further relief as the Court deems proper and just.

Dated: May 3, 2013

Respectfully submitted,

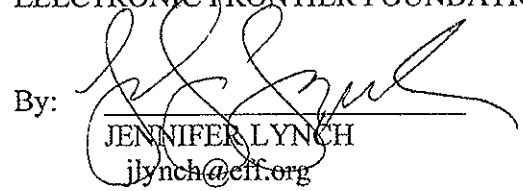
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**ELECTRONIC FRONTIER FOUNDATION**  
Protecting Rights and Promoting Freedom on the Electronic Frontier

August 30, 2012

**BY FAX & EMAIL** — 213-486-0280  
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Los Angeles, CA 90012  
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**RE: California Public Records Act Request**

To Whom It May Concern:

I am writing to you on behalf of the Electronic Frontier Foundation (EFF) pursuant to the California Public Records Act. I make this request as part of EFF's Transparency Project, which uses the Freedom of Information Act and state public records laws to obtain government documents and make them widely available to the public.

I am writing to request records related to the Los Angeles Police Department's (LAPD) use of Automated License Plate Recognition (ALPR) tools. On June 1, 2012, *LA Weekly* reported that the LAPD and Los Angeles Sheriff's Department "are two of the biggest gatherers of automatic license plate recognition information [and] have logged more than 160 million data points — a massive database of the movements of millions of drivers in Southern California."<sup>1</sup> The *Weekly* article notes that ALPR "units continuously scan and photograph every license plate within view, logging the time and location of each, and that "Police have already conducted, on average, some

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<sup>1</sup> Jon Campbell, "License Plate Recognition Logs Our Lives Long Before We Sin," *LA Weekly* (June 21, 2012) <http://www.laweekly.com/2012-06-21/news/license-plate-recognition-tracks-los-angeles/>.

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22 scans for every one of the 7,014,131 vehicles registered in L.A. County.”<sup>2</sup> The article stated that “[p]olice officials are quick to note that the information being gathered isn't private.”<sup>3</sup>

Through this request, EFF seeks the following:

1. all ALPR data collected or generated between 12:01 AM on August 12, 2012 and 11:59 PM on August 19, 2012.<sup>4</sup> This data should include, at a minimum, the license plate number, date, time, and location information for each license plate recorded,<sup>5</sup>
2. any policies, guidelines, training manuals and/or instructions on the use of ALPR technology and the use and retention of ALPR data, including records on where the data is stored, how long it is stored, who has access to the data, and how they access the data.

This request applies to all documents in the LAPD's possession, including electronic records.<sup>6</sup> It also includes documents that were created by a member of another government agency or a member of the public, including ALPR software and device manufacturers or vendors.<sup>7</sup> If specific portions of any documents are exempt from disclosure, please provide the non-exempt portions.<sup>8</sup>

Please respond to this request within ten days, either by providing all the requested records or by providing a written response setting forth the legal authority on which you rely in withholding or redacting any document and stating when the documents will be made available.<sup>9</sup>

If I can provide any clarification that will help identify responsive documents or focus this request,<sup>10</sup> please contact me at (415) 436-9333, extension 136 or [jlynch@eff.org](mailto:jlynch@eff.org). Please note that the Public Records Act allows a member of the public to request records by describing their content, rather than asking for specific documents by name; an agency that receives such a request must “search for records based on criteria set forth in the search request.”<sup>11</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> A presentation produced by the LAPD and attached to this request notes some of the data that is collected or generated by LAPD's APLR technology.

<sup>5</sup> EFF is *not* requesting copies of the plate and vehicle images or photographs captured by LAPD's ALPR technology. We are only seeking access to data collected or generated by the ALPR units, software or database, which would include but is not limited to license plate number, location of the vehicle, and date and time the vehicle's license plate was scanned.

<sup>6</sup> Gov't. Code § 6252(e).

<sup>7</sup> *See Ca. State Univ. v. Super. Ct.*, 90 Cal.App.4th 810, 824-25 (1999).

<sup>8</sup> Gov't. Code § 6253 (a).

<sup>9</sup> Gov't. Code §§ 6253(c), 6255.

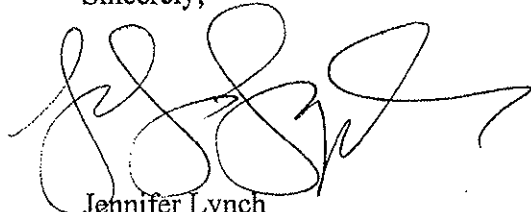
<sup>10</sup> Gov't. Code § 6253.1.

<sup>11</sup> *Cal. First Am. Coal. v. Super. Ct.*, 67 Cal.App.4th 159, 165-66 (1998).

Because EFF is a nonprofit organization that makes all information it receives through PRA and FOIA requests available to the public, I ask that you waive any fees. I also request that any records maintained in electronic format be provided in that same format, to avoid copying costs.<sup>12</sup> However, should you be unable to do so, EFF will reimburse the LAPD for the direct costs of copying these records (if the LAPD elects to charge for copying) plus postage. If you anticipate that these costs will exceed \$50, or that the time needed to copy the records will delay their release, please contact me so that I can arrange to inspect the document or decide which documents I wish to have copied. Otherwise, please copy and send them as soon as possible, and we will promptly pay the required costs.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jennifer Lynch', written in a cursive style.

Jennifer Lynch  
Staff Attorney

---

<sup>12</sup> Govt' Code § 6253.9.

# Los Angeles Police Department

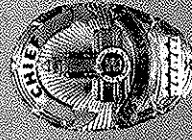


## Utilizing Technology In Policing

*Los Angeles Police Department Strategic Plan*



**WILLIAM J. BRATTON, CHIEF OF POLICE**  
**SERGEANT DANIEL GOMEZ, OFFICER IN CHARGE**  
**TACTICAL TECHNOLOGY UNIT, OFFICE OF OPERATIONS**



## **Goal...**

**Make Los Angeles the safest big city in America.**

## **Vision...**

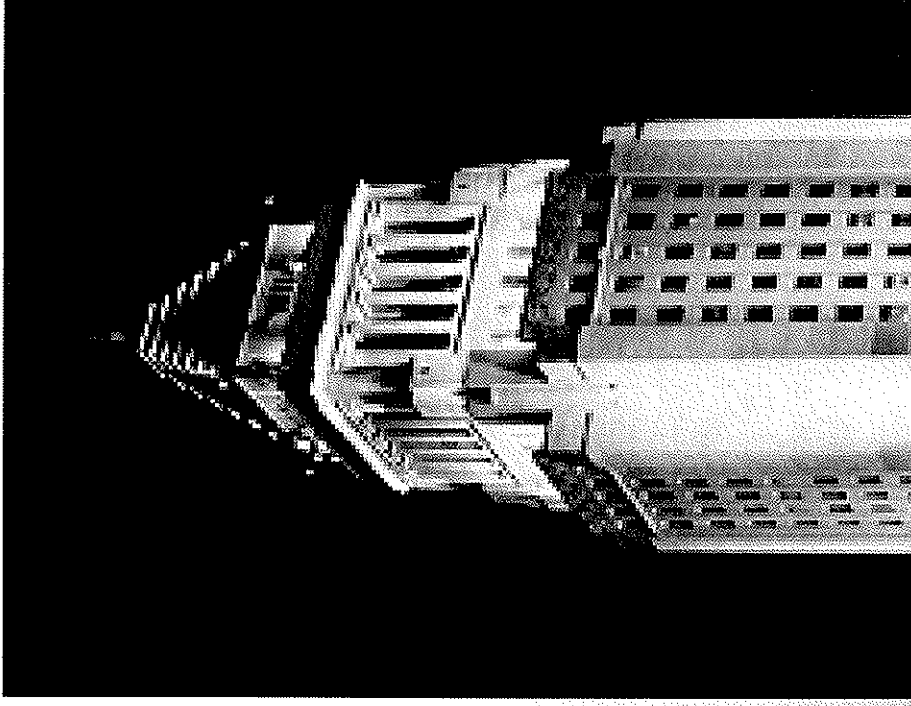
Develop a CCTV and license plate recognition network infrastructure to secure and protect the City of Los Angeles.

## **Mission...**

Reduce crime and prevent incidents of terrorism.

## **Objectives...**

Technology helps protect critical infrastructure, acts as a force multiplier and provides an additional tool when managing natural or manmade critical incidents. In addition, this technology can be used as an investigative tool and as part of an advanced intelligence based policing strategy.



*The government has a responsibility to protect our citizens, and that starts with homeland security.*

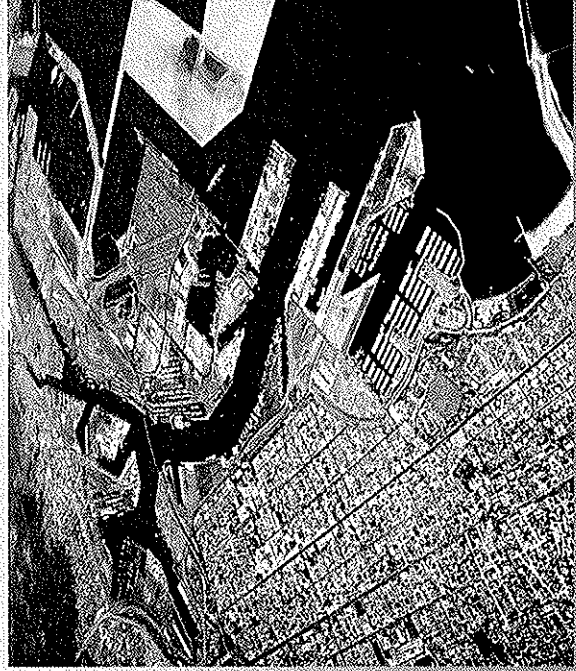
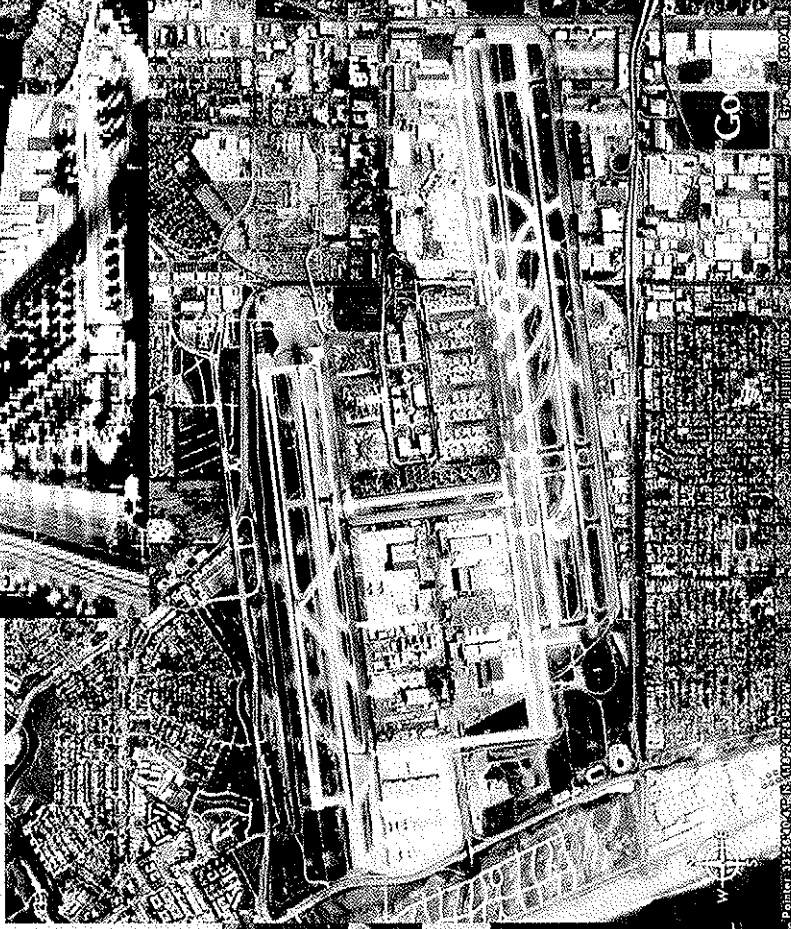
*-President George W. Bush*

*Address to the Nation November 8, 2001*

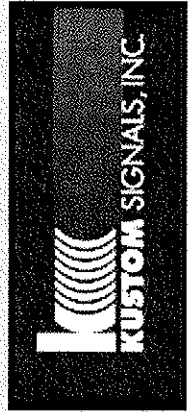
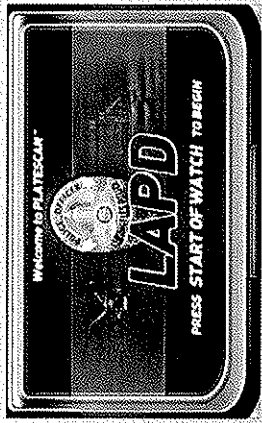
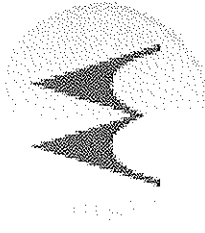
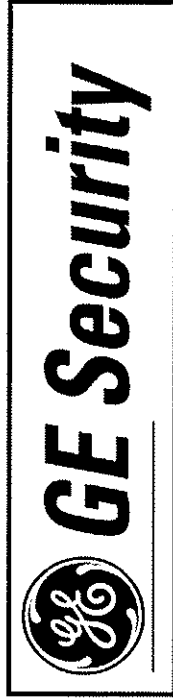


# Guiding Directives...

- Protect the citizens of Los Angeles
- Force Multiplier
- Build Coalitions and Partnerships
- Innovate with Technology
- Accountability

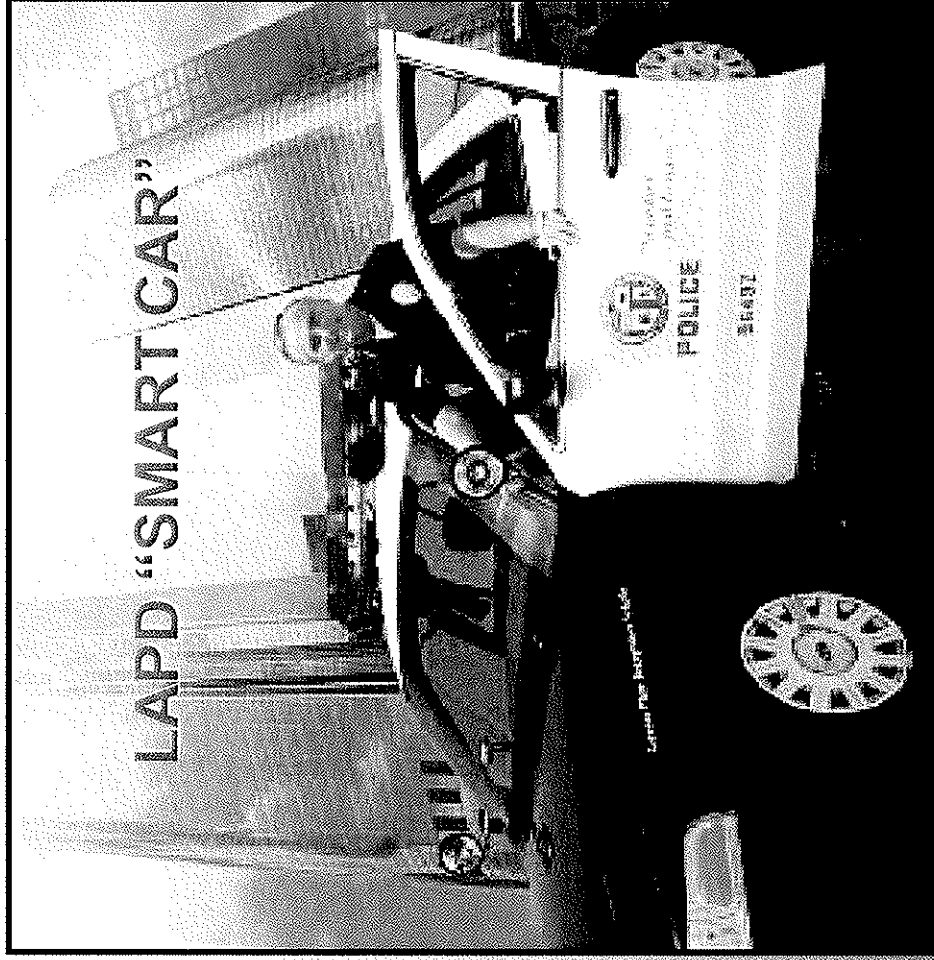


# DEVELOPING PUBLIC/PRIVATE PARTNERSHIPS



- *Partnerships Brought Technology and we found Innovative Applications for it.*
- *Technology acts as a Force Multiplier.*
- *Apply Technology in a Pro-Active Manner.*

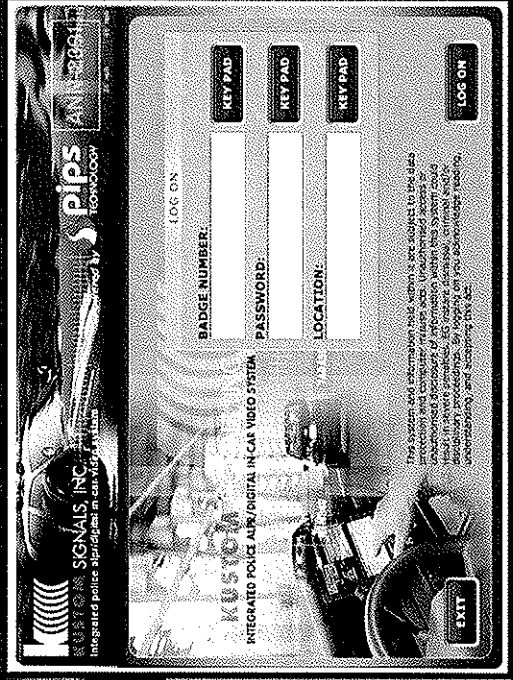
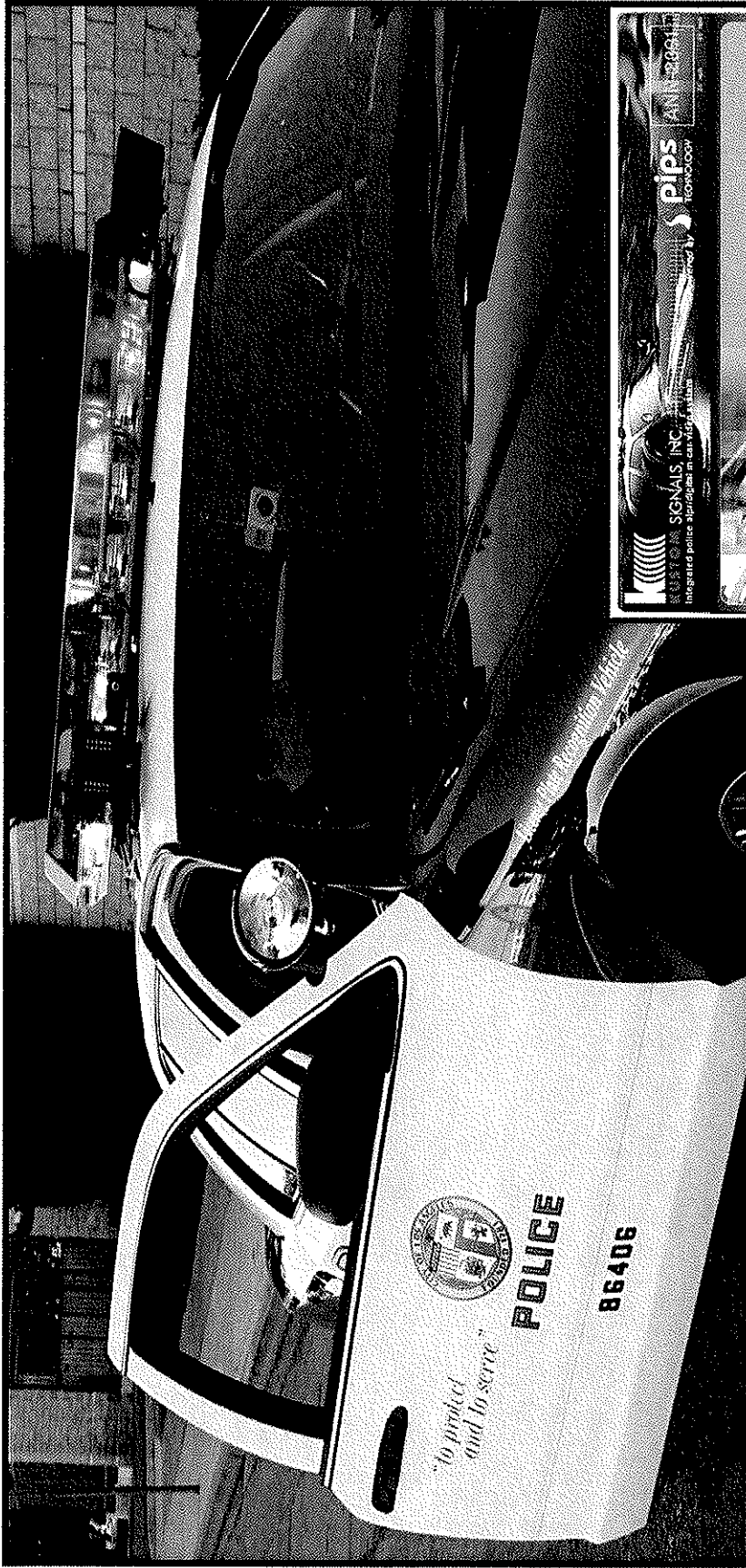
# Next Generation Police Vehicles



## TECHNOLOGIES

- Plate Recognition
- Digital In-Car Video
- Receive & Transmit live video feeds
- Removable Laptops
- Wireless Capabilities
- Facial Recognition
- Pursuit Management





- Digital In-Car Video System
- License Plate Scanning

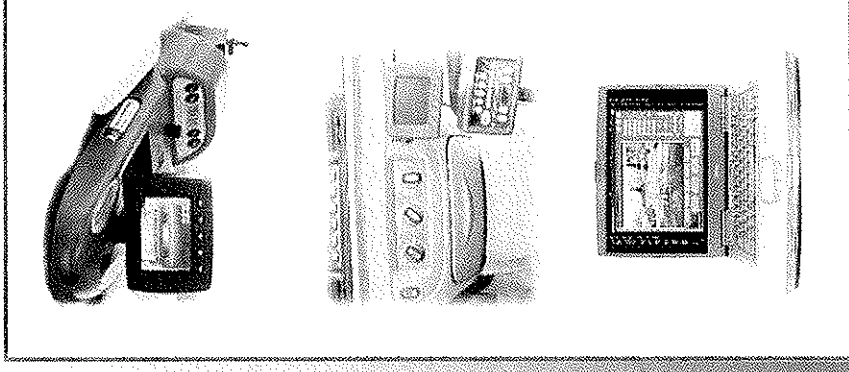


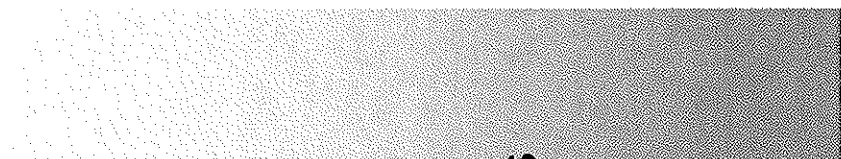
000022

# Current Technology...

Systems Allow for minimal user Interaction:

- *Automatic or Wireless transfer of captured Data*
- *Digital Quality Video*
- *Scalable Record Retention and Storage*
- *Ease of use and Search Ability*
- *Encrypted for use as Evidence*
- *Minimal Support staff Needed*
- *Pre and Post Event Recording*







# FIELD APPLICATIONS...



ON PATROL

- ▶ ALPR / In-Car Video / Real Time Video / Push-Pull Data
- ▶ Push Real-Time Data to Responding Units
- ▶ More Information for Officers to make Critical Decisions



# License Plate Recognition...

## 6 Month Results

Two Officer Unit:

Parked Recovered  
Stolen Vehicles –  
130

Rolling Stolen  
Vehicles – 35

Non-LPR Enabled  
unit Averages less  
than 7 combined  
Recoveries a year



LAPD



PIC

VIDEO

IR

Recognitions  
568



117RTV

PLATE LOG

- 48HJK02
- 117RTV
- 294HJ85
- 2995KLP
- 917RTVH

START OF WATCH

PLATE RECOGN

CRIME CONNECT



PIC

VIDEO

IR

Recognitions  
547



5BSJ008

PLATE LOG

- 48HJK02
- 5BSJ008
- 294HJ85
- 2995KLP
- 917RTVH

START OF WATCH

PLATE RECOGN

CRIME CONNECT

FACIAL RECOGN

DIGITAL VIDEO

END OF WATCH

# Data Analysis...

License No:

Station:

Category:

Date Range:  
From:   
To:

Time Range:  
From:   
To:

Distance Range:  
Address:

Mile Radius:

Search


Locate

Close

7W49120  
Captured By: AIT Crown Victor  
9/7/2005 2:11:30 PM

4UKC069		4UKC069 09/07/2005 03:51:25 PM Unrecognized - AIT Crown Victor
3SHN413		3SHN413 09/07/2005 03:28:22 PM Unrecognized - AIT Crown Victor
3SXB418		3SXB418 09/07/2005 03:31:45 PM Unrecognized - AIT Crown Victor
7J17562		7J17562 09/07/2005 03:31:45 PM Unrecognized - AIT Crown Victor
4SGB453		4SGB453 09/07/2005 03:31:45 PM Unrecognized - AIT Crown Victor
4XNV843		4XNV843 09/07/2005 03:31:45 PM Unrecognized - AIT Crown Victor
4XNV843		4XNV843 09/07/2005 03:31:45 PM Unrecognized - AIT Crown Victor
4S4453		4S4453 09/07/2005 03:31:45 PM Unrecognized - AIT Crown Victor

Total Records: 2015  
Page 4 of 202



### Freeway Automatic License Plate Recognition System

Los Angeles Police Department

1. License Plate  
 2. Vehicle Make  
 3. Vehicle Model  
 4. Vehicle Color  
 5. Vehicle Year  
 6. Vehicle Weight  
 7. Vehicle Height  
 8. Vehicle Length  
 9. Vehicle Width  
 10. Vehicle Type  
 11. Vehicle Status  
 12. Vehicle Location  
 13. Vehicle Direction  
 14. Vehicle Speed  
 15. Vehicle Acceleration  
 16. Vehicle Deceleration  
 17. Vehicle Braking  
 18. Vehicle Steering  
 19. Vehicle Lane Position  
 20. Vehicle Lane Change  
 21. Vehicle Lane Departure  
 22. Vehicle Lane Entry  
 23. Vehicle Lane Exit  
 24. Vehicle Lane Merge  
 25. Vehicle Lane Split  
 26. Vehicle Lane Split  
 27. Vehicle Lane Split  
 28. Vehicle Lane Split  
 29. Vehicle Lane Split  
 30. Vehicle Lane Split

1. License Plate  
 2. Vehicle Make  
 3. Vehicle Model  
 4. Vehicle Color  
 5. Vehicle Year  
 6. Vehicle Weight  
 7. Vehicle Height  
 8. Vehicle Length  
 9. Vehicle Width  
 10. Vehicle Type  
 11. Vehicle Status  
 12. Vehicle Location  
 13. Vehicle Direction  
 14. Vehicle Speed  
 15. Vehicle Acceleration  
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 17. Vehicle Braking  
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 19. Vehicle Lane Position  
 20. Vehicle Lane Change  
 21. Vehicle Lane Departure  
 22. Vehicle Lane Entry  
 23. Vehicle Lane Exit  
 24. Vehicle Lane Merge  
 25. Vehicle Lane Split  
 26. Vehicle Lane Split  
 27. Vehicle Lane Split  
 28. Vehicle Lane Split  
 29. Vehicle Lane Split  
 30. Vehicle Lane Split





Rampart Area Detective Support System

Today's Date  (ie. 01/01/1999) Today's Time  (ie. 18:50)

Suspect Vehicle Information

License Plate  2pax344 Vehicle Year:  1976 Vehicle Make:  Acura

Vehicle Model:  Legend Vehicle Color  Is this vehicle wanted?  No

If so, what crime?  211 PC Is this vehicle of interest only?  Yes

(ie. 211)

What action do you want the officers to take?  Stop and Arrest

Suspect Personal Information

Last Name  Levesque First Name  Damien Gender  Male

Ethnicity  DOB  Gang  18 St Moniker

Alert  Modus Operandi

Detective Contact Information

Rank  LT Contact  Gomez Serial Number  Category

Phone Number  Bureau  Division



# Intelligence Based Policing



- *Integration of 911 Dispatch Center, RACR Division & CCTV*
- *300 Traffic Control Cameras controlled by Sworn Personnel*

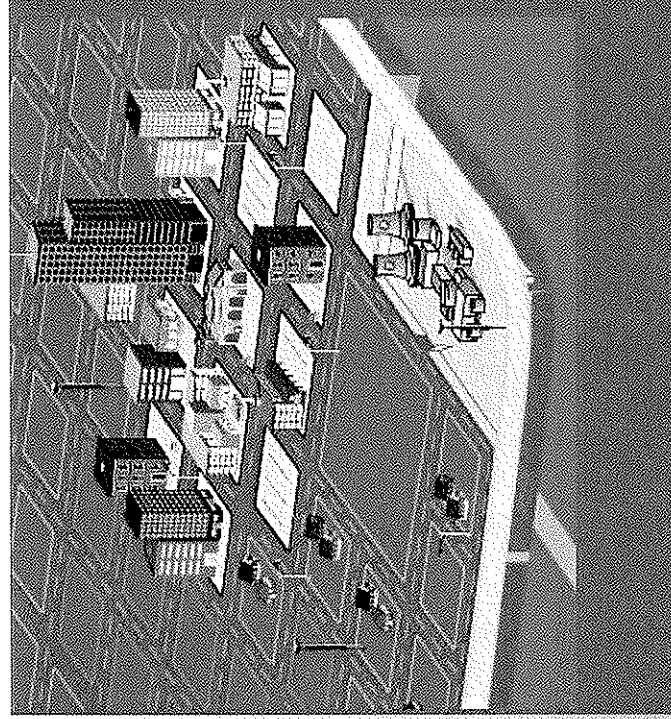
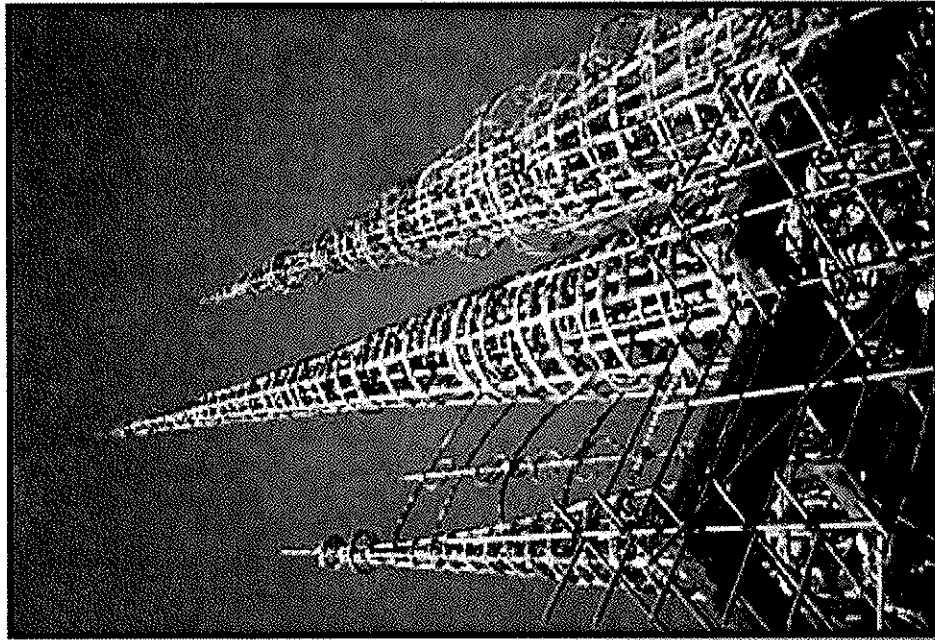
## • *Real Time Visual Analysis of Emergency Calls for Service*

- *Continual Situational Updates to Responding Units*
- *Allow CCTV Access to Mobile Units*



# Jordan Downs Initiative

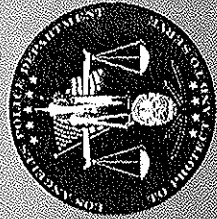
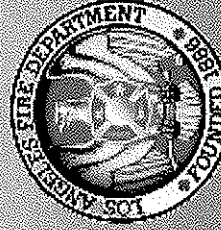
## The Next Step in Policing...



**Mesh and Ad-hoc Technologies**

**True Mobility** — Mesh technology brings true mobility to the field not possible with wired technologies.

BACK PAUSE NEXT HOME  
1 of 9





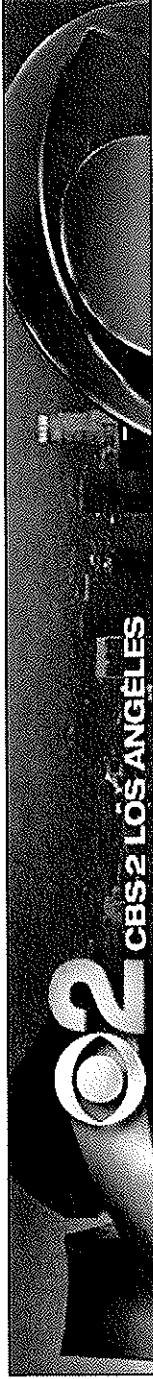


# Pursuit Management StarChase

7 Caribbean Avenue, Virginia Beach, VA 23451

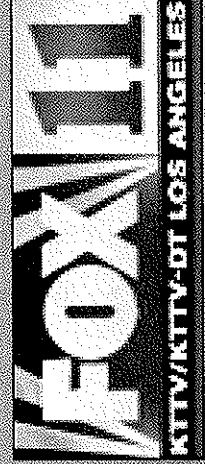
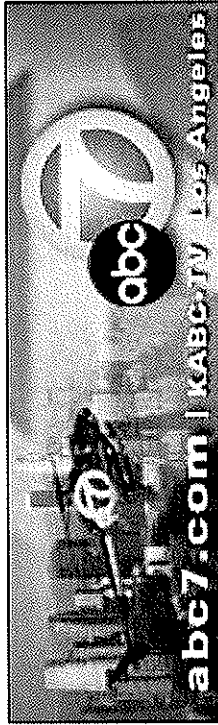


# Media Exposure



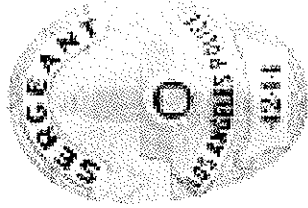
# Los Angeles Times

Print Edition  
Front Page



# Government Video

# Question & Answer



WWW.LAPDONLINE.ORG

**DANIEL GOMEZ**  
SERGEANT II

LOS ANGELES POLICE DEPARTMENT  
OFFICE OF OPERATIONS

150 N. LOS ANGELES ST., RM. 639  
LOS ANGELES, CA 90012

TEL: (213) 847-1998  
FAX: (213) 473-5171  
TDD: (877) 273-5273

JOIN THE LAPD (866) 444-LAPD RECRUITMENT BUREAU

**Email: 30353@LAPD.LACITY.ORG**

**Or Officer Damien Levesque**

**35094@LAPD.LACITY.ORG**



# LOS ANGELES POLICE DEPARTMENT



**CHARLIE BECK**  
Chief of Police

P. O. Box 30158  
Los Angeles, California 90030  
Telephone: (213) 978-2100  
TDD: (877) 275-5273  
Reference Number: 14.4

**ANTONIO R. VILLARAIGOSA**  
Mayor

September 14, 2012

Ms. Jennifer Lynch  
Electronic Frontier Foundation  
454 Shotwell Street  
San Francisco, California 94110

Dear Ms. Lynch:

I have reviewed your request for data collected by the Los Angeles Police Department's (the Department) Automated License Plate Recognition (ALPR) system during the time period from August 12, 2012 through August 19, 2012. You also requested the policies, guidelines, training manuals and/or instructions on the use of ALPR technology and the use and retention of ALPR data. Your request was made pursuant to the California Public Records Act (the Act).

The Department is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted in order to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

The database and the data contained therein are exempt from disclosure because it contains official information. Section 6254(k) exempts records that are exempt from disclosure under federal or state law, including, but not limited to provisions of the Evidence Code relating to privilege. Evidence Code Section 1040 declares an official information privilege for information acquired in confidence by a public agency when the public interest in disclosing the information is outweighed by the public interest in keeping the information confidential. Similarly, I am

AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER  
[www.LAPDOnline.org](http://www.LAPDOnline.org)  
[www.joinLAPD.com](http://www.joinLAPD.com)

000037

Ms. Jennifer Lynch  
Page 2  
14.4

asserting Section 6255 of the Government Code based on this same need to retain confidentiality of the report. Additionally, in accordance with Section 6254(f), records of investigations conducted by, or investigatory files compiled by, any local police agency for law enforcement purposes, are exempt from disclosure. Your request seeks records that are either investigatory records or properly part of an investigatory file. Therefore, I am denying this portion of your request.

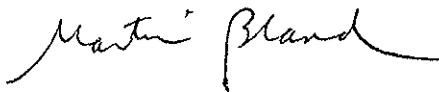
I will provide you, upon receipt of the applicable duplicating fee, with a copy of the PIPS Technology Automatic License Plate Recognition Vehicle User Guide and a copy of the PIPS Technology Quick Start Guide. Please see the enclosed invoice.

I will also provide you, upon receipt of the applicable duplicating fee, with a copy of the City of Los Angeles Administrative Code, Division 12, Chapter 1, RECORDS RETENTION AND DISPOSITION and a copy of the Department's Manual, Volume 5, Section 050, RECORDS RETENTION PROGRAMS. Please see the enclosed invoice. If you prefer, the Administrative Code is available, at no cost, on the City of Los Angeles' public website, [www.lacity.org](http://www.lacity.org) (click on the "City Charter, Rules and Codes" link). The Department's Manual is also available, at no cost, on the Department's public website, [www.LAPDOnline.org](http://www.LAPDOnline.org) (click on the "Inside the LAPD" link and then the "Los Angeles Police Department Manual" link).

Any correspondence regarding this matter should include a copy of this letter and be directed to the Los Angeles Police Department - Discovery Section, 201 North Los Angeles Street, Space 301, Los Angeles, California 90012. If you have any questions regarding this correspondence, please contact Management Analyst David Lee of the Discovery Section at (213) 978-2152.

Very truly yours,

CHARLIE BECK  
Chief of Police



MARTIN BLAND, Senior Management Analyst  
Officer-in-Charge, Discovery Section  
Risk Management Division

Enclosure









**ELECTRONIC FRONTIER FOUNDATION**  
Protecting Rights and Promoting Freedom on the Electronic Frontier

September 4, 2012

**BY FAX & EMAIL — 323-415-3567**

webemail@lasd.org  
blew@ceo.lacounty.gov  
info@lacounty.gov  
prarequest@lasd.org

Los Angeles County Sheriff's Department  
Centralized Custodian of Records Unit  
4900 Eastern Ave. Suite 220  
Commerce, CA 90040

Public Affairs Office  
LA County Sheriff's Department  
4700 Ramona Blvd.  
Monterey Park, CA 91754

cc: Brian Lew  
LA County Public Information Office  
Room 358, Kenneth Hahn Hall of Administration  
500 W. Temple St., Los Angeles 90012

**RE: California Public Records Act Request—LA County Sherriff's Dept.**

To Whom It May Concern:

I am writing to you on behalf of the Electronic Frontier Foundation (EFF) pursuant to the California Public Records Act. I make this request as part of EFF's Transparency Project, which uses the Freedom of Information Act and state public records laws to obtain government documents and make them widely available to the public.

I am writing to request records related to the Los Angeles County Sheriff's Department's (LASD) use of Automated License Plate Recognition (ALPR) tools. On June 1, 2012, *LA Weekly* reported that the LASD and Los Angeles Police Department "are two of the biggest gatherers of automatic license plate recognition information [and] have logged more than 160 million data points — a massive database of the movements of millions of drivers in Southern California."<sup>1</sup> The *Weekly* article notes that ALPR "units continuously scan and photograph every license plate within view, logging the time and location of each, and that "Police have already conducted, on

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<sup>1</sup> Jon Campbell, "License Plate Recognition Logs Our Lives Long Before We Sin," *LA Weekly* (June 21, 2012) <http://www.laweekly.com/2012-06-21/news/license-plate-recognition-tracks-los-angeles/>.

454 Shotwell Street • San Francisco, CA 94110 USA

☎ +1 415 436 9333

☎ +1 415 436 9993

🌐 www.eff.org

✉ information@eff.org

000040

average, some 22 scans for every one of the 7,014,131 vehicles registered in L.A. County.”<sup>2</sup> Another article, published in March 2008 in *Police Chief Magazine* by LASD Lieutenant Scott Edson noted, “ALPR systems can scan up to 8,000 license plates during the course of a single shift.” The article also stated that, as of March 2008,

the LASD has 17 mobile ALPR units deployed across several patrol stations. . . . Six fixed ALPR cameras are installed in the city of Compton . . . and four are installed in La Habra Heights. . . . Thirteen additional mobile ALPR units have been procured for the LASD, while several other mobile and fixed systems are in the procurement process by the department's contract cities.<sup>3</sup>

According to the *Weekly*, by June 2012, the LASD had “77 [ALPR] devices and another 200 in procurement.”<sup>4</sup> The *Weekly* article stated that “[p]olice officials are quick to note that the information being gathered [by ALPR] isn't private.”<sup>5</sup>

Through this request, EFF seeks the following:

1. all ALPR data collected or generated between 12:01 AM on August 12, 2012 and 11:59 PM on August 19, 2012.<sup>6</sup> This data should include, at a minimum, the license plate number, date, time, and location information for each license plate recorded;<sup>7</sup>
2. any policies, guidelines, training manuals and/or instructions on the use of ALPR technology and the use and retention of ALPR data, including records on where the data is stored, how long it is stored, who has access to the data, and how they access the data.

This request applies to all documents in the LASD's possession, including electronic records.<sup>8</sup> It also includes documents that were created by a member of another government agency or a

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<sup>2</sup> *Id.*

<sup>3</sup> Lieutenant Scott Edson, “Technology Talk: Los Angeles County Sheriff's Department ASAP Program,” *Police Chief* (March 2008) [http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display\\_arch&article\\_id=1445&issue\\_id=32008](http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=1445&issue_id=32008).

<sup>4</sup> Jon Campbell, “License Plate Recognition Logs Our Lives Long Before We Sin,” *LA Weekly* (June 21, 2012).

<sup>5</sup> *Id.*

<sup>6</sup> A presentation produced by the Los Angeles Police Department and attached to this request notes some of the data that is collected or generated by APLR technology.

<sup>7</sup> EFF is *not* requesting copies of the plate and vehicle images or photographs captured by LASD's ALPR technology. We are only seeking access to data collected or generated by the ALPR units, software or database, which would include but is not limited to license plate number, location of the vehicle, and date and time the vehicle's license plate was scanned.

<sup>8</sup> Gov't. Code § 6252(e).

member of the public, including ALPR software and device manufacturers or vendors.<sup>9</sup> If specific portions of any documents are exempt from disclosure, please provide the non-exempt portions.<sup>10</sup>

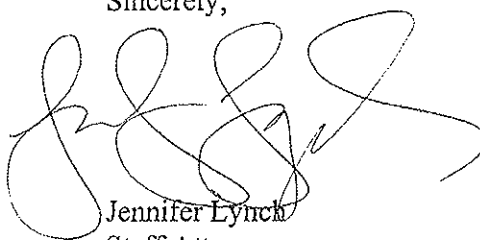
Please respond to this request within ten days, either by providing all the requested records or by providing a written response setting forth the legal authority on which you rely in withholding or redacting any document and stating when the documents will be made available.<sup>11</sup>

If I can provide any clarification that will help identify responsive documents or focus this request,<sup>12</sup> please contact me at (415) 436-9333, ex. 136 or [jlynch@eff.org](mailto:jlynch@eff.org). Please note that the Public Records Act allows a member of the public to request records by describing their content, rather than asking for specific documents by name; an agency that receives such a request must "search for records based on criteria set forth in the search request."<sup>13</sup>

Because EFF is a nonprofit organization that makes all information it receives through PRA and FOIA requests available to the public, I ask that you waive any fees. I also request that any records maintained in electronic format be provided in that same format, to avoid copying costs.<sup>14</sup> However, should you be unable to do so, EFF will reimburse the LASD for the direct costs of copying these records (if the LASD elects to charge for copying) plus postage. If you anticipate that these costs will exceed \$50, or that the time needed to copy the records will delay their release, please contact me so that I can arrange to inspect the document or decide which documents I wish to have copied. Otherwise, please copy and send them as soon as possible, and we will promptly pay the required costs.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Lynch", written over a printed name and title.

Jennifer Lynch  
Staff Attorney

<sup>9</sup> See *Ca. State Univ. v. Super. Ct.*, 90 Cal.App.4th 810, 824-25 (1999).

<sup>10</sup> Gov't. Code § 6253 (a).

<sup>11</sup> Gov't. Code §§ 6253(c), 6255.

<sup>12</sup> Gov't. Code § 6253.1.

<sup>13</sup> *Cal. First Am. Coal. v. Super. Ct.*, 67 Cal.App.4th 159, 165-66 (1998).

<sup>14</sup> Gov't Code § 6253.9.





*County of Los Angeles*  
**Sheriff's Department Headquarters**

4700 Ramona Boulevard  
Monterey Park, California 91754-2169



*Erroy D. Baca, Sheriff*

September 5, 2012

Jennifer Lynch  
Electronic Frontier Foundation  
454 Shotwell Street  
San Francisco, California 94110  
[jlynch@eff.org](mailto:jlynch@eff.org)

Dear Ms. Lynch:

This letter is in response to your request for records under the California Public Records Act dated September 4, 2011, and received by the Los Angeles County Sheriff's Department Discovery Unit on September 5, 2011.

In your request you are seeking the following:

Re: Los Angeles County Sheriff's Department's (LASD) use of Automated License Plate Recognition (ALPR) tools.

- 1 All ALPR data collected or generated between 12:01 AM on August 12, 2012 and 11:59 PM on August 19, 2012.6 This data should include, at a minimum, the license plate number, date, time, and location information for each license plate recorded;

**Response:** Unfortunately, we are unable to assist you with your request. Your request is being denied for the following reasons:

**Government Code 6254(f)(k) and 6255(a)** – Protects any investigatory or security files. The public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

**Evidence Code 1040(b)(2)** - Disclosure of the information is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice.

- 2 Any policies, guidelines, training manuals and/or instructions on the use of ALPR technology and the use and retention of ALPR data, including records on where the data is stored, how long it is stored, who has access to the data, and how they access the data.

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**Response:** We have searched for the records you requested and the non-exempt records are ready for reproduction. In accordance with Government Code § 54985, we are requesting that you reimburse the Department for the cost of duplicating the records.

The cost for reproduction of these records is \$0.75 per order, \$0.03 per page, and \$5.00 per CD for a total of \$6.11. Please make your check payable to LASD and mail it to: Risk Management Bureau – Discovery Unit at 4900 S. Eastern Avenue, Suite 220, Commerce, California 90040. Upon receipt of your payment, we will forward the documents to you.

If you have any questions, please contact Pam Vanover of the Discovery Unit at (323) 890-5439

Sincerely,

LEROY D. BACA, SHERIFF

A handwritten signature in cursive script, appearing to read "Judy A. Gerhardt".

Judy A. Gerhardt, Lieutenant  
Risk Management Bureau





LIBERTY | JUSTICE | EQUALITY

**Chair**  
Stephen Rohde

August 10, 2011

**President**  
Douglas Mirell

*By United States Mail*

**Chairs Emeriti**  
Danny Goldberg  
Allan K. Jonas  
Burt Lancaster\*  
Irving Lichtenstein, MD\*  
Jarl Mohn  
Laurie Ostrow\*  
Stanley K. Sheinbaum  
\*deceased

Sheriff Leroy D. Baca  
Los Angeles Sheriff's Department  
4700 Ramona Blvd.  
Monterey Park, CA 91754

Re: Public Records Act Request Regarding Surveillance  
Technologies

**Executive Director**  
Hector O. Villagra

Dear: Dear Sheriff Baca,

**Chief Counsel**  
Mark D. Rosenbaum

We are troubled by the recent increase in the adoption of surveillance technologies by police departments across California, without appropriate privacy safeguards. A number of cities have implemented or considered implementing programs to conduct video surveillance of public streets, to automatically identify vehicles and their locations, to allow officers to track the location of suspects through mobile phone records or GPS devices without a warrant. These programs pose a significant threat to privacy rights, particularly when policies to guide their use are inadequate or non-existent.

**Deputy Executive Director**  
James Gilliam

**Chief Financial Officer**  
Brenda Maull

**Communications Director**  
Jason Howe

**Development Director**  
Sandy Graham-Jones

In light of these concerns, the ACLU of Southern California ("ACLU-SC") submits the following request for records in the possession, custody or control of Los Angeles Sheriff's Department (the "Department") pursuant to the California Public Records Act, California Government Code §6250 *et seq.* The Act requires responding agencies to provide a response within ten (10) days of receipt of a request. *See* Gov. Code §6256. We look forward to your prompt response.

**Legal Director &  
Manheim Family Attorney  
for First Amendment Rights**  
Peter J. Eliasberg

**Deputy Legal Director**  
Ahilan T. Arulanantham

**Director of Policy Advocacy**  
Clarissa Woo

Throughout these requests, the term "records" includes but is not limited to any paper or electronic information, reports, evaluations, memoranda, correspondence, letters, emails, charts, graphs, flyers, meeting agendas and minutes, training materials, diagrams, forms, DVDs, tapes, CDs, notes or other similar materials.

**Director of Community  
Engagement**  
Elvia Meza

**Executive Director Emeritus**  
Ramona Ripston



A. **Mobile Phone Location Records.** We hereby request disclosure of all records in your possession relating to seeking or acquiring mobile location records.<sup>1</sup> This request includes but is not limited to records relating to the following:

- A1) All policies,<sup>2</sup> procedures, training, and practices related to and/or governing any efforts by the department to obtain mobile location records.
- A2) All policies, procedures, training, and practices governing and/or limiting the purposes for which mobile location records are or may be used by the department.
- A3) All data retention policies relating to mobile location records, including but not limited to policies detailing how long mobile phone location records are kept, databases in which they are placed, government agencies (federal, state and local) or non-governmental entities with which they are or may be shared.
- A4) The use of mobile location records to identify “communities of interest” (i.e., those persons who have communicated with a target) in investigations.
- A5) The use of mobile location records to identify all of the mobile phones at a particular location.
- A6) The use of “digital fences” (systems whereby your agency is notified whenever a mobile phone comes within a specific geographic area).
- A7) The legal standard or level of suspicion (e.g. probable cause, reasonable suspicion, relevance) the department requires or proffers prior to obtaining mobile location records.
- A8) Statistics regarding the department’s use of mobile location records, including the number of emergency requests for which no court order was obtained.
- A9) Any applications by the department to internal or external entities (including but not limited to magistrates or other judicial officers) seeking mobile location records, and any decisions or orders ruling on such applications.
- A10) Communications with mobile companies and providers of location-based services regarding mobile location records, including

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<sup>1</sup> The term “mobile location records” refers to records obtained from a cell phone, smartphone, or other mobile device by a telecommunications provider and/or provider of location-based services pertaining to the location of a particular phone, including real-time tracking and records regarding historic mobile location information, and also including all available methods of locating mobile devices, such as “cell site,” triangulation, and GPS.

<sup>2</sup> The term “policies” throughout this request includes but is not limited to codes, department policies, rules and regulations, bulletins, memoranda, directives, powerpoint presentations, and training materials.

- Policies and procedures of mobile companies and providers of location-based services regarding release of consumer mobile location records to third-parties, including law enforcement;
- Requests, court orders or subpoenas sent to mobile companies or providers of location-based services for mobile location records;
- Responses by mobile companies and providers of location-based services to any such requests, court orders or subpoenas;
- Invoices reflecting payments for obtaining mobile location records;
- Instances in which mobile companies have refused to comply with a request or order.

**B. Internet, Social Network, and Book Service Investigations.** We also request disclosure of records in your possession relating to internet investigations, including but not limited to investigations utilizing social networking websites or websites providing the rental, purchase, borrowing, browsing, or viewing of books (“book service sites”). This request includes but is not limited to records relating to the following:

- B1) Policies, procedures, and practices governing any efforts by the department to obtain information about suspects, targets of investigations, witnesses or persons of interest through the internet, including through social networking and book service sites.
- B2) Training materials provided to department personnel by the department (or by outside trainers contracted by the department) that provide training, guidance or information on how to obtain information about suspects, targets of investigations, witnesses, or persons of interest through the internet, including through social networking and book service sites.
- B3) Policies, procedures, training, and practices governing and/or limiting the purposes for which information obtained through the internet, including through social networking sites, are or may be used by the department.
- B4) Policies, procedures, training, and practices governing and/or limiting the sharing of information obtained through the internet, including through social networking sites and book service sites, with other (federal, state and local) government or law enforcement agencies, or non-governmental entities or individuals.
- B5) All policies, procedures, training, or practices relating to the maintenance and retention of data or information obtained through the internet, including

through networking sites, including but not limited to policies detailing how records of such information are kept, databases in which they are placed, limitations on who may access the records and for what purposes, and circumstances under which they are deleted.

- B6) The legal standard or level of suspicion (e.g. probable cause, reasonable suspicion, relevance) the department requires or proffers prior to engaging in such investigations.
- B7) Statistics regarding the department's use of social networking or book service records, including the number of requests for which no court order was obtained.
- B8) Any applications by the department to internal or external entities (including but not limited to magistrates or other judicial officers) seeking social networking or book service records, and any decisions or orders ruling on such applications.
- B9) Communications with social networking or book service providers regarding records, including
  - Policies and procedures of social networking or book services providers regarding release of consumer records to third-parties, including law enforcement;
  - Requests, court orders or subpoenas sent to social networking or book service providers;
  - Responses by social networking or book service providers to any such requests, court orders or subpoenas;
  - Invoices reflecting payments for obtaining social networking or book service records;
  - Instances in which social networking or book service providers have refused to comply with a request or order.

**C. GPS Tracking Devices and Automatic License Plate Readers.** We also request disclosure of records in your possession relating to GPS Tracking Devices or "automatic license plate readers" ("ALPRs").<sup>3</sup> This request includes but is not limited to records relating to the following:

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<sup>3</sup> The term "Automatic License Plate Reader" (or "ALPR") refers to any camera or sensor trained on public roads or thoroughfares, or publicly owned parking lots or structures, that has the capability to scan for vehicles' license plates and, using optical character recognition or other technology, to convert the image of a license plate into alphanumeric data reflecting the license plate number.

- C1) All records relating to the acquisition, purchase, and deployment of GPS Tracking Devices and/or ALPRs, including but not limited to all records relating to the number of such devices owned by the department, their location, and the unit or division of the department given primary use of the devices.
- C2) All records relating to GPS Tracking Devices and/or ALPRs owned or operated by other government agencies (including non-law enforcement) and private entities within the Department's jurisdiction, for which the Department can access any or all data collected.
- C3) All policies, procedures, and practices governing use by the department of GPS Tracking Devices and/or ALPRs.
- C4) All training materials provided by to department personnel by the department (or by outside trainers contracted by the department) that provide training, guidance or information the use of GPS Tracking Devices and/or ALPRs.
- C5) All policies, procedures, training, and practices governing and/or limiting the purposes for which information obtained through use of GPS Tracking Devices and/or ALPRs may be used by the department or shared with other (federal, state or local) government agencies or non-governmental entities.
- C6) All data policies relating to the maintenance and retention of information obtained through GPS Tracking Devices and/or ALPRs, including but not limited to policies detailing how records of such information are kept, databases in which they are placed, limitations on who may access the records and for what purposes, and circumstances under which they are deleted.
- C7) The legal standard or level of suspicion (e.g. probable cause, reasonable suspicion, relevance) the department requires or proffers prior to using GPS Tracking Devices and/or ALPRs.

**D. Public Video Surveillance Cameras and Facial Recognition Technology.** We also request disclosure of records in your possession relating to the use of Public Video Surveillance Cameras and Facial Recognition Technology.<sup>4</sup> This request includes but is not limited to records relating to the following:

- D1) The number and location of public video surveillance cameras currently in the jurisdiction of the Department..

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<sup>4</sup> The term "public video surveillance cameras" or "video surveillance cameras" throughout this request refers to cameras placed in public locations that record the activities of members of the public. Through this request, we do not seek information related to red-light cameras, private cameras that are not accessed by city agencies, or cameras in public buildings used primarily for the security of those buildings.

- D2) The number and location of public video surveillance cameras currently proposed for installation in the jurisdiction of the Department..
- D3) Which public department or departments control, or will control, the use of public video surveillance cameras, and which public department or departments have access to, or will have access to, the camera footage and for what purposes.
- D4) Policies or procedures regarding the public video surveillance cameras located in the Department's jurisdiction or planned to be installed in the Department's jurisdiction, including but not limited to: access to camera footage, the provision of camera footage to the public, retention of camera footage, purging of camera footage, the sharing of camera footage with other agencies, and evaluating the video surveillance camera program.
- D5) The use or proposed use of "facial recognition" technology,<sup>5</sup> in conjunction with either any public video surveillance cameras or any other video or image data.
- D6) Programs, policies or procedures (or proposals for programs, policies or procedures) relating to real-time access by the Department, for law enforcement or other government purposes, to video cameras installed on private property or controlled by private businesses or individuals..
- D7) The funding used to purchase existing video surveillance cameras or allocated for the purchase of future cameras, including general funds allocated by local government, drug forfeiture or other diverted funds, and any applications, proposals, or award letters from federal and state funding sources.
- D8) The number of times each year for the last five years that video surveillance camera footage from the video cameras has been requested, by whom, and for what purpose.
- D9) The number of times each year for the last five years that video surveillance camera footage was used in the investigation of any crime, including the role, if any, it played in identifying or arresting suspects.

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<sup>5</sup> For purposes of this request, "facial recognition" technology refers to any computerized application intended to automatically identify a person from a digital image, video or video frame from a video source, through computerized comparison of selected facial features from the image and a facial database. For purposes of this request, the term "facial recognition" technology includes, but is not limited to iris recognition and retina scans.

D10) Communications from vendors, contracts, specifications, requests for proposals, responses to requests for proposals, or other information related to the purchase, installation, or technological capabilities of the existing public video surveillance cameras or additional video cameras that are being considered for installation in the city. We are requesting all such communications even if «Department» does not already have a public video surveillance program.

D11) All records, data, analyses or statistics relating to the effect (or lack thereof) of video surveillance cameras on crime rates or rates of clearance for prosecution of crimes.

E. **Mobile Forensic Data Extraction.** We also request disclosure of records in your possession relating to the use of technology for the “Mobile Forensic Data Extraction.”<sup>6</sup> This request includes but is not limited to records relating to the following:

- E1) The number of Mobile Forensic Data Extraction devices currently owned by the Department or proposed for purchase by the Department, and the unit or division of the Department given primary use of each device.
- E2) All policies, procedures, training and practices governing use by Department personnel of any such Mobile Forensic Data Extraction devices.
- E3) All policies, procedures, training and practices governing, limiting or relating to the purposes for which Mobile Forensic Data Extraction devices may be used.
- E4) All data policies relating to the maintenance and retention of information obtained through Mobile Forensic Data Extraction devices, including but not limited to policies detailing how records of such information are kept, databases in which they are placed, limitations on who may access the records and for what purposes, circumstances under which they are deleted, and circumstances under which they may be shared with other government agencies or non-governmental entities.
- E5) The legal standard or level of suspicion (e.g. probable cause, reasonable suspicion, relevance) the department requires or proffers prior to using such devices.

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<sup>6</sup> For purposes of this request, the term “mobile forensic data extraction” refers devices or technology capable of extracting data (including but not limited to contact lists, call/email history, emails, application data, login information, location history, and other information stored in memory or a hard drive) from mobile phones, smart phones, and GPS units, and other mobile technology. For an example, see <http://www.cellebrite.com/forensic-products/forensic-products.html?loc=seg>. As used in this request, the term includes both technology that requires the consent and cooperation of the owner of the mobile device and those that do not.



F. **Other Surveillance Technology.** We also request disclosure of records in your possession relating to the use of other surveillance technology. We request records relating to the following:

- F1) The purchase, proposed purchase, requests to purchase, or application for funding to purchase all technology and/or devices, other than those specifically enumerated in the Requests A through E, designed to accomplish the following:
  - a. gather and retain information on specific individuals and/or vehicles without any basis to believe that they are involved in a particular crime;
  - b. capture digital information on the location of a person or vehicle;
  - c. copy and/or intercept electronic data on mobile devices or computers (not including voice transmissions)
- F2) All policies, procedures, training and practices related to the use of any devices and/or technology purchased by the Department as disclosed in response to request F1.
- F3) All policies, procedures, training and practices governing, limiting or relating to the purposes for which such devices and/or technology may be used.
- F4) All data policies relating to the maintenance and retention of information obtained through such devices and/or technology, including but not limited to policies detailing how records of such information are kept, databases in which they are placed, limitations on who may access the records and for what purposes, circumstances under which they are deleted, and circumstances under which they may be shared with other government agencies or non-governmental entities.
- F5) The legal standard or level of suspicion (e.g. probable cause, reasonable suspicion, relevance) the department requires or proffers prior to using such devices and/or technology.

Because the ACLU Foundation of Southern California is a non-profit public interest organization, we request that you waive any fees that would be normally applicable to a Public Records Act request. *See North County Parents Organization v. Department of Education*, 23 Cal. App. 4<sup>th</sup> 144 (1994). If, however, such a waiver is denied, we will reimburse you for the reasonable cost of copying. Please inform us in advance if the cost will be greater than \$200.

Thank you for your prompt attention to this matter. Please furnish all applicable records to:

Peter Bibring  
ACLU of Southern California  
1313 West Eighth Street  
Los Angeles, CA 90017

If you have questions, please contact me at 213.977.9500 x295 or [pbibring@aclu-sc.org](mailto:pbibring@aclu-sc.org).

Sincerely,

A handwritten signature in black ink that reads "Peter Bibring". The signature is written in a cursive, slightly slanted style.

Peter Bibring  
Staff Attorney





*County of Los Angeles*  
**Sheriff's Department Headquarters**  
4700 Ramona Boulevard  
Monterey Park, California 91754-2169



*Craig D. Tava, Sheriff*

September 2, 2011

Peter Bibring  
American Civil Liberties Union  
1313 West Eighth Street  
Los Angeles, California 90017

Dear Mr. Bibring:

This letter is in response to your request for records under the California Public Records Act dated August 3, 2011, and received by the Los Angeles County Sheriff's Department Discovery Unit on August 10, 2011.

In your request you are seeking the following:

A. **Mobile Phone Location Records.** We hereby request disclosure of all records in your possession relating to seeking or acquiring mobile location records. This request includes but is not limited to records relating to the following:

A1) All policies, procedures, training, and practices related to and/or governing any efforts by the department to obtain mobile location records.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request. To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

A2) All policies, procedures, training, and practices governing and/or limiting the purposes for which mobile location records are or may be used by the department.

**Response:** Unfortunately, we are unable to assist you with your request. There are no Los Angeles County Sheriff's Department records responsive to your request. The Sheriff's Department operates within the constraints of currently existing law.

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- A3) All data retention policies relating to mobile location records, including but not limited to policies detailing how long mobile phone location records are kept, databases in which they are placed, government agencies (federal, state and local) or non-governmental entities with which they are or may be shared.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request. To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

- A4) The use of mobile location records to identify "communities of interest" (i.e., those persons who have communicated with a target) in investigations.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request. To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

- A5) The use of mobile location records to identify all of the mobile phones at a particular location.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request. To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

- A6) The use of "digital fences" (systems whereby your agency is notified whenever a mobile phone comes within a specific geographic area).

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request. To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

- A7) The legal standard or level of suspicion (e.g. probable cause, reasonable suspicion, relevance) the department requires or proffers prior to obtaining mobile location records.

**Response:** Unfortunately, we are unable to assist you with your request. There are no Los Angeles County Sheriff's Department records responsive to your request. The Sheriff's Department operates within the constraints of currently existing law.

- A8) Statistics regarding the department's use of mobile location records, including the number of emergency requests for which no court order was obtained.

**Response:** Unfortunately, we are unable to assist you with your request. There are no Los Angeles County Sheriff's Department records responsive to your request. The Sheriff's Department does not keep information in the manner you have requested.

- A9) Any applications by the department to internal or external entities (including but not limited to magistrates or other judicial officers) seeking mobile location records, and any decisions or orders ruling on such applications.

**Response:** Unfortunately, we are unable to assist you with your request. There are no Los Angeles County Sheriff's Department records responsive to your request. The Sheriff's Department does not keep information in the manner you have requested.

- A10) Communications with mobile companies and providers of location-based services regarding mobile location records, including

- Policies and procedures of mobile companies and providers of location based services regarding release of consumer mobile location records to third-parties, including law enforcement;
- Requests, court orders or subpoenas sent to mobile companies or providers of location-based services for mobile location records;
- Responses by mobile companies and providers of location-based services to any such requests, court orders or subpoenas;
- Invoices reflecting payments for obtaining mobile location records;
- Instances in which mobile companies have refused to comply with a request or order.

**Response A10:** There are no Los Angeles County Sheriff's Department records responsive to this request. To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

- B. **Internet, Social Network, and Book Service Investigations.** We also request disclosure of records in your possession relating to internet investigations, including but not limited to investigations utilizing social networking websites or websites providing the rental, purchase, borrowing, browsing, or viewing of books ("book service sites"). This request includes but is not limited to records relating to the following:



- B1) Policies, procedures, and practices governing any efforts by the department to obtain information about suspects, targets of investigations, witnesses or persons of interest through the internet, including through social networking and book service sites.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request. To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

- B2) Training materials provided to department personnel by the department (or by outside trainers contracted by the department) that provide training, guidance or information on how to obtain information about suspects, targets of investigations, witnesses, or persons of interest through the internet, including through social networking and book service sites.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request. For information regarding outside trainers, please contact the organizations or individual(s) directly.

- B3) Policies, procedures, training, and practices governing and/or limiting the purposes for which information obtained through the internet, including through social networking sites, are or may be used by the department.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request. To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

- B4) Policies, procedures, training, and practices governing and/or limiting the sharing of information obtained through the internet, including through social networking sites and book service sites, with other (federal, state and local) government or law enforcement agencies, or non-governmental entities or individuals.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request. Any information obtained through a public website would be available to all agencies, entities, and individuals.

- B5) All policies, procedures, training, or practices relating to the maintenance and retention of data or information obtained through the internet, including through networking sites, including but not limited to policies detailing how records of such information are kept, databases in which they are placed, limitations on who may access the records and for what purposes, and circumstances under which they are deleted.

**Response:** Unfortunately, we are unable to assist you with your request. There are no Los Angeles County Sheriff's Department records responsive to your request. The Sheriff's Department does not keep information in the manner you have requested. To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

B6) The legal standard or level of suspicion (e.g. probable cause, reasonable suspicion, relevance) the department requires or proffers prior to engaging in such investigations.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request. The Sheriff's Department operates within the constraints of currently existing law.

B7) Statistics regarding the department's use of social networking or book service records, including the number of requests for which no court order was obtained.

**Response:** Unfortunately, we are unable to assist you with your request. There are no Los Angeles County Sheriff's Department records responsive to your request. The Sheriff's Department does not keep information in the manner you have requested.

B8) Any applications by the department to internal or external entities (including but not limited to magistrates or other judicial officers) seeking social networking or book service records, and any decisions or orders ruling on such applications.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request. For information regarding court decisions or orders, please contact the court directly. Also, any request for information regarding software applications should be directed to the authors of the software in question.

B9) Communications with social networking or book service providers regarding records, including

- Policies and procedures of social networking or book services providers regarding release of consumer records to third-parties, including law enforcement;

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request. For information regarding the release of records from other entities, please contact the organizations directly.

- Requests, court orders or subpoenas sent to social networking or book service providers;

**Response:** To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

- Responses by social networking or book service providers to any such requests, court orders or subpoenas;

**Response:** To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

- Invoices reflecting payments for obtaining social networking or book service records;

**Response:** To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

- Instances in which social networking or book service providers have refused to comply with a request or order.

**Response:** To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

C. **GPS Tracking Devices and Automatic License Plate Readers.** We also request disclosure of records in your possession relating to GPS Tracking Devices or "automatic license plate readers" ("ALPRs"). This request includes but is not limited to records relating to the following:

- C1) All records relating to the acquisition, purchase, and deployment of GPS Tracking Devices and/or ALPRs, including but not limited to all records relating to the number of such devices owned by the department, their location, and the unit or division of the department given primary use of the devices.

**Response:** Enclosed are the responsive records provided in part. Please refer to the Response Documents Table of Contents.

- C2) All records relating to GPS Tracking Devices and/or ALPRs owned or operated by other government agencies (including non-law enforcement) and private entities within the Department's jurisdiction, for which the Department can access any or all data collected.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request.

- C3) All policies, procedures, and practices governing use by the department of GPS Tracking Devices and/or ALPRs.

**Response:** Unfortunately, we are unable to assist you with this request. To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

- C4) All training materials provided by to department personnel by the department (or by outside trainers contracted by the department) that provide training, guidance or information the use of GPS Tracking Devices and/or ALPRs.

**Response:** Enclosed are the responsive records provided in part. Please refer to the Response Documents Table of Contents.

- C5) All policies, procedures, training, and practices governing and/or limiting the purposes for which information obtained through use of GPS Tracking Devices and/or ALPRs may be used by the department or shared with other (federal, state or local) government agencies or non-governmental entities.

**Response:** Unfortunately, we are unable to assist you with this request. To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

- C6) All data policies relating to the maintenance and retention of information obtained through GPS Tracking Devices and/or ALPRs, including but not limited to policies detailing how records of such information are kept, databases in which they are placed, limitations on who may access the records and for what purposes, and circumstances under which they are deleted.

**Response:** Unfortunately, we are unable to assist you with this request. To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

- C7) The legal standard or level of suspicion (e.g. probable cause, reasonable suspicion, relevance) the department requires or proffers prior to using GPS Tracking Devices and/or ALPRs.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request. The Sheriff's Department operates within the constraints of currently existing law.

D. **Public Video Surveillance Cameras and Facial Recognition Technology.** We also request disclosure of records in your possession relating to the use of Public Video Surveillance Cameras and Facial Recognition Technology. This request includes but is not limited to records relating to the following:

D1) The number and location of public video surveillance cameras currently in the jurisdiction of the Department.

**Response:** Unfortunately, we are unable to assist you with this request. To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

D2) The number and location of public video surveillance cameras currently proposed for installation in the jurisdiction of the Department.

**Response:** Unfortunately, we are unable to assist you with this request. These records are exempt from disclosure under the State of California Public Records Act under Government Code § 6255(a). The public interest served by not disclosing the record(s) clearly outweighs the public interest served by disclosure of the record(s).

D3) Which public department or departments control, or will control, the use of public video surveillance cameras, and which public department or departments have access to, or will have access to, the camera footage and for what purposes.

**Response:** Unfortunately, we are unable to assist you with your request. The request does not ask for "identifiable" public records, but specific "information" in the form of interrogatories. The Public Records Act does not require that a public entity create a record in order to respond to a request for information. The Act only requires that certain records already in existence be made available; it does not require the public entity to answer interrogatories.

D4) Policies or procedures regarding the public video surveillance cameras located in the Department's jurisdiction or planned to be installed in the Department's jurisdiction, including but not limited to: access to camera footage, the provision of camera footage to the public, retention of camera footage, purging of camera footage, the sharing of camera footage with other agencies, and evaluating the video surveillance camera program.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request.

- D5) The use or proposed use of "facial recognition" technology, in conjunction with either any public video surveillance cameras or any other video or image data.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request.

- D6) Programs, policies or procedures (or proposals for programs, policies or procedures) relating to real-time access by the Department, for law enforcement or other government purposes, to video cameras installed on private property or controlled by private businesses or individuals.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request. The Sheriff's Department operates within the constraints of currently existing law.

- D7) The funding used to purchase existing video surveillance cameras or allocated for the purchase of future cameras, including general funds allocated by local government, drug forfeiture or other diverted funds, and any applications, proposals, or award letters from federal and state funding sources.

**Response:** Enclosed are the responsive records. Please refer to the Response Documents Table of Contents.

- D8) The number of times each year for the last five years that video surveillance camera footage from the video cameras has been requested, by whom, and for what purpose.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request. Your request is too vague/broad in scope. The Public Records Act, Government Code § 6253(b), requires that a request for a copy of records reasonably describe the identifiable record or records. Your request does not provide the proper information with which to determine a record, report or report type. If you would please provide us with more detailed information we will be happy to assist you.

- D9) The number of times each year for the last five years that video surveillance camera footage was used in the investigation of any crime, including the role, if any, it played in identifying or arresting suspects.

**Response:** The Los Angeles County Sheriff's Department does not keep information in the manner you have requested. Additionally, your request is too broad in scope. The Public Records Act, Government Code § 6253(b), requires that a request for a copy of records reasonably describe the identifiable record or records. Your request does not provide the proper information with which to determine a record, report or report type. If you would please provide us with more detailed information we will be happy to assist you.

To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

- D10) Communications from vendors, contracts, specifications, requests for proposals, responses to requests for proposals, or other information related to the purchase, installation, or technological capabilities of the existing public video surveillance cameras or additional video cameras that are being considered for installation in the city. We are requesting all such communications even if «Department» does not already have a public video surveillance program.

**Response:** Unfortunately, we are unable to assist you with this request. To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

- D11) All records, data, analyses or statistics relating to the effect (or lack thereof) of video surveillance cameras on crime rates or rates of clearance for prosecution of crimes.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request.

- E. **Mobile Forensic Data Extraction.** We also request disclosure of records in your possession relating to the use of technology for the "Mobile Forensic Data Extraction." This request includes but is not limited to records relating to the following:

- E1) The number of Mobile Forensic Data Extraction devices currently owned by the Department or proposed for purchase by the Department, and the unit or division of the Department given primary use of each device.

**Response:** The Los Angeles County Sheriff's Department owns 15 Cellebrite Mobile Forensic Extraction devices; 13 devices are assigned to the Detective Division, one is assigned to Field Operations Region 1, and one is assigned to Field Operations Region 2.

- E2) All policies, procedures, training and practices governing use by Department personnel of any such Mobile Forensic Data Extraction devices.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request.

- E3) All policies, procedures, training and practices governing, limiting or relating to the purposes for which Mobile Forensic Data Extraction devices may be used.



**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request.

- E4) All data policies relating to the maintenance and retention of information obtained through Mobile Forensic Data Extraction devices, including but not limited to policies detailing how records of such information are kept, databases in which they are placed, limitations on who may access the records and for what purposes, circumstances under which they are deleted, and circumstances under which they may be shared with other government agencies or non-governmental entities.

**Response:** There are no Los Angeles County Sheriff's Department records responsive to this request. To the extent such records did exist within the Sheriff's Department, they would be investigatory files. Investigations conducted by the Sheriff's Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254 (f).

- E5) The legal standard or level of suspicion (e.g. probable cause, reasonable suspicion, relevance) the department requires or proffers prior to using such devices.

**Response:** Unfortunately, we are unable to assist you with your request. There are no Los Angeles County Sheriff's Department records responsive to your request. The Sheriff's Department operates within the constraints of currently existing law.

F. **Other Surveillance Technology.** We also request disclosure of records in your possession relating to the use of other surveillance technology. We request records relating to the following:

- F1) The purchase, proposed purchase, requests to purchase, or application for funding to purchase all technology and/or devices, other than those specifically enumerated in the Requests A through E, designed to accomplish the following:

- a. gather and retain information on specific individuals and/or vehicles without any basis to believe that they are involved in a particular crime;
- b. capture digital information on the location of a person or vehicle;
- c. copy and/or intercept electronic data on mobile devices or computers (not including voice transmissions)

- F2) All policies, procedures, training and practices related to the use of any devices and/or technology purchased by the Department as disclosed in response to request F1.

- F3) All policies, procedures, training and practices governing, limiting or relating to the purposes for which such devices and/or technology may be used.
- F4) All data policies relating to the maintenance and retention of information obtained through such devices and/or technology, including but not limited to policies detailing how records of such information are kept, databases in which they are placed, limitations on who may access the records and for what purposes, circumstances under which they are deleted, and circumstances under which they may be shared with other government agencies or non-governmental entities.

**Response F1 – F4:** Unfortunately, we are unable to assist you with your request as it is too vague/broad in scope. "Other surveillance technology" is not an identifiable/searchable criterion. The Public Records Act, Government Code § 6253(b), requires that a request for a copy of records reasonably describe the identifiable record or records. Your request does not provide the proper information with which to determine a record, report or report type. If you would please provide us with more detailed information we will be happy to assist you.

- F5) The legal standard or level of suspicion (e.g. probable cause, reasonable suspicion, relevance) the department requires or proffers prior to using such devices and/or technology.

**Response:** Unfortunately, we are unable to assist you with your request. There are no Los Angeles County Sheriff's Department records responsive to your request. The Sheriff's Department operates within the constraints of currently existing law.

Please be informed that some information has been redacted pursuant to the California Constitution, Article 1, section 1, and Government Code sections 6254(k), 6254(f)(1), 6254(f)(2).

In accordance with Government Code § 54985, the cost for reproduction of these records is \$0.75 per order and \$0.03 per page for a total of \$2.07. Please make your check payable to LASD and mail it to: Risk Management Bureau – Discovery Unit at 4900 S. Eastern Avenue, Commerce, California 90040.

Peter Bibring

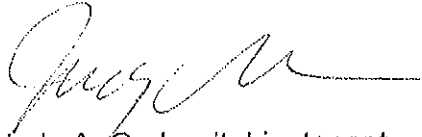
- 13 -

September 2, 2011

If you have any questions, please contact Kelli M. Love of the Discovery Unit at (323) 890-5003.

Sincerely,

LEROY D. BACA, SHERIFF

A handwritten signature in black ink, appearing to read "Judy A. Gerhardt", with a horizontal line extending to the right.

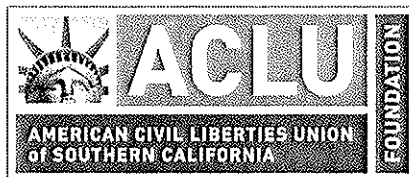
Judy A. Gerhardt, Lieutenant  
Risk Management Bureau

Enclosed

**Public Records Act  
Response Documents Table of Contents**

Section of PRA Request	Provided	Provided in Part	Not Provided	Document ID	Notes
ALPR C 1		X		A B	Provided procurement documents for County purchased vehicles. Refer to contract cities for their purchases.
ALPR C 2			X		Does not exist.
ALPR C 3			X		Exempt
ALPR C 4		X		F	Provided.
ALPR C 5			X		Exempt
ALPR C 6			X		Exempt
ALPR C 7			X		Exempt
CCTV D 1			X		Exempt
CCTV D 2			X		No proposed deployments in the County policed areas of LA County.
CCTV D 3			X		No existing document address this request.
CCTV D 4			X		Exempt
CCTV D 5			X		No existing document address this request.
CCTV D 6			X		Exempt
CCTV D 7	X			D I	Refer to contract cities for funding inquiry.
CCTV D 8			X		No existing document address this request.
CCTV D 9			X		No existing document address this request.
CCTV D 10			X		Exempt
CCTV D 11			X		Does not exist.





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September 18, 2012

*By United States Mail*

Sheriff Leroy D. Baca  
Los Angeles Sheriff's Department  
4700 Ramona Blvd.  
Monterey Park, CA 91754

Re: Follow-up to Public Records Act Request Regarding Surveillance  
Technologies

Dear Sheriff Baca,

Last year, the ACLU of Southern California ("ACLU-SC") submitted a request for records in the possession, custody, or control of the Los Angeles Sheriff's Department ("the Department") pursuant to the California Public Records Act, California Government Code § 6250 *et seq.* See Attachment A. We received our last correspondence from the Department on this matter on September 2, 2011. See Attachment B. In that letter, the Department objected to many of the requests as exempt, stated that it had no responsive records to other requests, and indicated that other responsive records would be provided.

Although we disagree with many of the stated exemptions, at this time we write only to insist on the production of all records responsive to Request C on GPS Tracking Devices and Automatic License Plate Readers ("ALPRs"). In particular, the Department denied Requests C3, C5, and C6, for all records relating to:

- C3) All policies, procedures, and practices governing use by the department of GPS Tracking Devices and/or ALPRs.
- C5) All policies, procedures, training, and practices governing and/or limiting the purposes for which information obtained through the use of GPS Tracking Devices and/or ALPRs may be used by the department or shared with other (federal, state or local) government agencies or non-governmental entities.
- C6) All data policies relating to the maintenance and retention of information obtained through GPS Tracking Devices and/or ALPRs, including but not limited to policies detailing how records of such information are kept, databases in which they are placed, limitations on who may access the records and for what purposes, and circumstances under which they are deleted.

**Chair** Stephen Rohde **President** Shari Leinwand

**Chairs Emeriti** Danny Goldberg Allan K. Jonas Burt Lancaster\* Irving Lichtenstein, MD\* Jarl Mohn Laurie Ostrow\* Stanley K. Sheinbaum

**Executive Director** Hector O. Villagra **Chief Counsel** Mark D. Rosenbaum **Deputy Executive Director** James Gilliam

**Communications Director** Jason Howe **Development Director** Sandy Graham-Jones **Director of Strategic Partnerships** Vicki Fox

**Legal Director & Manheim Family Attorney for First Amendment Rights** Peter J. Eliasberg **Deputy Legal Director** Ahilan T. Arulanantham

**Director of Policy Advocacy** Clarissa Woo **Director of Community Engagement** Elvia Meza **Executive Director Emeritus** Ramona Ripston \*deceased

The Department responded to these requests as follows: “Unfortunately, we are unable to assist you with this request. To the extent such records did exist within the Sheriff’s Department, they would be investigatory files. Investigations conducted by the Sheriff’s Department are exempt from disclosure under the State of California Public Records Act under Government Code § 6254(f).”

We hereby renew the portions of our original request reproduced above (Requests C3, C5, and C6) and ask you to reconsider your reliance on Section 6254(f). That statute exempts only “[r]ecords of complaints to, or investigations conducted by, or records of intelligence information or security procedures of... any state or local police agency.” *See* Cal. Gov. Code § 6254(f). General policies and procedures of the sort we have requested are not related to specific enforcement proceedings and clearly are not contemplated by this exemption. “[A] general rule of procedure, by definition, applies to more than one case; and, in and of itself, reveals none of the specific facts to which it has been or will be applied.... [P]rocedural regulations... are not themselves ‘records of complaints’ or ‘investigations’ within the meaning of subdivision(f) of section 6254.” *Cook v. Craig*, 55 Cal.App.3d 773, 783 (App. Ct. 1976). It is “well established that information in public files becomes exempt as investigatory material only when the prospect of enforcement proceedings becomes concrete and definite.” *Williams v. Superior Court*, 5 Cal. 4th 337, 356 (1993) (citations omitted). “The records of investigation exempted under section 6254(f) encompass only those investigations undertaken for the purpose of determining whether a violation of law may occur or has occurred.” *Haynie v. Superior Court*, 26 Cal.4th 1061, 1071 (2001). Moreover, “[a] public agency may not shield a document from disclosure with the bare assertion that it relates to an investigation.” *Williams*, 5 Cal.4th at 356.

Our requests do not pertain to specific investigations but rather to general policies and practices of the Department. To the extent that some of the requested records may in some way be relevant only to a specific investigation, or may otherwise be exempt, the non-exempt portions should be segregated and disclosed to us. *See* Cal. Gov. Code § 6257 (“[a]ny reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt by law”).

Please consider the citations above as you review your initial denial of those requests. We expect to hear from the Department on this matter within (10) days as required by the California Public Records Act. *See* Cal. Gov. Code § 6253(c). Please bear in mind that when a state agency wrongfully denies access to a public record, it must pay the legal costs associated with a requester’s attempt to enforce his or her right to access those records in court. *See* Cal. Gov. Code § 6259(d) (“The court shall award court costs and reasonable attorney fees to the plaintiff should the plaintiff prevail in litigation filed pursuant to this section.”).

As we wrote initially, the ACLU Foundation of Southern California is a non-profit public interest organization. Accordingly we request that you waive any fees that would be normally applicable to a Public Records Act request. *See North County Parents Organization v. Department of Education*, 23 Cal. App. 4<sup>th</sup> 144 (1994). If, however, such a waiver is denied, we



will reimburse you for the reasonable and direct costs of copying. Please inform us in advance if the cost will be greater than \$200, and whether the quoted costs in your original letter will be updated upon reconsideration of your denial of some requests.

Thank you for your prompt attention to this matter. Please furnish all applicable records to:

Yaman Salahi  
ACLU of Southern California  
1313 West Eighth Street  
Los Angeles, CA 90017

If you have questions, please contact me at 213.977.9500 x219 or [ysalahi@aclu-sc.org](mailto:ysalahi@aclu-sc.org).

Sincerely,

Yaman Salahi  
Liman Fellow







LEROY D. BACA, SHERIFF

County of Los Angeles  
Sheriff's Department Headquarters  
4700 Ramona Boulevard  
Monterey Park, California 91754-2169



October 11, 2012

Mr. Yaman Salahi  
American Civil Liberties Union of Southern California  
1313 West Eighth Street  
Los Angeles, California 90017

Dear Mr. Salahi:

I am in receipt of your letter dated September 18, 2012, regarding the denial of specific records under the Public Records Act request you submitted August 3, 2011.

I have forwarded a copy of your letter to our legal counsel for further review. If you would like to discuss this matter further, please contact Rick Brouwer, Principal Deputy County Counsel, Advocacy Unit, at (323) 890-5418 or Lieutenant Scott Johnson, Risk Management Bureau, at (323) 890-5382.

Sincerely,

A handwritten signature in cursive script that reads "Leroy D. Baca".

LEROY D. BACA  
SHERIFF



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# Los Angeles County Sheriff's Department

## FIELD OPERATIONS DIRECTIVE

Field Operations Support Services, (323) 526-5760

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FIELD OPERATIONS DIRECTIVE: 09-04

DATE: August 17, 2009

ISSUED FOR: OFFICE OF HOMELAND SECURITY  
FIELD OPERATIONS REGIONS  
DETECTIVE DIVISION  
TECHNICAL SERVICES DIVISION

### **AUTOMATED LICENSE PLATE RECOGNITION (ALPR) SYSTEM**

#### Purpose

The purpose of this directive is to establish procedural guidelines and responsibilities of personnel and units utilizing the Automated License Plate Recognition (ALPR) system. As with any technical system, adherence to standards and procedures is a key element to the success of the system.

#### Background

ALPR is a computer-based system that utilizes special cameras to capture a color image, as well as an infrared image, of the license plate of a passing vehicle. The infrared image is converted into a text file utilizing Optical Character Recognition (OCR) technology. The text file is automatically compared against an "informational data file" containing information on stolen or wanted vehicles as well as vehicles associated with AMBER alerts, warrant subjects or other criteria. If a match is found, the user is notified of the vehicle "hit" by an audible alert and an associated notation on the user's computer screen.

ALPR cameras can be mobile (mounted on vehicles) or on fixed positions such as freeway overpasses or traffic signals. ALPR systems mounted on vehicles have all the necessary equipment to scan plates, notify the user of a vehicle hit, and store the plate scan data for uploading into the ALPR server at a later time. ALPR fixed positions transmit plate scan data to the ALPR server as they are scanned and notify a central dispatch, such as a station desk, of any vehicle hit.

ALPR cameras can photograph thousands of plates in a shift. All plate scan data collected from the ALPR cameras is transmitted to an ALPR server. The ALPR server resides within the Sheriff's Data Network (SDN). In addition to software applications that are used to run the ALPR server, the ALPR server also houses the "informational data file" containing wanted, stolen, or vehicles of interest, as well as all the plate scans

Originally Issued: 08-17-09  
Revised:  
Latest Revision:

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captured by the ALPR cameras.

The informational data file is comprised of information from the Stolen Vehicle System (SVS), Felony Warrants System (FWS), Countywide Warrant System (CWS), and user defined "hot lists." The Informational data file is updated throughout the day with different data sources being "refreshed" at different intervals. SVS/FWS data is refreshed from the state database three times per day, CWS data is refreshed from the warrant repository twice a day, and hot list data is refreshed upon input into the ALPR server. It is important that ALPR users take into account the amount of lag time between receiving an ALPR hit notification and the last updating of the informational data file within the mobile ALPR unit database.

When possible, confirm that the mobile ALPR unit hit information is still valid, either through the Sheriff's Communication Center (SCC) or via your Mobile Digital Terminal (MDT) prior to taking police action. Confirmation can be deferred in rare circumstances (i.e. special investigative units) when compelling circumstances may exist that, if SCC is contacted, could jeopardize the investigation and/or officer safety.

Fixed ALPR cameras have a continuous connection to the ALPR server. They are capable of uploading plate scan data to the ALPR server as the scans occur. ALPR scans can be compared against the informational data file immediately when the data sources are updated.

Mobile ALPR units do not have a continuous connection to the ALPR server. In order to facilitate the exchange of data, most stations and other designated facilities have installed wireless access points which will allow connectivity to the ALPR server via wireless transmission. Once in range of a wireless access point, mobile ALPR users can activate an onboard "sync button" which will upload plate scan information from the vehicle to the ALPR server and/or download the latest informational data file from the ALPR server to the vehicle. It is imperative that mobile ALPR users sync their mobile units at least once at the beginning of their shift to ensure they have the latest informational data available.

### Policy and Procedures

Units utilizing ALPR technology shall publish unit level policy to govern procedures on ALPR usage as well as the syncing of data between the mobile ALPR units and the ALPR server.

Mobile ALPR unit users receiving an alert that a vehicle is stolen, wanted or has a warrant associated with it shall immediately confirm the status of the vehicle by running the license plate either manually via the MDT/CAD or over the radio via SCC, unless compelling circumstances are present or officer safety issues make it unsafe to do so. In such cases, deputies shall confirm the status of the wanted vehicle as soon as possible. When requesting SCC to confirm the status of an ALPR alert, the deputy shall

advise SCC the request is for an ALPR alert on a vehicle.

In the case of a stolen vehicle alert, personnel may regard the vehicle as a known stolen vehicle, while awaiting a secondary confirmation. If the decision is made to initiate a "Code-9" due to an ALPR alert on a stolen vehicle, deputies shall advise SCC they are following a vehicle due to an ALPR stolen vehicle alert (i.e. "142F1 is code 9 on 10-29V ALPR hit") prior to receiving a secondary confirmation by MDT/SCC.

Deputies shall adhere to the Department's pursuit policy as described in the Manual of Policy and Procedures § 5-09/210.00. SCC shall immediately provide secondary confirmation or advise the unit that the vehicle is not reported as stolen.

When Desk Personnel receive an alert from a fixed ALPR system, which is the result of an image taken from a fixed camera, they shall confirm the current status of the vehicle via their CAD terminal or via SCC. While waiting for confirmation, desk personnel will advise field patrol units of the ALPR alert, the location, the vehicle description, request aero bureau, and coordinate responding field units.

Any incident associated with the ALPR system shall be documented using a secondary ALPR statistical code. The statistical code shall go on the classification line of the Incident Report (SH-R-49) and in the MDT clearance. Additionally, any vehicle recovered using the ALPR system shall have "ALPR RECOVERY" written across the top of the CHP-180 and the secondary ALPR statistical clearance code will be entered into the MDT clearance log. ALPR statistical codes cannot be used for the issuance of an URN number, but shall be used as a secondary statistical clearance code.

Please ensure the following stat codes are used:

835 - ASAP - ALPR/MOBILE  
836 - ASAP - ALPR/FIXED CAMERA

Examples:

Personnel making an arrest due to an ALPR alert shall enter "835" or "836" as a secondary statistical clearance code in their MDT Log Clearance and on the Classification line of the SH-R-49 report form.

Personnel recovering a stolen vehicle with no suspect in custody shall write "ALPR-CAR RECOVERY" on the top of the CHP-180 as well as use the stat "835" as a secondary MDT Log Clearance.

Plate scan information is retained for a period of two years and may be queried for use in law enforcement investigations. Access to plate scan information is restricted to approved personnel with assigned passwords. Access to this data is for law

enforcement purposes only. Any other use of this data is strictly forbidden. Employees found using this data for anything other than law enforcement purposes will be subject to discipline under Manual of Policy and Procedures sections 3-07/210.00 Permissible Use and 3-07/220.00 Prohibitions.

Hot lists are comprised of user defined data that is manually input into the informational data file so that ALPR users will be alerted whenever a "vehicle of interest" is located. Current use of hot lists include AMBER alerts and vehicles associated with 290 sex registrants. Hot lists can be loaded into a specific station area vehicle or to ALPR all vehicles countywide.

Hot lists can be input into the ALPR server informational data file only by ALPR administrators. Unit commanders, or their designees, must approve hot list information that is intended for use solely in their area cars. With the exception of AMBER alert information entered by SCC personnel, hot list information intended for Department-wide use must have the approval of the Director of the Law Enforcement Information Sharing Program. Mobile ALPR users can input individual license plates into their patrol vehicle's ALPR system for use during their shift, however, the information will be deleted from that mobile ALPR unit once the vehicle syncs with the ALPR server. An ALPR vehicle alert identified via hot list information does not automatically provide ALPR users with sufficient justification to pullover or detain vehicle occupants. Often times, these hotlists will identify a "vehicle of interest" which is not necessarily wanted for a crime (ex: sex registrants vehicle). Personnel must use discretion and in some cases have independent information justifying a traffic stop.

Questions regarding the use of ALPR equipment or accessing plate scan information may be directed to the Advanced Surveillance and Protection Unit at

Questions regarding the content of this Field Operations Directive may be directed to Field Operations Support Services at

### Affected Directives/Publication

Manual of Policy and Procedures §5-09/210.00 Pursuits

### Cites/References

<http://www.pipstechnology.com/>

DRB:WJM:TPA:CWR:NBT:WJM:JLS:EPF:ef





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October 22, 2012

*By United States Mail*

Sheriff Leroy D. Baca  
Los Angeles Sheriff's Department  
4700 Ramona Blvd.  
Monterey Park, CA 91754

Re: Public Records Act Request Regarding "Hot Lists"

Dear Sheriff Baca,

I write with regards to Los Angeles Sheriff's Department's ("LASD") use of Automatic License Plate Leaders ("ALPRs"). It is my understanding based on documents received from your office in response to another Public Records Act request on October 17, 2012, that LASD's ALPR system provides alerts to officers not only when stolen vehicles or license plates associated with outstanding warrants are recognized, but also when a license plate matches with a so-called "hot list." According to the documents we received, "these hotlists will identify a 'vehicle of interest' which is not necessarily wanted for a crime," including AMBER alerts, sex registrants, and other covert lists. Depending on the "hot list" with which a vehicle is associated, an officer in a cruiser may or may not be alerted. In some cases, the "hit" is simply reported to the main server for review by other officers.

In an effort to learn more about this practice, the ACLU of Southern California ("ACLU-SC") hereby requests, pursuant to California Government code § 6250 *et seq.*, all records relating to or reflecting the following information:

- 1) All policies, procedures, and practices regulating the use of "hot lists" by LASD employees
- 2) When, if ever, a warrant is required in order to place a person or vehicle on a "hot list" for surveillance
- 3) Any legal standards required to place a person or vehicle on a "hot list" (e.g., reasonable suspicion, probable cause, etc.)
- 4) The number and nature of currently existing "hot lists"
- 5) The number of vehicles and/or persons currently placed on all existing "hot lists," cumulatively and per "hot list"
- 6) The sharing of ALPR or "hotlist" data with other law enforcement agencies, whether state, federal, or local

**Chair** Stephen Rohde **President** Shari Leinwand

**Chairs Emeriti** Danny Goldberg Allan K. Jonas Burt Lancaster\* Irving Lichtenstein, MD\* Jarl Mohn Laurie Ostrow\* Stanley K. Sheinbaum

**Executive Director** Hector O. Villagra **Chief Counsel** Mark D. Rosenbaum **Deputy Executive Director** James Gilliam

**Communications Director** Jason Howe **Development Director** Sandy Graham-Jones **Director of Strategic Partnerships** Vicki Fox

**Legal Director & Manheim Family Attorney for First Amendment Rights** Peter J. Eliasberg **Deputy Legal Director** Ahilan T. Arulanantham

**Director of Policy Advocacy** Clarissa Woo **Director of Community Engagement** Elvia Meza **Executive Director Emeritus** Ramona Ripston \*deceased

1313 WEST EIGHTH STREET LOS ANGELES CA 90017 t 213.977.9500 f 213.977.5299 ACLU-SC.ORG

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We expect to hear from the Department on this matter within (10) days as required by the California Public Records Act. *See* Cal. Gov. Code § 6253(c). Please bear in mind that when a state agency wrongfully denies access to a public record, it must pay the legal costs associated with a requester's attempt to enforce his or her right to access those records in court. *See* Cal. Gov. Code § 6259(d) ("The court shall award court costs and reasonable attorney fees to the plaintiff should the plaintiff prevail in litigation filed pursuant to this section.").

The ACLU Foundation of Southern California is a non-profit public interest organization. Accordingly we request that you waive any fees that would be normally applicable to a Public Records Act request. *See North County Parents Organization v. Department of Education*, 23 Cal. App. 4<sup>th</sup> 144 (1994). If, however, such a waiver is denied, we will reimburse you for the reasonable and direct costs of copying. Please inform us in advance if the cost will be greater than \$200, and whether the quoted costs in your original letter will be updated upon reconsideration of your denial of some requests.

Thank you for your prompt attention to this matter. Please furnish all applicable records to:

Yaman Salahi  
ACLU of Southern California  
1313 West Eighth Street  
Los Angeles, CA 90017

If you have questions, please contact me at 213.977.9500 x219 or [ysalahi@aclu-sc.org](mailto:ysalahi@aclu-sc.org).

Sincerely,

Yaman Salahi  
Liman Fellow



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Erroy D. Baca, Sheriff

*County of Los Angeles*  
**Sheriff's Department Headquarters**

4700 Ramona Boulevard  
Monterey Park, California 91754-2169



December 5, 2012

Yaman Salahi  
American Civil Liberties Union  
1313 West Eighth Street  
Los Angeles, California 90017

Dear Mr. Salahi:

This letter is in response to your letter dated October 22, 2012, regarding specific records you received under the Public Records Act (PRA) request you submitted on September 18, 2012. Listed below are the documents of concern:

1. All policies, procedures, and practices regulating the use of "hot lists" by LASD employees

**Response:** Please refer to our letter dated October 15, 2012, in which we provided the following responsive documents: Los Angeles County Sheriff's Department, Field Operations Directive 09-04 – Automated License Plate Recognition (ALPR) System; Department Policies and Guidelines; Los Angeles County Sheriff's Department, Century Station Order #72 – Advanced Surveillance and Protection (ASAP).

2. When, if ever, a warrant is required in order to place a person or vehicle on a "hot list" for surveillance

**Response:** Unfortunately, we are unable to assist you with your request. The request does not ask for "identifiable" public records, but specific "information" in the form of interrogatories. The Public Records Act, Government Code § 6253(b), does not require that a public entity create a record in order to respond to a request for information. The Act only requires that certain records already in existence be made available; it does not require the public entity to answer interrogatories.

3. Any legal standards required to place a person or vehicle on a "hot list" (e.g., reasonable suspicion, probable cause, etc.)

**Response:** Unfortunately, we are unable to assist you with your request. There are no Los Angeles County Sheriff's Department records responsive to your request. The Sheriff's Department operates within the constraints of currently existing law.

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4. The number and nature of currently existing "hot lists"
5. The number of vehicles and/or persons currently placed on all existing "hot lists," cumulatively and per "hot list"

**Response:** Unfortunately, we are unable to provide the requested records. To the extent such records do exist, investigatory files are exempt from disclosure pursuant to Government Code section § 6254(f).

6. The sharing of ALPR or "hotlist" data with other law enforcement agencies, whether state, federal, or local

**Response:** Unfortunately, we are unable to assist you with your request. The Public Records Act, Government Code § 6253(b), requires that a request for a copy of records reasonably describe the identifiable record or records. Your request does not provide the proper information with which to determine a report or report type. If you would please provide us with more detailed information such as: date of incident, location of occurrence, type of crime, etc. we will be happy to assist you.

If you have any questions, please contact Pam Vanover of the Discovery Unit at (323) 890-5439.

Sincerely,

LEROY D. BACA, SHERIFF



Judy A. Gerhardt, Lieutenant  
Risk Management Bureau





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September 18, 2012

By United States Mail

Chief Charlie Beck  
Los Angeles Police Department  
100 West 1st Street  
Los Angeles, CA 90012

Re: Public Records Act Request Regarding GPS Tracking and Automatic License  
Plate Readers

Dear Chief Beck,

We are troubled by the recent increase in the adoption of surveillance technologies by police departments across California, without appropriate privacy safeguards. A number of cities have implemented or considered implementing programs to automatically identify vehicles and their locations and to allow officers to track the location of suspects through GPS devices without a warrant. These programs pose a significant threat to privacy rights, particularly when policies to guide their use are inadequate or non-existent.

In light of these concerns, the ACLU of Southern California ("ACLU-SC") submits the following request for records in the possession, custody or control of Los Angeles Police Department (the "Department") pursuant to the California Public Records Act, California Government Code §6250 et seq. The Act requires responding agencies to provide a response within ten (10) days of receipt of a request. See Gov. Code §6256. We look forward to your prompt response.

Throughout these requests, the term "records" includes but is not limited to any paper or electronic information, reports, evaluations, memoranda, correspondence, letters, emails, charts, graphs, flyers, meeting agendas and minutes, training materials, diagrams, forms, DVDs, tapes, CDs, notes or other similar materials.

Chair Stephen Rohde **President** Shari Leinwand  
Chairs Emeriti Danny Goldberg Allan K. Jonas Burt Lancaster\* Irving Lichtenstein, MD\* Jarl Mohn Laurie Ostrow\* Stanley K. Sheinbaum

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**Legal Director & Manheim Family Attorney for First Amendment Rights** Peter J. Eliasberg **Deputy Legal Director** Ahilan T. Arulanantham  
**Director of Policy Advocacy** Clarissa Woo **Director of Community Engagement** Elvia Meza **Executive Director Emeritus** Ramona Ripston \*deceased

1313 WEST EIGHTH STREET LOS ANGELES CA 90017 t 213.977.9500 f 213.977.5299 ACLU-SC.ORG

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We hereby request disclosure of records in your possession relating to GPS Tracking Devices or “automatic license plate readers” (“ALPRs”).<sup>1</sup> This request includes but is not limited to records relating to the following:

- 1) All records relating to the acquisition, purchase, and deployment of GPS Tracking Devices and/or ALPRs, including but not limited to all records relating to the number of such devices owned by the department, their location, and the unit or division of the department given primary use of the devices.
- 2) All records relating to GPS Tracking Devices and/or ALPRs owned or operated by other government agencies (including non-law enforcement) and private entities within the Department’s jurisdiction, for which the Department can access any or all data collected.
- 3) All policies,<sup>2</sup> procedures, and practices governing use by the department of GPS Tracking Devices and/or ALPRs.
- 4) All training materials provided by to department personnel by the department (or by outside trainers contracted by the department) that provide training, guidance or information the use of GPS Tracking Devices and/or ALPRs.
- 5) All policies, procedures, training, and practices governing and/or limiting the purposes for which information obtained through use of GPS Tracking Devices and/or ALPRs may be used by the department or shared with other (federal, state or local) government agencies or non-governmental entities.
- 6) All data policies relating to the maintenance and retention of information obtained through GPS Tracking Devices and/or ALPRs, including but not limited to policies detailing how records of such information are kept, databases in which they are placed, limitations on who may access the records and for what purposes, and circumstances under which they are deleted.
- 7) The legal standard or level of suspicion (e.g. probable cause, reasonable suspicion, relevance) the department requires or proffers prior to using GPS Tracking Devices and/or ALPRs.

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<sup>1</sup> The term “Automatic License Plate Reader” (or “ALPR”) refers to any camera or sensor trained on public roads or thoroughfares, or publicly owned parking lots or structures, that has the capability to scan for vehicles’ license plates and, using optical character recognition or other technology, to convert the image of a license plate into alphanumeric data reflecting the license plate number.

<sup>2</sup> The term “policies” throughout this request includes but is not limited to codes, department policies, rules and regulations, bulletins, memoranda, directives, powerpoint presentations, and training materials.



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Because the ACLU Foundation of Southern California is a non-profit public interest organization, we request that you waive any fees that would be normally applicable to a Public Records Act request. *See North County Parents Organization v. Department of Education*, 23 Cal. App. 4th 144 (1994). If, however, such a waiver is denied, we will reimburse you for the reasonable cost of copying. Please inform us in advance if the cost will be greater than \$200.

Thank you for your prompt attention to this matter. Please furnish all applicable records to:

Yaman Salahi  
ACLU of Southern California  
1313 West Eighth Street  
Los Angeles, CA 90017

If you have questions, please contact me at 213.977.9500 x219 or [ysalahi@aclu-sc.org](mailto:ysalahi@aclu-sc.org).

Sincerely,

Yaman Salahi  
Liman Fellow



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# LOS ANGELES POLICE DEPARTMENT

**CHARLIE BECK**  
Chief of Police



**ANTONIO R. VILLARAIGOSA**  
Mayor

P. O. Box 30158  
Los Angeles, California 90030  
Telephone: (213) 978-2100  
TDD: (877) 275-5273  
Reference Number: 14.4

October 31, 2012

Mr. Yaman Salahi  
ACLU of Southern California  
1313 West Eighth Street  
Los Angeles, California 90017

Dear Mr. Salahi:

I have received your request for records and information concerning GPS tracking devices and automatic license plate readers. Your request was forwarded to my office from the Office of the Chief of Police of the Los Angeles Police Department (the Department) and was made pursuant to the California Public Records Act (the Act).

The Department is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted in order to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

I am responding to your request for the following:

- 1) All records relating to the acquisition, purchase, and deployment of GPS Tracking Devices and/or ALPRs, including but not limited to all records relating to the number of such devices owed by the department, their locations, and the unit or division of the department given primary use of the devices.
- 2) All records relating to GPS Tracking Devices and/or ALPRs owned or operated by other government agencies (including non-law enforcement) and private entities within the Department's jurisdiction, for which the Department can access any or all data collected.

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[www.LAPDOnline.org](http://www.LAPDOnline.org)

[www.joinLAPD.com](http://www.joinLAPD.com)

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- 3) All policies, procedures, and practices governing use by the department of GPS Tracking Devices and/or ALPRs.
- 4) All training materials provided by/ to department personnel by the department (or by outside trainers contracted by the department) that provides training, guidance or information the use of GPS Tracking Devices and/or ALPRs.
- 5) All policies, procedures, training, and practices governing and/or limiting the purposes for which information obtained through use of GPS Tracking Devices and/or ALPRs may be used by the department or shared with other (federal, state or local) government agencies or non-governmental entities.
- 6) All data policies relating to maintenance and retention of information obtained through GPS Tracking Devices and/or ALPRs, including but not limited to policies detailing how records of such information are kept, databases in which they are placed, limitations on who may access the records and for what purposes, and circumstances under which they are deleted.
- 7) The legal standard or level of suspicion (e.g. probable cause, reasonable suspicion, relevance) the department requires or proffers prior to using GPS Tracking Devices and/or ALPRs.

Department staff conducted a search and has located the following materials:

- Department Manual Volume 3, Section 568 Radio and Electronic Investigation Equipment;
- Department Manual Volume 5, Section 12.41 Authorization to Use Restricted Electronic Surveillance Equipment, Form 12.41.00;
- Department Manual Volume 5, Section 12.42 Electronic Surveillance Equipment Inventory Card, Form 12.42.00;
- Major Crimes Division Standards and Procedures;
- PIPS Technology user guide;
- Intradepartmental Correspondence, dated August 11, 2008, Central Area Grant Request;
- Memorandum of Understanding between the City of Los Angeles and the University of Southern California;
- Brick House Security invoice, July 3, 2007, GPS device and service fees;
- Brick House Security receipt, January 3 2008, 2007, GPS device and service fees;
- Freight Security Net, Inc. invoice, February 7, 2010, tracking service fees;
- FreightWatch Security Net FSNtracks User Guide;
- Freight Watch Security Net FSN PT200 Early Access Trial Quick Start Guide;
- Freight Watch Security Net PT200 Operating Manual;
- Instructions for License Plate Recognition Vehicle (Tactech Tactech);
- Instructions for License Plate Recognition Vehicles;

- Vehicle Check Out Log, Mission Special Enforcement Section, License Plate Reader, Shop No. 89145;
- Intradepartmental Correspondence, dated January 27, 2011, acceptance of GPS tracking devices;
- City of Los Angeles Administrative Code, Chapter 1, Records Retention and Disposition;
- Department Manual, Volume 5, Section 050, Records Retention Programs;
- Motorola Purchase Order Nos. 0000948078, 0000948002, 0000947972 and 0000947984, dated November 7, 2008, cameras, GPS, ALPR, software and installation;
- Motorola Purchase Order No. 0001034712, dated August 5, 2009, shipping/packing slip, ALPR devices and training;
- Motorola Purchase Order No. 0001198938, dated March 17, 2011, ALPR trailer;
- Motorola Purchase Order No. 0001198923, dated March 17, 2011, cameras;
- Compucom Systems Purchase Order No. 0001198797, dated March 16, 2011, servers and support;
- Board of Police Commissioners Regular Meeting Agenda, August 30, 2011, acceptance of donation of License Plate Recognition Reader Systems and supporting documents;
- LA/LB UASI 07 Contingency Project Application, December 16, 2009;
- LA/LB UASI 2010 Project Application, February 4, 2010;
- LA/LB UASI 2011 Project Application, February 16, 2011;
- PIPS Technology Automatic License Plate Recognition Vehicles User Guide;
- PIPS Technology Quick Start Guide;
- Housing Authority of the City of Los Angeles Request For Proposals, RFP No. 7524, Wireless Camera Surveillance System and Addendum No. 2;
- Contract No. HA-2010-002, between Housing Authority of the City of Los Angeles and Motorola, Inc., Wireless Camera Surveillance System;
- United States Department of Justice, Public Housing Safety Initiative Quarterly Report, July 1, 2007 – September 30, 2007;
- Motorola price quote, dated September 6, 2011, for ALPR Mobile Units; and
- LPR inventory/deployment

I will provide you with a copy of the aforementioned materials upon receipt of the applicable duplicating fee. Please see the enclosed invoice. Portions of the materials that contain privileged or confidential information may be withheld pursuant to Section 6254(k) which exempts records that are exempt from disclosure under federal or state law, including, but not limited to provisions of the Evidence Code relating to privilege. Evidence Code Section 1040 declares an official information privilege for information acquired in confidence by a public agency when the public interest in disclosing the information is outweighed by the public interest in keeping the information confidential. Similarly, the Department asserts Section 6255 based on this same need to retain confidentiality of said documents.

Mr. Yaman Salahi

Page 4

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The Department Manual is available, at no cost, in the Department's public website, [www.LAPDOnline.org](http://www.LAPDOnline.org). If you prefer, I can provide you with a hardcopy of the aforementioned Manual sections upon receipt of the applicable duplicating fee. Please see the enclosed invoice.

The Major Crimes Division Standards and Procedures is available, at no cost, in the Department public website. Click on the POLICE COMMISSION link, and then click on the "Police Commission Meetings Archives" link. The Standards and Procedures is in the March 23, 2010, agenda, Item No. 8E. If you prefer, I can provide you with a hardcopy of the aforementioned document upon receipt of the applicable duplicating fee. Please see the enclosed invoice.

The Board of Police Commissioners Regular Meeting Agenda, August 30, 2011, acceptance of donation of License Plate Recognition Reader Systems and supporting documents are available, at no cost, in the Department's public website. Click on the POLICE COMMISSION link, and then click on the "Police Commission Meetings Archives" link. The documents are in the August 30, 2011, agenda, Item No. 8A. If you prefer, I can provide you with a hardcopy of the aforementioned document upon receipt of the applicable duplicating fee. Please see the enclosed invoice.

A user's manual for the PIPS Technology Inc. BOSS Back Office System Software was located. Per PIPS Technology Inc., the manual is copyright and reproduction or transmission to a third party is not allowed. Therefore, the user's manual is not being provided.

No materials responsive to Item No. 7 were located.

Any correspondence regarding this matter should include a copy of this letter and be directed to the Los Angeles Police Department - Discovery Section, 201 North Los Angeles Street, Space 301, Los Angeles, California 90012. If you have any questions regarding this correspondence, please contact Management Analyst David Lee of the Discovery Section at (213) 978-2152.

Very truly yours,

CHARLIE BECK  
Chief of Police



MARTIN BLAND, Senior Management Analyst  
Officer-in-Charge, Discovery Section  
Risk Management Division

Enclosure

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**LOS ANGELES POLICE DEPARTMENT  
RISK MANAGEMENT DIVISION – DISCOVERY SECTION**

**INVOICE FOR**

**PUBLIC  
RECORDS**

**BOR ADMINISTRATIVE  
RECORD**

**Requested By:** Yaman Salahi **Date:** October 25, 2012

**Officer/Serial No.:** Not applicable **Box File No.:** Not applicable

**CPRA Reference No.:** C12-1000002 **Analyst:** David Lee

<b>Documents Provided</b>	<b>Pages</b>	<b>Fee*</b>
Department Manual Volume 3, Section 568 Radio and Electronic Investigation Equipment	6	.60
Department Manual Volume 5, Section 12.41 Authorization to Use Restricted Electronic Surveillance Equipment, Form 12.41.00	1	.10
Department Manual Volume 5, Section 12.42 Electronic Surveillance Equipment Inventory Card, Form 12.42.00	1	.10
Major Crimes Division Standards and Procedures	36	3.60
PIPS Technology user guide	3	.30
Intradepartmental Correspondence, dated August 11, 2008, Central Area Grant Request	4	.40
Memorandum of Understanding between the City of Los Angeles and the University of Southern California	19	1.90
Brick House Security invoice, July 3, 2007, GPS device and service fees	1	.10
Brick House Security receipt, January 3 2008, 2007, GPS device and service fees	1	.10
Freight Security Net, Inc. invoice, February 7, 2010, tracking service fees	1	.10
FreightWatch Security Net FSNtracks User Guide	43	4.30
Freight Watch Security Net FSN PT200 Early Access Trial Quick Start Guide	3	.30
Freight Watch Security Net PT200 Operating Manual	21	2.10
Instructions for License Plate Recognition Vehicle (Tactech Tactech)	1	.10
Instructions for License Plate Recognition Vehicles	1	.10
Vehicle Check Out Log, Mission Special Enforcement Section, License Plate Reader, Shop No. 89145	5	.50
Intradepartmental Correspondence, dated January 27, 2011, acceptance of GPS tracking devices	3	.30
City of Los Angeles Administrative Code, Chapter 1, Records Retention and Disposition	16	1.60
Department Manual Volume 5, Sec 050, Records Retention Programs	2	.20
Motorola Purchase Order Nos. 0000948078, 0000948002, 0000947972 and 0000947984, dated November 7, 2008, cameras, GPS, ALPR, software and installation	12	1.20
Motorola Purchase Order No. 0001034712, dated August 5, 2009, shipping/packing slip, ALPR devices and training	10	1.00
Subtotal		19.00

**LOS ANGELES POLICE DEPARTMENT  
RISK MANAGEMENT DIVISION – DISCOVERY SECTION**

**INVOICE FOR**

**PUBLIC  
RECORDS**

**BOR ADMINISTRATIVE  
RECORD**

**Requested By:** Yaman Salahi **Date:** October 25, 2012

**Officer/Serial No.:** Not applicable **Box File No.:** Not applicable

**CPR Reference No.:** C12-1000002 **Analyst:** David Lee

<b>Documents Provided</b>	<b>Pages</b>	<b>Fee*</b>
Motorola Purchase Order No. 0001198938, dated March 17, 2011, ALPR trailer	4	.40
Motorola Purchase Order No. 0001198923, dated March 17, 2011, cameras	4	.40
Compucom Systems Purchase Order No. 0001198797, dated March 16, 2011, servers and support	5	.50
Board of Police Commissioners Regular Meeting Agenda, August 30, 2011, acceptance of donation of License Plate Recognition Reader Systems and supporting documents	11	1.10
LA/LB UASI 07 Contingency Project Application, December 16, 2009	1	.10
LA/LB UASI 2010 Project Application, February 4, 2010	3	.30
LA/LB UASI 2011 Project Application, February 16, 2011	3	.30
PIPS Technology Automatic License Plate Recognition Vehicles User Guide	4	.40
PIPS Technology Quick Start Guide	2	.20
Housing Authority of the City of Los Angeles Request For Proposals, RFP No. 7524, Wireless Camera Surveillance System and Addendum No. 2	139	13.90
Contract No. HA-2010-002, between Housing Authority of the City of Los Angeles and Motorola, Inc., Wireless Camera Surveillance System	79	7.90
United States Department of Justice, Public Housing Safety Initiative Quarterly Report, July 1, 2007 – September 30, 2007	7	.70
Motorola price quote, dated September 6, 2011, for ALPR Mobile Units	1	.10
LPR inventory/deployment	2	.20
Subtotal		26.50

