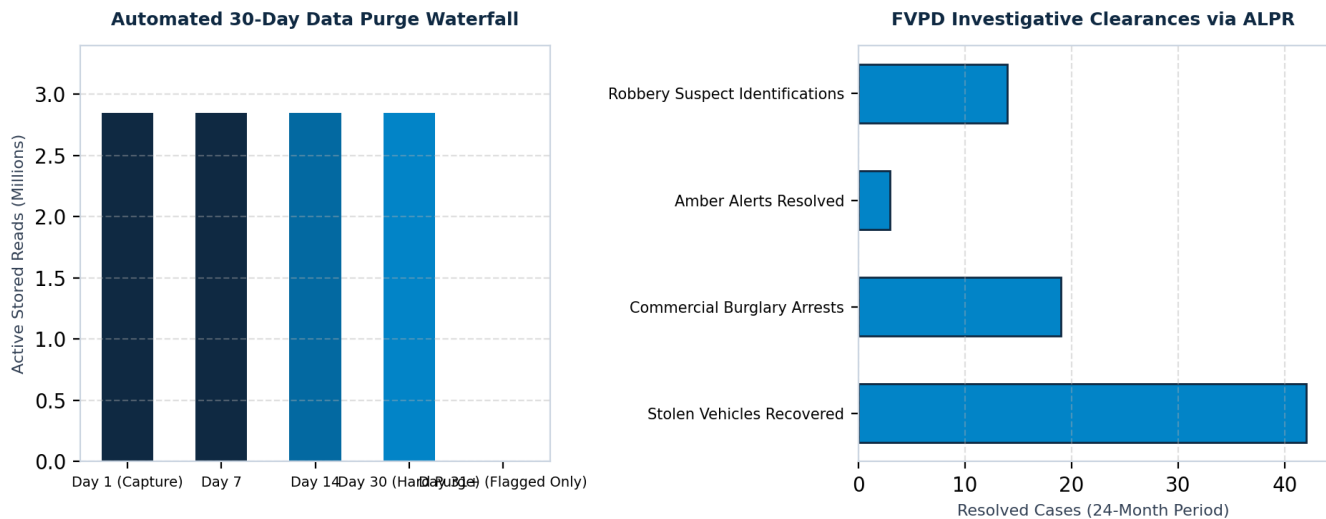


Automated License Plate Readers (ALPR): Public Safety & Civil Liberties

Detailed policy audit, legal analysis, and privacy safeguard framework. Companion to "Balancing Public Safety and Constitutional Privacy in Fountain Valley".

Prepared September 2026. Reviewing Automated License Plate Reader (ALPR) deployment under CA Civil Code § 1798.90.5 (SB 34), establishing strict 30-day automatic data purging, prohibiting out-of-state reproductive/immigration sharing (AB 1242 / SB 54), and conducting cost-benefit audits.



Executive Summary

- The Municipal Technology Balance:** The Fountain Valley Police Department (FVPD) currently leases 28 Flock Safety Falcon ALPR cameras at major arterial ingress/egress points. ALPR technology has assisted in recovering 42 stolen vehicles and apprehending 19 felony burglary suspects over a 24-month period.
- Civil Liberties & Statutory Gaps (SB 34):** California Civil Code § 1798.90.5 requires all public agencies operating ALPR systems to adopt strict privacy policies, maintain public access logs, and prevent unauthorized inter-agency data pooling. Automated nationwide network sharing creates serious Fourth Amendment and surveillance risks if left unmonitored.
- California Values Act & Reproductive Privacy Compliance:** Under California SB 54 (Values Act) and AB 1242 (Reproductive Healthcare Privacy), California municipal agencies are strictly prohibited from sharing ALPR geolocation data with out-of-state law enforcement for abortion investigations or immigration enforcement.
- Strict 30-Day Hard Purge Protocol:** Instituting an automated 30-day data retention cap. 99.7% of captured license plate reads involve law-abiding residents and are not linked to any hotlist or crime; unflagged reads must be permanently deleted from cloud servers at day 30.
- Annual Independent Transparency Audit:** Requiring an annual public report to City Council detailing: total reads captured, hotlist hit percentage, criminal case clearance rates, internal audit query logs, and complete inter-agency data sharing agreements.

1. ALPR Technical Operations & Fountain Valley Deployment Profile

Flock Safety Falcon cameras capture images of vehicle rear license plates, make, model, color, and distinctive features (e.g., roof racks, bumper stickers) using optical character recognition (OCR) and machine vision. Captured plates are compared in real-time against state and federal hotlists, including the California Law Enforcement Telecommunications System (CLETS) Stolen Vehicle System and Amber Alerts.

Operational Metric	Fountain Valley Data (2024-2025)	Benchmark / Standard	Operational Significance
Active Camera Count	28 Fixed Falcon Cameras	0.49 cameras per sq. mile	Covers 14 key arterial border intersections
Monthly License Plate Reads	Approx. 2,850,000 reads	99.7% unflagged non-criminal	Massive non-suspect geolocation data footprint
Hotlist Match Rate	0.03% (approx. 850 hits/mo)	Stolen vehicle / felony warrants	High signal-to-noise ratio requiring verified manual check
Stolen Vehicle Recoveries	42 vehicles (\$920k recovered value)	Directly attributable to ALPR	Proven deterrent for cross-jurisdictional retail burglary
Annual Operating Lease Cost	\$84,000/year (\$3,000/camera)	Funded via Supplemental Law Enf. (COPS)	\$0 municipal property tax impact

2. California Statutory Mandates: SB 34, AB 1242 & CalECPA

California law imposes strict constraints on how municipal police departments store, share, and query automated license plate data. Violations expose municipalities to civil liability and exclusion of evidence in criminal proceedings.

California Statute	Mandated Legal Requirement	FVPD Operational Practice	Compliance Status & Necessary Reform
CA Civil Code § 1798.90.51 (SB 34)	Post written ALPR Operating & Privacy Policy publicly online	Policy adopted in Department Manual	Compliant; requires annual Council reauthorization
CA Civil Code § 1798.90.52 (SB 34)	Maintain audit log of all system queries and search justifications	Flock software logs user credentials	Need mandatory case number entry for every manual plate search
CA Penal Code § 1546 et seq. (CalECPA)	Prohibits warrantless access to electronic tracking data	Restricted to active criminal investigations	Compliant; requires supervisor approval for historical pattern search
CA Penal Code § 13778.2 (AB 1242)	Strict ban on sharing ALPR data for out-of-state abortion probes	Inter-agency sharing enabled with 120+ agencies	Must audit & sever automated sharing with non-California agencies
CA Gov. Code § 7284.6 (SB 54)	California Values Act: Ban on local resources for ICE enforcement	No direct ICE data feed	Requires explicit geofencing and vendor contractual guarantee

3. 5-Point Civil Liberties & Oversight Policy Charter

- Strict 30-Day Auto-Purge:** All reads not tied to an active, documented felony investigation are permanently deleted from both local and cloud servers at 30 days. No long-term historical pattern analysis of law-abiding residents.
- Mandatory Search Justification Logging:** Every officer querying the system must input an active dispatch CAD number or police report number. Random monthly audits conducted by the City Attorney's office.
- California-Only Data Boundary:** Flock network sharing is restricted exclusively to California law enforcement agencies compliant with SB 54 and AB 1242.

- 4. **Ban on Biometric & Facial Recognition Integration:** Prohibiting any software upgrade connecting ALPR image feeds to real-time facial recognition algorithms.
- 5. **Annual Public Transparency Dashboard:** Annual reporting to City Council with exact statistics on reads, hit rates, case clearances, and audit findings.

4. Peer Municipal ALPR Governance Comparisons

Municipalities across California have established diverse oversight structures for ALPR technology, providing clear benchmarks for Fountain Valley:

City / Agency	Camera Count & Retention	Sharing Restrictions	Audit Protocol	Key Model Takeaway for FV
City of Irvine, CA	110 cameras; 30-day retention	Restricted to OC law enforcement only	Bi-annual City Attorney audit	Strict 30-day purge with zero out-of-state sharing
City of Piedmont, CA	38 cameras; 60-day retention	Restricted to verified felony investigations	Independent civilian police commission review	Mandatory public reporting on stolen vehicle recovery rates
City of Berkeley, CA	16 cameras; 30-day retention	Strict ban on immigration and civil protests	Full transparency portal with publicly searchable query logs	Clear statutory firewalls protecting constitutional expression

5. Legal Authorities & Privacy Citations

- 1. California Civil Code §§ 1798.90.5-1798.90.55 (SB 34 - Automated License Plate Reader Privacy Act). <https://leginfo.legislature.ca.gov>
- 2. California Penal Code §§ 1546-1546.4 (California Electronic Communications Privacy Act - CalECPA).
- 3. California Government Code §§ 7284-7284.12 (SB 54 - California Values Act). <https://leginfo.legislature.ca.gov>
- 4. California Penal Code § 13778.2 (AB 1242 - Protection of Reproductive Healthcare Geolocation Records).
- 5. Fourth Amendment, United States Constitution; Carpenter v. United States, 138 S. Ct. 2206 (2018).
- 6. Leaders of a Beautiful Struggle v. Baltimore Police Dept., 2 F.4th 330 (4th Cir. 2021) (Aerial & Persistent Surveillance Limitations).
- 7. State of California Department of Justice (DOJ), Information Bulletin 2023-DLE-05: ALPR Data Sharing Compliance Guidelines.
- 8. City of Fountain Valley Police Department, Policy 451: Automated License Plate Readers (2024). <https://www.fountainvalley.gov>
- 9. Electronic Frontier Foundation (EFF), Automated License Plate Readers: Research & Legislative Guidance (2025). <https://www.eff.org>
- 10. ACLU of Southern California, Automated License Plate Readers and Civil Liberties in Orange County (2024).