



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Ortiz

SUBJECT: SEE BELOW

DATE: 3/6/2026

Approved

Date: 3/6/2026

SUBJECT: Automated License Plate Readers Data Usage Protocol Update

RECOMMENDATION:

- 1) Approve the staff recommendation and the memo from Councilmembers Candelas, Campos, Cohen, Mulcahy, and Casey with the following edits and additions:
 - a) Expand the prohibition on the placement of ALPR cameras to include positions that capture data from vehicles entering or exiting health care facilities that primarily offer gender-affirming care; and
 - b) Develop and implement a protocol in response to unauthorized or illegal disclosure of ALPR data that may include immediately deactivating ALPR cameras and disclose to the community.

BACKGROUND:

Automated License Plate Recognition (ALPR) technology has become an increasingly valuable investigative tool for law enforcement. In San Jose, ALPR data has been effectively integrated into both real-time operations and follow-up investigations across multiple units, including Patrol, the Crime Analysis Unit, and the Bureau of Investigations. As detailed in our Police Department's memo, ALPR data has been instrumental in investigative outcomes involving serious offenses such as robberies, carjackings, domestic violence incidents, burglaries, and child abductions. These results reflect our department's resourcefulness in leveraging technology to supplement its work in making San José the safest big city in the country, despite operating with fewer resources than our contemporaries.

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Despite the significant effectiveness of Flock camera systems in supporting local law enforcement investigations, their deployment has also drawn scrutiny from policymakers and oversight bodies around the country regarding whether existing data governance and privacy safeguards are sufficient to meet the expectations of participating jurisdictions. For example, an audit by the Illinois Secretary of State found that license plate reader data collected by local agencies had been accessed by federal authorities in ways that raised compliance concerns under state law, prompting state officials to require agencies to restrict certain forms of external data access.

As outlined in the accompanying memorandum, SJPD has taken deliberate steps to establish stronger controls around system access, data user retention, and oversight and auditing, reflecting a commitment to preventing the dangerous or inappropriate use of ALPR information. These measures also demonstrate responsiveness to community concerns about privacy and transparency and place the City in a more confident position regarding our ALPR program than some of our contemporaries.

At the same time, the experiences of other jurisdictions underscore the importance of continued diligence. Even with strong local safeguards in place, the City still remains liable for any possible data breach. Given these concerns regarding Flock Safety's handling of sensitive data and broader questions about its data governance practices, the City should explore alternative vendors capable of providing ALPR services and evaluate if Flock's data security meets the standard our residents expect. Doing so would ensure that the San José Police Department can continue benefiting from the investigative value of ALPR technology while aligning the program with the highest standards of data protection and public trust for San José residents.