

[sfchronicle.com](https://www.sfchronicle.com)

California police agencies are still sharing data with other states

Bob Egelko

7–8 minutes

The Sacramento Police Department confirmed to the Chronicle it continues to share license plate reader data with other states despite guidance from the California attorney general.

Andri Tambunan/Special to the Chronicle

Rejecting the advice of Attorney General Rob Bonta, some law enforcement agencies in California, including several in the Bay Area, are continuing to share automated license plate reader data with police departments in other states, which could use the information to track seekers and providers of abortions. One local agency said it would stop

sharing the data after being contacted by the Chronicle.

State and local officers use high-speed stationary and vehicle-borne cameras to record millions of license numbers and share the records, known as ALPR data, to locate criminal suspects. But the practice has become more prominent, and contested, since the Supreme Court overturned the constitutional right to abortion in 2022. About half the states have severely restricted or banned abortions since then, and many people living in those states have traveled to California and elsewhere to obtain reproductive care.

Spring Sale: Only 25¢! Dig into your local news with full digital access.

SUBSCRIBE FOR ONLY 25¢

Act Now

In a “guidance” memo in October to local and state law enforcement agencies in California, Bonta, whose office oversees them, said a 2016 California law does not allow them “to share ALPR information with private entities or out-of-state or federal agencies, including out-of-state and federal law

enforcement agencies.”

Article continues below this ad

More Reading

After several police departments questioned the attorney general's conclusion, he met with their leaders in December, then wrote on Jan. 5, that he agrees “information-sharing among law enforcement agencies, where appropriate and within the confines of the law, can help identify bad actors and ensure safer communities. Nevertheless, the (state Justice) Department's obligation is to defend the law as written.”

The 2016 law, SB34 by Sen. Jerry Hill, D-San Mateo, allowed police to share automated license data only with another “public agency,” defined as “the state” or one of its local governments. The reference to “the state” in the singular can mean only the state of California, privacy-rights groups said in a Jan. 31, letter to Bonta supporting his position.

The attorney general has been “productive in getting more and more of these agencies to get into compliance,” said Jennifer Pinsof, an attorney with

the Electronic Frontier Foundation. Last summer, she said, her group and the American Civil Liberties Union contacted 73 police agencies in California that were reported to be sharing license plate reader data out of state, and most of them have now ended the practice.

Representatives of police departments in Bay Area communities such as Pittsburg and Hercules say they have limited data-sharing to other California agencies after hearing from Bonta. In Antioch, Brian Addington, a law enforcement veteran appointed last month as interim chief of a police force reeling from disclosures of officers' racist text messages, said after being contacted by the Chronicle that he is following Bonta's advice and changing the department's practices.

Article continues below this ad

Antioch's interim police chief said after being contacted by the Chronicle that he is following Attorney General Rob Bonta's advice and changing the department's practices on sharing automated license plate reader data with other agencies.

Terry Chea/Associated Press 2023

But there are some holdouts.

“We are still sharing data with agencies outside of California,” Robert Roberts, a police lieutenant in the Contra Costa County community of Oakley, told the Chronicle. He said his department had told Bonta’s office it disagreed with the attorney general’s interpretation of the law and never got a response. But after this story was published, Bonta’s office forwarded an email it had sent to Roberts in November that said sharing license-plate reader data with out-of-state agencies was prohibited by state law.

The Sacramento Police Department “shares information with departments within the Western states ... on a need-to-know, right-to-know basis” and was not persuaded to change its policy by Bonta’s position, said Cody Tapley, a spokesperson for the department.

Another data sharer is the Freeway Security Network, created in 2017 by local governments in Contra Costa County to install cameras on portions of Interstate 80 and Highway 4.

Based in Pittsburg, the network reported in 2021 that

its cameras had recorded more than 272,000 cars that had been reported as stolen or used in crimes. And its most recent reports list law enforcement agencies in dozens of states that receive automated license data from the network, including agencies in states where abortion is outlawed.

The network's documents say its participants include Pittsburg, Antioch and Hercules — whose police departments also said they no longer share their own license plate recordings outside California — along with Pinole, Richmond, San Pablo and the Contra Costa County Sheriff's Department.

Pinsof, of the Electronic Frontier Foundation, said she has little doubt that other police departments around the state are disregarding Bonta's guidance, but "it's hard to monitor compliance." She said her group plans to meet with Bonta's office to discuss its concerns, particularly as other states try to track residents bound for California to obtain abortions.

"We know that abortion is now a crime or civil violation in many states," Pinsof said. "They see people are fleeing their states and going to California," and automated license plate readers are "a tool all these (states) have access to."

Update: *This story has been updated to reflect that the California Department of Justice sent the Oakley Police Department a letter in November 2023 that said sharing license-plate reader data with out-of-state agencies was prohibited by state law.*

Reach Bob Egelko: begelko@sfchronicle.com;

Twitter: [@BobEgelko](https://twitter.com/BobEgelko)

March 24, 2024|Updated March 25, 2024 4:46 p.m.

Photo of Bob Egelko

Bob Egelko has been a reporter since June 1970. He spent 30 years with the Associated Press, covering news, politics and occasionally sports in Los Angeles, San Diego and Sacramento, and legal affairs in San Francisco from 1984 onward. He worked for the San Francisco Examiner for five months in 2000, then joined The Chronicle in November 2000.

His beat includes state and federal courts in California, the Supreme Court and the State Bar. He has a law degree from McGeorge School of Law in Sacramento and is a member of the bar. Coverage has included the passage of Proposition 13 in 1978, the appointment of Rose Bird to the state Supreme

Court and her removal by the voters, the death penalty in California and the battles over gay rights and same-sex marriage.

He can be reached at beigelko@sfchronicle.com.