ACLU
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
Northern California

ELECTRONIC FRONTIER FOUNDATION

October 1, 2026

Sent Via Email and Postal Mail

Marin County Sheriff's Office
Sheriff Jamie Scardina
1600 Los Gamos Dr. # 200
San Rafael, CA 94903
J_scardina@marinsheriff.org

Re: California Public Records Act Request and Request for Explanation Re: Marin County Sheriff's Office Failure to Comply with California Privacy Law and Settlement Agreement.

Dear Sheriff Scardina,

We write to express concern that the Marin County Sheriff's Office ("MCSO") reportedly provided out-of-state law enforcement agencies direct access to the Marin County automated license plate reader ("ALPR") database in violation of both Civ. Code § 1798.90.5 *et seq.* ("SB 34") and the terms of the June 1, 2022 Settlement Agreement in *Lagleva, et al., v. Doyle, et al*., Case No. CIV2103424 ("*Lagleva* Settlement Agreement").

This sharing exposed sensitive driver location information to misuse by the federal government and by states that lack California's robust privacy protections. By illegally sharing location information, MCSO enabled out-of-state and federal agencies to track, locate, and potentially prosecute California residents and visitors, including for purposes in direct contravention of California values and expressly prohibited by California law. We therefore urge you to immediately investigate any sharing relationships between MCSO and federal or out-of-state agencies, immediately cease sharing ALPR information with federal or out-of-state agencies if any such relationships are identified, and develop a compliance protocol to ensure that such illegal sharing never happens again.

We also request records under the California Public Records Act ("CPRA") related to compliance with the law. Because this request concerns a surveillance system that is actively collecting location information on drivers in Marin County and potentially exposing it to other agencies in violation of the law, it is crucial that you respond with records in a timely manner so the public may understand the impact on their rights. Accordingly, we look forward to your response as soon as possible.

I. ALPR Surveillance Harms Residents of Marin County

ALPRs are powerful surveillance systems that can be used to invade the privacy of individuals and violate the rights of entire communities. ALPR systems collect and store location

information about drivers whose cars pass through ALPR cameras' fields of view, which, along with the date and time of capture, can be built into a database that reveals sensitive details about where individuals work, live, associate, worship, seek medical care, and travel.[1] Recent reporting shows that ALPR cameras are designed to and capable of tracking individuals, rather than only their vehicles.[2]

Prior to the advent of modern location tracking, this rich information about a person's movements was traditionally unavailable to law enforcement. Further, government agencies have repeatedly misused ALPR systems to target and harm people from marginalized communities,[3] to run searches on behalf of ICE in violation of state law,[4] to track people seeking reproductive care,[5] and to outright stalk romantic partners, exes,[6] or even complete strangers.[7] And as with other surveillance technologies, police often deploy license plate readers in poor and historically overpoliced areas, regardless of crime rates.[8]

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[1] *See, e.g.*, *Automatic License Plate Readers*, ELECTRONIC FRONTIER FOUND. (Oct. 1, 2023) https://www.eff.org/sls/tech/automated-license-plate-readers; *You Are Being Tracked: How License Plate Readers Are Being Used to Record Americans' Movements*, AM. CIV. LIBERTIES UNION (July 2013) https://www.aclu.org/you-are-being-tracked

[2] Dhruv Mehrotra and Joseph Cox, *Hackers Got Inside a Flock Cameras. Its Data Shows How the System Really Works*, WIRED (Sep. 16, 2026) https://www.wired.com/story/hackers-flock-camera-data-shows-how-system-works/?ref=404media.co

[3] *See, e.g.*, Angel Diaz & Rachel Levinson-Waldman, *Automatic License Plate Readers: Legal Status and Policy Recommendations for Law Enforcement Use*, BRENNAN CTR. FOR JUST. (Sept. 10, 2020) https://www.brennancenter.org/our-work/research-reports/automatic-license-plate-readers-legal-status-and-policy-recommendations; Rindala Alajaji and Dave Maass, *License Plate Surveillance Logs Reveal Racist Policing Against Romani People*, ELECTRONIC FRONTIER FOUND. (Nov. 3, 2025), www.eff.org/deeplinks/2025/11/license-plate-surveillance-logs-reveal-racist-policing-against-romani-people; Christine Hauser, *Aurora Police Chief Apologizes After Officers Handcuff Children on the Ground*, N.Y. TIMES (Aug. 5, 2020) https://www.nytimes.com/2020/08/05/us/aurora-police-black-family.html (ALPR falsely flagged a Black family's SUV as stolen, leading to a stop during which entire family, including four children, was forced to lie on the ground during the stop); Vasudha Talla, *Records Reveal ICE Agents Run Thousands of License Plate Queries a Month in Massive Location Database*, ACLU OF NORTHERN CAL. (June 2019) https://www.aclunorcal.org/news/records-reveal-ice-agents-run-thousands-license-plate-queries-month-massive-location-database/; Adam Goldman and Matt Apuzzo, *With Cameras, Informants, NYPD Eyed Mosques*, ASSOCIATED PRESS (Feb. 23, 2012) https://www.ap.org/ap-in-the-news/2012/with-cameras-informants-nypd-eyed-mosques.

[4] Tomoki Chien, *SFPD let Georgia, Texas cops illegally search city surveillance data on behalf of ICE*, S.F. STANDARD (Sept. 8, 2025) https://sfstandard.com/2025/09/08/sfpd-flock-alpr-ice-data-sharing/; Khari Johnson and Mohamed Al Elew, *California police are illegally sharing license plate data with ICE and Border Patrol*, CALMATTERS (June 13, 2025) https://calmatters.org/economy/technology/2025/06/california-police-sharing-license-plate-reader-data/.

[5] Rindala Alajaji, S*he Got an Abortion. So A Texas Cop Used 83,000 Cameras to Track Her Down*, ELECTRONIC FRONTIER FOUND. (May 30, 2025) https://www.eff.org/deeplinks/2025/05/she-got-abortion-so-texas-cop-used-83000-cameras-track-her-down.

[6] Drew Harwell, Douglas MacMillan and Aaron Schaffer, *How rogue officers turned a nationwide camera network into a tool for stalking*, WASHINGTON POST (Aug. 2, 2026) https://www.washingtonpost.com/technology/2026/08/02/how-police-officers-used-vast-network-cameras-spy-their-exes/.

[7] Jason Koebler, *'I Saw a Shiny Thing': Cop Explains Why He Used License Plate Reader to Stalk Woman,* 404MEDIA (Aug. 19, 2026) https://www.404media.co/i-saw-a-shiny-thing-cop-explains-why-he-used-license-plate-reader-to-stalk-woman/.

[8] Steven T. Keener, John C. Finn, and Andrew F. Baird, *Surveillance Inequality: Race, Poverty, and the Geography of Automated License Plate Reader Deployment* (Jan. 9, 2026) https://ssrn.com/abstract=6064548 (analysis of ALPR

II. MCSO Shared ALPR Information with Out-of-State Police Agencies

According to recent reporting by the Point Reyes Light, network audit logs obtained via CPRA request show that in October, November, and December 2024 MCSO shared ALPR information with multiple out-of-state and federal agencies, including 254,131 times in November 2024 alone.[9] This one log is sufficient to show that MCSO violated SB 34 and the *Lagleva* Settlement Agreement.

MCSO redacted the "Reason" field from this public record so it is impossible to tell why these out-of-state and federal agencies searched Marin County ALPR information. But many of these searches were conducted by law enforcement in states that impose severe restrictions on reproductive care and have a history of assisting ICE, including Alabama, Indiana, Kentucky, Florida, and Texas. This illegal sharing of ALPR information threatened the rights of anyone driving past Marin County's ALPR cameras.

III. Sharing ALPR Information with Out-of-State Agencies Violates State Law

Any sharing of ALPR information with out-of-state agencies violates California law and the only way to prevent these violations—and the harm caused by exposing driver information to out-of-state agencies—is to cease such sharing.

Under the California Civil Code, as amended by Senate Bill No. 34, "[a] public agency shall not sell, share, or transfer ALPR information, except to another public agency, and only as otherwise permitted by law." Civ. Code § 1798.90.55(b). A "public agency" is defined as "the state, any city, county, or city and county, or any agency or political subdivision *of the state*." *See* Civ. Code § 1798.90.5(f) (emphasis added). The Civil Code, therefore, prohibits an agency from sharing or transferring ALPR information with or to out-of-state agencies, including those listed in the November 2024 audit record. The California Attorney General's Office has reiterated this prohibition, instructing California agencies that "SB 34 does not permit California [law enforcement agencies] to share ALPR information with private entities or out-of-state or federal agencies…."[10] This prohibition applies to all sharing of ALPR information, regardless of the purpose.

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cameras in Hampton Roads, Virginia demonstrated Black and high-poverty neighborhoods bear disproportionate share of ALPR surveillance); Dave Maass and Jeremy Gillula, *What You Can Learn from Oakland's Raw ALPR* Data, ELECTRONIC FRONTIER FOUND. (Jan. 21, 2015) https://www.eff.org/deeplinks/2015/01/what-we-learned-oakland-raw-alpr-data; Barton Gellman and Sam Adler-Bell, *The Disparate Impact of Surveillance*, THE CENTURY FOUND. (Dec. 21, 2017) https://production-tcf.imgix.net/app/uploads/2017/12/03151009/the-disparate-impact-of-surveillance.pdf; *see also, e.g.*, Kaveh Waddell, *How License-Plate Readers Have Helped Police and Lenders Target the Poor*, THE ATLANTIC (Apr. 22, 2016) https://www.theatlantic.com/technology/archive/2016/04/how-license-plate-readers-have-helpedpolice-and-lenders-target-the-poor/479436/ (summarizing data indicating that Oakland Police Department deployed ALPRs "disproportionately often in low-income areas and in neighborhoods with high concentrations of African-American and Latino residents").

[9] Sage Rios Mace, *Marin's Flock data breached*, POINT REYES LIGHT (Sep. 30, 2026) https://www.ptreyeslight.com/news/marins-flock-data-breached/.

[10] *California Automated License Plate Reader Data Guidance: Information Bulletin*, CALIFORNIA DEPARTMENT OF JUSTICE (Oct. 27, 2023) https://oag.ca.gov/system/files/media/2023-dle-06.pdf.

Particularly since the U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*,[11] which overturned *Roe v. Wade*,[12] ALPR technology and the information it collects is vulnerable to exploitation against people seeking, providing, and facilitating access to abortion.[13] Law enforcement officers in anti-abortion jurisdictions who receive the locations of drivers collected by Marin County's ALPRs may seek to use that information to monitor abortion clinics and the vehicles seen around them and closely track the movements of abortion seekers and providers.[14] This threatens even those obtaining or providing abortions in California, since several anti-abortion states are attempting to criminalize and prosecute those who seek or assist in out-of-state abortions.[15]

ALPR information is also vulnerable to exploitation by federal immigration law enforcement seeking to identify and round up suspected undocumented immigrants for mass deportation. Under the second Trump administration, ICE's budget has ballooned[16] and the agency has been involved in National Guard occupations of major U.S. cities,[17] where plain clothed men in masks driving unmarked vans arrest anyone they suspect of being an undocumented immigrant, often without any warning or due process.[18] Trump has threatened to expand these ICE operations to other cities, with Operation Midway Blitz targeting immigrants in Chicago,[19] and Operation Metro Surge in Minneapolis, which resulted in the murder of two U.S. citizens.[20]

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[11] 597 U.S. 215 (2022).
[12] 410 U.S. 113 (1972).
[13] Johana Bhuiyan, *How expanding web of license plate readers could be 'weaponized' against abortion*, THE GUARDIAN (Oct. 6, 2022) https://www.theguardian.com/world/2022/oct/06/how-expanding-web-of-licenseplate-readers-could-be-weaponized-against-abortion.
[14] Dave Maass, *Automated License Plate Readers Threaten Abortion Access. Here's How Policymakers Can Mitigate the Risk*, ELECTRONIC FRONTIER FOUND. (Sept. 28, 2022) https://www.eff.org/deeplinks/2022/09/automated-license-plate-readers-threaten-abortion-access-heres-how-policymakers.
[15] *See, e.g.*, *Restrictions on the Right to Travel for Out-of-State Abortion Care*, THE NETWORK FOR PUBLIC HEALTH LAW (May 28, 2025) https://www.networkforphl.org/wp-content/uploads/2025/05/Restrictions-on-the-Right-to-Travel-for-Out-of-State-Abortion-Care-1.pdf; Dave Maass and Rindala Alajaji, *Flock Safety and Texas Sheriff Claimed License Plate Search Was for a Missing Person. It Was an Abortion Investigation.*, ELECTRONIC FRONTIER FOUND. (Oct. 7, 2025) https://www.eff.org/deeplinks/2025/10/flock-safety-and-texas-sheriff-claimed-license-plate-search-was-missing-person-it.
[16] Margy O'Herron, *Big Budget Act Creates a "Deportation-Industrial Complex,"* BRENNAN CTR. FOR JUST. (Aug. 13, 2025) https://www.brennancenter.org/our-work/analysis-opinion/big-budget-act-creates-deportation-industrial-complex.
[17] Los Angeles, and Washington, D.C. Rachel Uranga et al., *ICE raids across L.A. spark backlash; Trump officials vow to continue operations,* L.A. TIMES (June 6, 2025) https://www.latimes.com/california/story/2025-06-06/la-me-ice-raids-protests-color-scene; Max Matza*, National Guard troops appear in Washington DC as mayor rejects Trump's 'authoritarian push,'* BBC (Aug. 13, 2025) https://www.bbc.com/news/articles/cy7ypm6zxp2o.
[18] Homa Bash and Elissa Salamy, *Video shows masked federal agents making arrest in DC,* FOX 5 WASHINGTON DC (Sep. 2, 2025) https://www.fox5dc.com/news/video-shows-men-arrested-masked-federal-agents-dc.
[19] Mariana Alfaro et al., *ICE launches 'Operation Midway Blitz' targeting immigrants in Chicago*, WASHINGTON POST (Sep. 8, 2025) https://www.washingtonpost.com/immigration/2025/09/08/ice-midway-blitz-chicago-trump/
[20] Lindsey Granger, *Trump Finally ends Minnesota ICE op after 2 Americans killed*, THE HILL (Feb. 13, 2026) https://thehill.com/opinion/lindseys-lens/5737601-trump-ends-minnesota-immigration-surge/

Sharing ALPR information with out-of-state entities to assist with immigration enforcement violates not only SB 34, but also SB 54, the California Values Act. However, these laws have not prevented California law enforcement agencies,[21] including your office,[22] from sharing ALPR information with ICE.

The sharing of ALPR information is harmful not only because it exposes the locations of drivers to agencies who have no business seeing that information, but also because it exposes drivers in Marin County to additional harms by agencies outside the state. The only way to prevent these harms and address these violations of the law is to terminate out-of-state sharing.

IV. MCSO Has a History of Failing to Comply with SB 34 and Previously Settled Claims That It Had Illegally Shared ALPR Information.

This is not the first time MCSO has shared Marin County ALPR information with federal and out-of-state agencies in violation of SB 34.

On October 14, 2021, community activists sued then-Marin County Sheriff Robert Doyle for his practice of illegally sharing millions of local drivers' license plate numbers and location data with hundreds of federal and out-of-state agencies, including ICE and Border Patrol.[23]

In May 2022, the parties reached a settlement, under which the Sheriff agreed to stop sharing license plate and location information with agencies outside of California to comply with state laws SB 34 and SB 54.[24] This settlement was binding on any of then-Sheriff Doyle's successors and required the MCSO to prevent federal and out-of-state agencies from accessing information collected by the county's ALPR cameras.[25]

MCSO's November 2024 audit report shows that your office has violated not only SB 34, but the terms of the *Lagleva* Settlement Agreement as well.

V. MCSO Must Cease Illegal Sharing of ALPR Information and Institute New Protocols to Ensure Compliance.

MCSO's current Flock Transparency Portal[26] and ALPR Policy[27] claim that agencies outside of California are no longer able to access the Marin County ALPR database. But while

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[21] Johnson and Al Elew, *supra* note 4.
[22] Saira Hussain and Adam Schwartz, *EFF Files New Lawsuit Against California Sheriff for Sharing ALPR Data with ICE and CBP*, ELECTRONIC FRONTIER FOUND. (Oct. 19, 2021) https://www.eff.org/deeplinks/2021/10/eff-files-new-lawsuit-against-california-sheriff-sharing-alpr-data-ice-and-cbp.
[23] Court Case, *Lagleva v. Doyle (License Plate Surveillance)*, ACLU of Northern California (last accessed Sep. 16, 2026) https://www.aclunorcal.org/cases/lagleva-v-doyle-license-plate-surveillance/
[24] Settlement Agreement (May 27, 2022) *https://www.aclunorcal.org/cases/lagleva-v-doyle-license-plate-surveillance/?document=Settled-Notice-of-Settlement-and-Settlement-Agreement-%28Settlement-Agreement%29#documents*.
[25] *Id*.
[26] Marin County, CA Sheriff's Office Transparency Portal (last updated Sep. 23, 2026) https://transparency.flocksafety.com/marin-county-ca-so.
[27] Marin County Sheriff's Office Automated License Plate Reader Policy 426 (last accessed Sep. 23, 2026) https://marinsheriff.gov/assets/pdf/policy-426.pdf.

your office claims that it "took deliberate steps to disable nationwide data-access capabilities and ensure [y]our system operated within strict privacy safeguards,"[28] you have not explained how outside agencies nonetheless obtained access, how you plan to prevent future violations of SB 34 and the *Lagleva* Settlement Agreement, or why you did not take steps to inform the public and the Marin County Inspector General once you learned about the breach.

We urge your office to conduct a thorough audit of the Marin County ALPR database and ensure that no outside agencies have access. We also urge you to explain how out-of-state and federal agencies obtained access in the first place. Finally, we urge you to review your ALPR policy and institute new protocols to ensure compliance with SB 34 and assess penalties and sanctions for any employee or officer found to be sharing ALPR information out of state.

VI. Public Records Act Request

We seek the following records created on or after June 1, 2026:

1. Documents sufficient to demonstrate that MCSO is not sharing any ALPR information with any out-of-state entity, including but not limited to law enforcement agencies in other states or the federal government. Examples of such documents include the organizational audit log and network audit log, and reports or screenshots of Flock settings;

We seek the following records created on or after June 1, 2022:

2. All MCSO ALPR Policies from June 2022 through the present,

3. Copies of all Flock, Vigilant / Motorola Solutions, or other ALPR Transparency Portals from June 2022 through the present,

4. Copies of all MCSO organizational and network audit logs from June 2022 through the present, with the "reason" field unredacted,

5. Communications between MCSO and any out-of-state governmental entity referencing driver locations, ALPR systems or information, or the sharing of ALPR information, including but not limited to emails, bulletins, notes of calls, and text messages via SMS or on applications such as WhatsApp, Signal, or iMessage; and

6. The log of hot list actions (typically "create," "update," and "delete") in your agency's Flock Safety system. An example of this document from the Riverside County Sheriff's Department may be viewed here: https://cdn.muckrock.com/foia_files/2025/08/23/CPRA_C001586_Hotlist.xlsx.

In responding to this Request, please note that the CPRA broadly defines the term "record." Specifically, the term includes "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics."[29] The CPRA defines, in turn, a "writing" as any

[28] Rios Mace, *supra* note 9.
[29] Cal. Gov't Code § 7920.530(a).

"means of recording upon any tangible thing any form of communication or representation."[30] This Request therefore applies to ***all*** paper documents, as well as to ***all*** emails, videos, audio recordings, text messages, or other electronic records within the agency's possession or control. Even if a record was created by a member of another government agency or a member of the public, it still must be produced so long as it is (or was) "used" or "retained" by the agency.[31]

As permitted by the CPRA, this Request sets forth the specific categories of information that we are seeking, rather than asking for documents by name.[32] It is your obligation to conduct record searches based on the criteria identified herein.[33] But should you come to believe that the present Request is overly broad, you are required to: (1) offer assistance in identifying responsive records and information; (2) describe "the information technology and physical location in which the records exist;" and (3) provide "suggestions for overcoming any practical basis" that you assert as a reason to delay or deny access to the records or information sought.[34]

If you contend that an express provision of law exempts a responsive record from disclosure, either in whole or in part, you must make that determination in writing. Such a determination must specify the legal authority on which you rely, and must identify both the name and title of the person(s) responsible for the determination not to disclose.[35] Additionally, even if you contend that a portion of a record requested is exempt from disclosure, you still must release the non-exempt portion of that record.[36] Please note that the CPRA "endows" your agency with "discretionary authority to override" any of the Act's statutory exemptions "when a dominating public interest favors disclosure."[37]

Because the ACLU of Northern California and the Electronic Frontier Foundation are non-profit organizations and because this Request pertains to a matter of public concern, we request a fee waiver. None of the information obtained will be sold or distributed for profit. We also request that, to the extent possible, documents be provided in electronic format. Doing so will eliminate the need to copy the materials and provides another basis for the requested fee-waiver. If, however, you are unwilling to waive costs and anticipate that costs will exceed $50, or that the time needed to copy the records will delay their release, please contact us so that we can arrange to inspect the documents or decide which documents we wish to have copied and produced. Otherwise, please copy and send all responsive records to nhidalgo@aclunc.org.

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[30] *Id.* at § 7920.545.
[31] *Id.* at § 7920.530; *see Cal. State Univ. v. Superior Ct.*, 90 Cal. App. 4th 810, 824–25 (2001) (concluding that documents which were "unquestionably 'used' and/or 'retained' by [an agency]" were public records); *see also City of San Jose v. Superior Court*, 2 Cal. 5th 608 (Cal. 2017) (concluding that a public official's "writings about public business are not excluded from CPRA simply because they have been sent, received, or stored in a personal account.").
[32] Cal. Gov't Code § 7922.530(a).
[33] *See id.* at §§ 7922.525-7922.545, 7922.600-7922.605.
[34] *Id.* at § 7922.600(a).
[35] *Id.* at § 7922.000; *see also id.* § 7922.540, S.F. Admin. Code § 67.27.
[36] Cal. Gov't Code §§ 7922.525(b), 7922.535(a), S.F. Admin Code § 67.26.
[37] *CBS, Inc. v. Block*, 42 Cal. 3d 646, 652 (1986); *see also Nat'l Conf. of Black Mayors v. Chico Cmty. Publ'g, Inc.*, 25 Cal. App. 5th 570, 579 (2018) (construing the CPRA's exemptions as "permissive, not mandatory—they allow nondisclosure but do not prohibit disclosure").

We look forward to your prompt action and response to our records request. We also welcome the opportunity to answer any questions and discuss this matter with you further. Please do not hesitate to contact Nick Hidalgo via email or by phone at (916) 620-9706.

Sincerely,

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