



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Mayor Matt Mahan
Vice Mayor Pam Foley
Councilmember Domingo Candelas
Councilmember George Casey

SUBJECT: Internal Controls for Automatic
License Plate Readers

DATE: September 24, 2026

Approved

Date: 9/24/2026

RECOMMENDATION

Direct the City Manager to:

1. Strengthen Departmental and Citywide policies and explore technological controls that prohibit access of any law enforcement database such as Automated License Plate Readers (ALPR) from personally owned devices.
2. Coordinate with San José Police Department (SJPd) and Information Technology Department to strengthen audits of individual user inquiries, including increasing frequency and number of user-level audits with annual reporting to the Public Safety, Finance, and Strategic Support Committee, to identify:
 - a. Access without legitimate law enforcement purpose.
 - b. Suspicious search activity.
 - c. Violations of City of San José ALPR Policy.
3. Pursue State legislation establishing criminal penalties for unauthorized access or improper information sharing, including potential amendments to Penal Code 13302 and Penal Code 502.
4. Report unauthorized disclosure or data leaks of ALPR data via information memo.

BACKGROUND

In the last year, ALPR technology helped SJPd catch a suspected serial arsonist who terrorized small businesses and torched 17 vehicles, a suspected kidnapper who assaulted a high school student, and the suspect of the Black Friday Valley Fair shooting. While this technology has supplemented an under-resourced police department, leveraging it effectively requires being responsible with our data use.

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San José's Digital Privacy Policy and ALPR Data Usage Protocol restricts who can access the data, how it can be used, and how long it can be retained. In March, the Council strengthen those protections further by adding additional auditing and camera placement requirements.

But a single case of misuse is too many. Using personal devices for personal queries falls well outside our standards and makes clear that stronger safeguards paired with accountability are needed. Residents should trust that access is appropriately limited, misuse can be identified, and consequences reflect the seriousness of the violation.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.