

California Court of Appeal Rules That Automatic License Plate Reader Data Is Not a Discloseable Public Record

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Data generated by automatic license plate reader (ALPR) systems of the Los Angeles Police Department and Los Angeles Sheriff's Department is exempt from disclosure under the California Public Records Act (CPRA), according to a state appellate court decision issued yesterday.

In *ACLU v. Superior Court*, the court considered whether the police and sheriff's departments properly denied a CPRA request for a week's worth of ALPR data collected during August 2012. The request also sought the agencies' policies and guidelines for use of ALPR technology, but those documents had been disclosed and were not at issue in the case.

The court ruled that ALPR data is a law enforcement investigation record and is exempt from public disclosure pursuant to Government Code Section 6254(f). The court emphasized that ALPR systems replicate on a larger scale a type of investigation that officers routinely perform manually - checking license plates against a "hot list" to determine whether a vehicle is connected to a crime under investigation.

For advice regarding ALPR policies or other law enforcement issues, please contact Jennifer Petrusis.