

VIA EMAIL

July 6, 2022

Alyssa Gutierrez, Chair
Equity and Human Relations Commission
City of Long Beach

Re: **ACLU of Southern California Comment on LBPB Surveillance Technology Acquisition**

Dear Members of the Equity and Human Relations Commission,

We understand this Commission is currently assessing the process by which the Long Beach Police Department acquires surveillance technology, and has expressed interest in the ACLU-developed Community Control Over Police Surveillance (“CCOPS”) model. If this Commission truly seeks to respond to the community’s consistent demands, it will urge the City to bar LBPB from expanding its surveillance arsenal and end its existing surveillance systems. Creating a new approval process or approval criteria for acquiring surveillance contradicts the Long Beach community’s demands, and we oppose any efforts by this Commission to enact such a process or criteria in light of LBPB’s history of surveillance abuse and police violence. Instead, we commend the Commission for taking up LBPB’s widespread use of Automatic License Plate Reader technology and face recognition services, and urge the Commission to recommend that the City ban the use of both citywide.

Fundamentally, the CCOPS model is about community control. Its purpose is to put the community in control of surveillance decisions, which requires that decisionmakers center and address community concerns about surveillance technology. To operate as intended, oversight entities must have the authority—and be willing—to say “No” when police seek to acquire or use surveillance technologies that the public opposes.

The history of LBPB’s surreptitious acquisitions and use of such technology—and the Long Beach City Council’s refusal to heed community calls to end such use—demonstrate that neither can be trusted to listen to the community’s voices, particularly Black and Latinx community members most directly impacted by unjust surveillance practices. For instance, LBPB’s well-documented decision to surreptitiously disclose sensitive ALPR data to federal immigration enforcement authorities in violation of state law and after committing to end the practice calls into question its ability to abide by any mechanisms for community control over its surveillance acquisition practices.¹ LBPB has also exploited its surveillance arsenal to target

¹ Kevin Flores, “City Council to Decide Whether to Buy Controversial License Plate Readers,” Forthe (last updated November 21, 2020), <https://forthe.org/journalism/license-plate-readers/>; Suhauna Hussain and Johana Bhuiyan, “Police in Pasadena, Long Beach pledged not to

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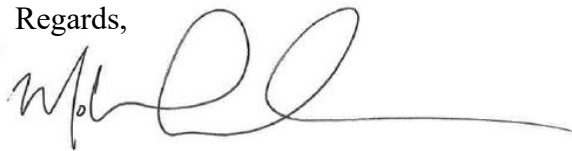
protestors of police brutality and misconduct through the ill-supported use of ALPR technology² and through the legally suspect use of face recognition (despite refusing to release public records about its use of this technology).³ In neither case did City Council meaningfully investigate or reprimand the Department for these abuses.

Further, LBPB has a long and sordid history of rampant police violence, consistently ranking among the most deadly departments in the state.⁴ Invasive surveillance technologies like face recognition and ALPRs in the hands of a department with this history poses a serious danger to Black and Latinx communities historically targeted by policing in Southern California—irrespective of the constraints that may be imposed upon it through strict use policies that, as history has shown, may not to be complied with at all.

This background demonstrates both that LBPB should not be trusted to create rules to regulate its own use of surveillance technologies, and that the City Council should not be empowered at the community's expense to oversee LBPB's acquisitions of surveillance technology. The ACLU of Southern California opposes any effort to exploit the CCOPS model to sanction the adoption of new surveillance technologies by LBPB and undermine its purpose to put the community in control of surveillance decisions. Accordingly, ACLU SoCal believes that the only way to protect the community from the unfettered use of surveillance that will inevitably be used to disproportionately target Black and Latinx people is to prohibit LBPB from obtaining these surveillance systems in the first instance.

We would welcome the opportunity to address the Commission concerning the above during its August 3, 2022 meeting.

Regards,



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send license plate data to ICE. They shared it anyway,” Los Angeles Times (December 21, 2020), <https://www.latimes.com/business/technology/story/2020-12-21/pasadena-long-beach-police-ice-automated-license-plate-reader-data>.

² Stephen Downing, “LBPB Dragnet Snags the Innocent,” Beachcomber (August 7, 2020), <https://beachcomber.news/content/lbpd-drag-net-snags-innocent>.

³ Greg Bul, “The Surveillance Architecture of Long Beach: A Decade of LBPB Facial Recognition Technology Use with Inadequate Policy, Oversight, and Transparency (Abridged Version),” Check LBPB.org (November 13, 2020), <https://checklbpd.org/facial-recognition-abridged-report/>; Kevin Flores, “LBPB Facial Recognition Use Saw Major Increases This Year Due to Civil Unrest,” Forthe (December 28, 2020), <https://forthe.org/journalism/lbpd-facial-recognition/>.

⁴ See, e.g., Police Scorecard: Long Beach, <https://policescorecard.org/ca/police-department/long-beach> (last visited July 2, 2022) (noting that LBPB has more police shootings than 85% of California departments for which data exists, and uses more force per arrest than 96% of departments); Jeremiah Dobruck, “Statistics show LBPB seriously injures people at high rate, but police say database is flawed,” Long Beach Post (August 3, 2020), <https://lbpost.com/news/lbpd-use-force-hurt-seriously-kill-ursus-doj-database> (noting that data shows LBPB kills and seriously injures individuals at a rate “more than twice as high as Fresno and Sacramento, cities roughly the same size as Long Beach” and has a per-capita violence rate “almost triple the LAPD’s and more than five times as high as San Francisco police”).