



200 E. Santa Clara Street,
San José CA 95113

March 17, 2025

Re: Item 3.3, Approval of the Fiscal Year 2025-2026 Mayor's March Budget Message

Dear Mayor Mahan and City Councilmembers,

On behalf of the Santa Clara Valley Chapter of the ACLU of Northern California, I submit public comments on agenda item 3.3, "Approval of the Fiscal Year 2025-2026 Mayor's March Budget Message" of the City Council meeting on March 18, 2025.

Criminalizing Homelessness

We understand the city is facing a critical situation with homelessness, and that there are challenging decisions to be made to support the wellbeing of the city's residents. We are staunchly opposed to proposals to arrest and jail unhoused people. People who are unsheltered cannot avoid living outdoors when there is insufficient access to dignified interim or long-term housing. These proposals only criminalize unhoused San José residents, traumatize poor people in our community, and do not make the city safer.

This is both a racial justice and disability justice issue. Black people in Santa Clara County represent 2.7% of the population, but 19% of those who are unhoused¹. A significant portion of San José's unhoused population reports having disabilities. According to data from the 2023 Homeless Census, 20% of respondents reported having a physical disability, 25% reported chronic health issues, and 34% reported psychiatric or emotional conditions².

We appeal to City Council to reject proposals to jail unhoused people in San José. The city should not be conducting encampment sweeps without safe, clean, and welcoming alternatives. We urge the City to invest in affordable housing and basic survival needs for our unhoused community members. We need permanent, subsidized housing, instead of temporary, emergency stop-gap initiatives that do little to solve the underlying crisis, and are deeply concerned about reallocation of Measure E funding towards interim makeshift measures instead of funding new housing development. In light of the memorandum signed by Councilmembers Campos, Salas, Mulcahy, Doan, and Casey, we ask the City Council to maintain affordable housing investments by preserving some level of investment in Measure E. Resources should not be used to expand the homeless shelter system—a strategy that only further

¹ SJSU Human Rights Institute, *Silicon Valley Pain Index*, available at: https://www.sjsu.edu/hri/docs/2024%20SVPI_Final.pdf.

² City of San José, *2023 Homeless Census*, available at: <https://www.sanjoseca.gov/your-government/departments-offices/housing/resource-library/homeless-reports/homeless-reports-executive-summary>.

segregates unhoused people away from their communities and services. We agree that the City and County should improve collaboration and together deepen investment, in a coordinated fashion, in the solutions that actually work and don't further harm traumatized people. We also hope that City Council will elicit perspectives and feedback from unhoused San José residents—they are your constituents and our fellow community members.

Privacy Concerns and Increased Surveillance

The March Budget Message notes there are currently 474 Automatic License Plate Reader cameras (ALPRs) in its network. According to the vendor's transparency portal (<https://transparency.flocksafety.com/san-José-ca-pd>), in the 30-day period leading up to March 17, 2025, over 2.7 million vehicles were detected. Since the data retention period is 365 days, on any given day, there are about 32 million data points. This enormous network of cameras blanketing the city is capturing mass amounts of data. The City's Real Time Intelligence Center (RTIC), which aggregates data including footage from cameras, creates a vast surveillance network able to monitor the everyday movements of law-abiding community members.

This surveillance is particularly dangerous to immigrant communities. Across the United States, federal immigration agencies have eagerly exploited local databases rich with information collected by private data brokers, municipal agencies, and police departments. This information is fed into a deportation machine that tears apart immigrant communities. In recent years, Immigration and Customs Enforcement (ICE) has further expanded its reach into communities by exploiting local surveillance systems and databases to track, identify, and target immigrant community members for detention and deportation. No local surveillance system is safe from ICE's demands. Therefore, we encourage the City to suspend the proposal that turns about 1000 public safety cameras from monitoring to recording, to evaluate data protection and data collection practices on surveillance technologies currently in deployment, to shorten data retention periods to mitigate the risk of exposure, to improve data minimization and anonymization practices, and to ban the uploading of data to Fusion Centers.

As abortion and gender-affirming care is being criminalized in some states, there is a real threat that surveillance information collected in communities will be exploited to identify, track, and criminalize people who travel for care and the Californians who are helping those people obtain care. Deploying surveillance systems in our community fills databases with information that place people at risk. Even if there are limits to sharing information, once this information is collected, there is no foolproof way to immunize it from legal demands brought by out-of-state governments.

We encourage you, as policy-makers, to look into and invest in alternatives to surveillance that are proven to increase public safety. Investing in the physical lighting of a neighborhood, rather than installing more cameras, can reap community-wide benefits. City Council must deliberate about the very real harms of surveillance and whether these invasive tools have been demonstrated to make a meaningful impact on public safety.

Thank you for your consideration and attention to these critical issues.

Respectfully,

Victor Sin

Santa Clara Valley Volunteer Chapter of the ACLU of Northern California