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7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF SAN DIEGO**

10 PARTNERSHIP FOR THE ADVANCEMENT
11 OF NEW AMERICANS,

12 Plaintiff,

13 v.

14 CITY OF SAN DIEGO; SCOTT WAHL, in his
15 official capacity as Chief of Police of the San
16 Diego Police Department; and TODD GLORIA,
in his official capacity as Mayor of the City of San
17 Diego,

18 Defendants.

Case No.: 26CU051879C

**VERIFIED COMPLAINT FOR
INJUNCTIVE AND DECLARATORY
RELIEF**

[Cal. Code Civ. Proc. §§ 525, 526, 526a,
and 1060; Cal. Const., Art. I, §§ 1, 13]

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<i>In re Carmen M.</i> , 141 Cal. App. 4th 478, 490 n.10 (2006)	17
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<i>People v. Cartwright</i> , 99 Cal. App. 5th 98 (2024)	5
<i>United States v. Jones</i> , 565 U.S. 400 (2012)	12
<i>United States v. Yang</i> , 958 F.3d 851, 864 (9th Cir. 2020)	9
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INTRODUCTION

1. Every day, as San Diego residents and visitors commute to work, drive their children to school, and attend doctor's appointments, the San Diego Police Department's ("SDPD" or the "Police Department") network of Automated License Plate Readers ("ALPRs") indiscriminately records and compiles their movements into a database. These unblinking cameras automatically retain the locations of drivers for thirty days, enabling SDPD to instantly reconstruct a person's movements throughout the City of San Diego (the "City") during that entire time.

2. It is difficult for most residents of San Diego to travel throughout the City without driving, and the City has blanketed its roads with over 500 ALPRs. San Diego's location surveillance of all residents is especially pervasive in both time and space.

3. The City's use of ALPR violates the California Constitution, which guarantees the people's right to be free from unreasonable searches and seizures as well as the people's inalienable right to privacy. By violating constitutional rights, San Diego's ALPR program illegally expends taxpayer funds.

4. This action seeks declaratory and injunctive relief to enjoin Defendants' unconstitutional mass surveillance of San Diego residents' and drivers' movements. Plaintiff is an organization that works to serve San Diego residents and whose members must travel through the San Diego community to provide services. As a taxpayer, Plaintiff seeks to restrain and prevent the illegal expenditure of City resources on this unconstitutional ALPR mass surveillance program. Specifically, Plaintiff seeks to compel San Diego to comply with the California Constitution by requiring San Diego to cease its use of, and contracts for, ALPR technologies; to uninstall all streetlight cameras and ALPR hardware; and to delete all data collected by streetlight cameras and ALPRs.

JURISDICTION AND VENUE

5. This Court has jurisdiction over Plaintiff's claims for injunctive and declaratory relief under Article I, Sections 1 and 13 of the California Constitution and under California Code of Civil Procedure sections 410.10, 525, 526, 526a, and 1060.

6. Venue is proper in this Court pursuant to Code of Civil Procedure Section 394 because the actions giving rise to Plaintiff's claims arose in and around the County of San Diego, and because this is an action against the City of San Diego, which is situated in the County of San Diego.

PARTIES

7. Plaintiff Partnership for the Advancement of New Americans (“PANA”) is a nonprofit membership organization headquartered in San Diego, California. PANA is dedicated to advancing the full economic, social, and civic inclusion of refugees. It advocates for public policy solutions that will ensure local governments invest in the long-term economic self-sufficiency of newcomers and refugee families, including effective resettlement strategies and equitable allocation of federal resources. PANA is a state-registered non-profit organization and has been assessed and paid taxes that funded San Diego within the last year, including sales and business-related taxes.

8. Defendant CITY OF SAN DIEGO is a political subdivision of the State of California. The San Diego Police Department is a City department. San Diego operates, governs, and is responsible for the Police Department pursuant to the laws of the State of California.

9. Defendant SCOTT WAHL is the current Chief of Police of the San Diego Police Department and is sued in his official capacity. Chief Wahl is responsible for overseeing the Police Department and maintains responsibility for the policies and practices governing the Police Department, including those relating to the ALPR system.

10. Defendant TODD GLORIA is the current Mayor of San Diego and is sued in his official capacity. Mayor Gloria is responsible for recommending policy, program, and budget priorities for the City. *See* San Diego City Charter, art. XV, § 265. Mayor Gloria has taken an active role in promoting and expanding the City's extensive network of ALPR cameras.¹

11. Defendants are illegally and wastefully expending public funds, including the payment of salaries to employees to administer and implement the policies and practices addressed

¹ *Mayor Todd Gloria Backs SDPD's Use of ALPR Technology*, TIMES OF SAN DIEGO (Nov. 14, 2025, 9:27 a.m.), <https://timesofsandiego.com/crime/2025/11/14/mayor-todd-gloria-backs-sdpds-use-of-alpr-technology>.

1 in the Complaint. Plaintiff has an interest in preventing Defendants’ illegal and wasteful expenditure
2 of public funds.

3 4 **FACTS**

5 **A. ALPRs are an invasive mass surveillance technology.**

6 12. As deployed in San Diego, ALPRs are a mass surveillance technology that not only
7 record the locations of cars and any visible drivers, but “aggregate[s] records across multiple
8 jurisdictions, and feed[s] searchable systems that can reconstruct movements and infer
9 associations.”² The City’s ALPR cameras are mounted on streetlight posts or stationary objects near
10 roadways. Because of their small size, ALPR cameras often go unnoticed by passersby.

11 13. An “ALPR system” consists of high-speed cameras, the software that reads and
12 converts images of license plates into driver location information, and the searchable database that
13 stores the ALPR information.

14 14. ALPR cameras automatically capture images of every vehicle that passes within
15 their field of view, even though there is no suspicion that any given driver has violated the law. Once
16 an ALPR camera captures an image of a vehicle, vehicle data, including the license plate number,
17 is extracted from the image for storage in a central database. Often, the image is first transferred to
18 a computer or central server. Software then extracts the license plate number from the image by
19 rendering it into machine-readable text and stores the image, license plate number, and precise date,
20 time, and Global Positioning System (“GPS”) coordinates of the image in a searchable database.
21 The owner or department controlling the ALPR camera can typically choose how long to store this
22 information, whether that is a few days or indefinitely.

23 15. Many ALPR vendors, including the vendors used by SDPD, also collect and extract
24 other vehicle data by design. The images captured by ALPR cameras show the vehicle itself,
25 including individuals within the vehicle, bumper stickers with political or other messages, make,
26 model, color, and other details, depending on the camera’s position. The photograph, plate number,

27 ² John Ellis, *Silicon Sheriffs: What Chatrie Means for Enhanced Vehicle Surveillance*, NAT’L
28 LITIG. SUPPORT BLOG (Sept. 1, 2026), <https://nlsblog.org/2026/09/01/silicon-sheriffs-what-chatrie-means-for-enhanced-vehicle-surveillance>.

1 GPS location coordinates, date and time information, and all other extracted data are collectively
2 referred to herein as “ALPR information.”

3 16. Once captured, ALPR information is stored and often shared across agencies and
4 vendor networks. This information can be used to create “a travel history, a list of every vehicle near
5 a location, a recurring pattern, an association between vehicles, or a new investigative lead.”³

6 17. ALPRs collect driver locations *en masse*. A single ALPR camera can capture the
7 location of thousands of drivers in a matter of minutes, all without any human involvement. The
8 City’s ALPRs routinely collect over 2 million plates and their locations in a 30-day period. Unlike
9 police officers, ALPR cameras engage in constant, around-the-clock surveillance and do not take
10 breaks.

11 18. Most drivers are unaware that San Diego’s Police Department is tracking their
12 locations and do not know the extent of what all their compiled saved location data can reveal about
13 their private lives and activities.

14 19. ALPR systems can be used in two primary ways: to scan in real time for matches to
15 license plates on a hot list (such as stolen vehicles, fugitives, etc.); and to store ALPR information
16 in a searchable database for retrospective investigative use. Although some jurisdictions limit their
17 ALPR systems to the former use, San Diego has committed to amassing a giant database of granular
18 location information about San Diego drivers.

19 20. SDPD can easily run retrospective searches in the databases storing ALPR
20 information. SDPD may search for a full license plate number to locate a specific vehicle, search for
21 a partial license plate number to locate a group of vehicles, search for all vehicles recorded at a
22 particular location at specific times, or search for all vehicles with certain features, including make,
23 model, color, or vehicle alterations. ALPR information can also be used for a “pattern or association
24 search,” which “identifies vehicles that repeatedly appear together, visit selected locations, or match
25 a physical description. It may ask, for example, which vehicles repeatedly appeared in close
26 proximity to a suspect’s vehicle across multiple places and times.”⁴

27 ³ *Id.*

28 ⁴ *Id.*

1 21. Unlike the streetlight cameras in 2018 at issue in *People v. Cartwright*, which “only
2 capture[d] ‘short term’ movements rather than ‘everyone’s movements across the city[,]” the City’s
3 updated ALPR systems “create ‘a retrospective database of everyone’s movements across the city.’”
4 99 Cal. App. 5th 98, 104–05 (2024) (quoting *Leaders of a Beautiful Struggle v. Baltimore Police*
5 *Dep’t*, 2 F.4th 330, 345 (4th Cir. 2021)).

6 22. This new ALPR technology does not “merely ‘augment ordinary police
7 capabilities’” or “modestly supplement and enhance, ‘to a permissible degree, warrantless
8 capabilities the police had even before the technology.’” *Id.* at 105 (quoting *Beautiful Struggle*, 2
9 F.4th at 345). Instead, ALPR systems “reveal where individuals come and go over an extended
10 period[,]” akin to the aerial surveillance images in *Beautiful Struggle*. *Id.* at 105. And, much like the
11 Location History at issue in *Chatrie v. United States*, ALPR systems “allow[] police officers to
12 reconstruct ‘retrospective[ly],’ and with no real effort, people’s comings and going in any area.” 609
13 U.S. ---- (2026) (quoting *Carpenter v. United States*, 585 U.S. 296, 312 (2018)). Indeed, “wherever
14 a location of interest turns out to be (whether a crime scene or a protest march or even a private
15 home), it has effectively been surveilled for the same boundless time.” *Id.* ALPR systems “do[] more
16 than retrieve observations; it generates investigative leads from a population’s movements.”⁵

17 23. ALPR databases are massive and, as recent reporting shows, susceptible to abuse.
18 Texas authorities searched more than 83,000 ALPR cameras nationwide to hunt down a woman
19 suspected of self-managing an abortion.⁶ Additionally, over 40 law enforcement officers nationwide
20 have abused ALPR systems to stalk romantic interests, including current partners, exes, and even
21 strangers who unknowingly caught their attention, by conducting retrospective searches and putting
22 victims on “hot lists.”⁷ For example, in March 2026, a Milwaukee police officer resigned after

23 ⁵ Ellis, *supra* note 2.

24 ⁶ Dave Maass & Rindala Alajaji, *Flock Safety and Texas Sheriff Claimed License Plate Search*
25 *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-](https://www.eff.org/deeplinks/2025/10/flock-safety-and-texas-sheriff-claimed-license-plate-search-was-missing-person-it)
26 [license-plate-search-was-missing-person-it](https://www.eff.org/deeplinks/2025/10/flock-safety-and-texas-sheriff-claimed-license-plate-search-was-missing-person-it).

27 ⁷ Christopher Ingraham, *Police Have Reportedly Used License Plate Readers to Stalk Romantic*
Interests Dozens of Times in Recent Years, INST. FOR JUST. (updated Aug. 3, 2026),
28 [https://ij.org/police-have-reportedly-used-license-plate-readers-to-stalk-romantic-interests-at-](https://ij.org/police-have-reportedly-used-license-plate-readers-to-stalk-romantic-interests-at-least-14-times-in-recent-years)
[least-14-times-in-recent-years](https://ij.org/police-have-reportedly-used-license-plate-readers-to-stalk-romantic-interests-at-least-14-times-in-recent-years); Mark Morales, *Police Officer Arrested After Tracking Ex-*

(Footnote continues on next page.)

1 allegedly using the department’s ALPR network to track his romantic partner and one of the
2 partner’s exes nearly 180 times over a two-month period.⁸ That same month, a police officer in
3 Florida was arrested after using an ALPR database to stalk a woman he met on a television show set
4 by placing her on a “hot list.”⁹ The officer set real-time alerts on the woman’s vehicle location,
5 which he used to track her and pull her over. In another egregious example, the San Jose Police
6 Department fired a police officer after the officer accessed ALPR data while off-duty to track down
7 a woman who had accused the officer’s cousin of domestic violence.¹⁰

8 24. SDPD’s use of the ALPR system has already shown to be deeply flawed. For
9 example, on November 26, 2025, SDPD wrongfully arrested two individuals, Hugo Parra and Ariel
10 Beltran, based in part on a “hit” from the ALPR system.¹¹ However, Parra and Beltran were five
11 miles away at the time of the alleged crime. Despite this, Parra spent nearly one month in jail.

12 **B. The San Diego Police Department collects ALPR information on millions of drivers**
13 **and retains this deeply invasive location and identifying information for 30 days.**

14 25. San Diego’s ALPR system collects a massive trove of location and identifying data,
15 without any limitation whatsoever to drivers under individualized suspicion of wrongdoing,
16 allowing SDPD to piece together, track, and surveil the private habits, movements, and associations
17 of drivers in San Diego.

18 26. The City and the Police Department have used a combination of Smart Streetlight
19 ALPR cameras and third-party surveillance company Flock Safety’s (“Flock”) ALPR software since
20 2024. Smart Streetlights are a form of camera surveillance technology from third-party artificial
21

22 *Girlfriend on Flock Camera System Over 2,000 Times, Authorities Say*, CNN (Aug. 26, 2026),
23 <https://www.cnn.com/2026/08/26/us/flock-kentucky-police-officer-arrest>.

24 ⁸ Ingraham, *supra* note 7.

25 ⁹ Autumn Billings, *Florida Police Officer Used Mass Surveillance Network to Stalk Romantic*
26 *Interest*, REASON (July 10, 2026 11:35 AM), <https://reason.com/2026/07/10/florida-police-officer-used-mass-surveillance-network-to-stalk-romantic-interest>.

27 ¹⁰ Tori Gaines, *SJPD Officer Fired After Using Flock Cameras to Help Cousin Accused of*
28 *Domestic Violence*, FOX KTVU 2 (Sept. 14, 2026), <https://www.ktvu.com/news/sjpd-officer-fired-after-using-flock-cameras-help-cousin>.

¹¹ Jesse Marx, *A Flock License Plate Reader Linked a San Diego Man to a Violent Crime. He was*
Five Miles Away., TIMES OF SAN DIEGO (June 7, 2026, 9:00 a.m.),
<https://timesofsandiego.com/crime/2026/06/07/a-flock-license-plate-reader-linked-a-san-diego-man-to-a-violent-crime-he-was-five-miles-away>.

1 intelligence (“AI”) surveillance company Ubicquia that the City introduced in 2016, but its use was
2 discontinued in 2020 due to privacy concerns. The City approved the use of Smart Streetlights in
3 combination with ALPRs in December 2023 in accordance with the Transparent and Responsible
4 Use of Surveillance Technology (“TRUST”) Ordinance. The City and SDPD began installing new
5 ALPR cameras in 2024 and have since rapidly expanded the ALPR system.

6 27. SDPD currently operates a network consisting of at least 500 ALPR cameras across
7 the City.

8 28. SDPD also has access to dozens of local private camera networks by Flock and
9 similar companies, including over 200 ALPRs. These ALPR networks are owned by private
10 businesses, including malls and homeowner associations.¹²

11 29. The City has more ALPRs than any other city in California and is more densely
12 covered than 62% of the nation.¹³ In fact, of the 2,386 U.S. cities indexed nationally, San Diego
13 ranks as the fifth most densely covered city in the nation.¹⁴

14 30. Using these ALPR cameras, SDPD continues to collect vast quantities of
15 information about the people who travel in San Diego. According to the City of San Diego’s Flock
16 Transparency portal, from August 18 through September 17, 2026 alone, SDPD used the ALPR
17 system to detect 3,896,699 vehicles, including their precise location information.¹⁵

18 31. Despite the hundreds of millions of pieces of location information collected, only a
19 sliver of the license plates captured by SDPD are “hits,” or plates that are of interest based on hot
20 lists.

24 ¹² Scott Rodd, *San Diego County Police Agencies Access Many Private License Plate Readers*
25 *with Minimal Oversight*, KPBS (Nov. 20, 2025 at 6:00 AM PST),
[https://www.kpbs.org/news/public-safety/2025/11/20/san-diego-county-police-agencies-access-](https://www.kpbs.org/news/public-safety/2025/11/20/san-diego-county-police-agencies-access-many-private-license-plate-readers-with-minimal-oversight)
26 [many-private-license-plate-readers-with-minimal-oversight](https://www.kpbs.org/news/public-safety/2025/11/20/san-diego-county-police-agencies-access-many-private-license-plate-readers-with-minimal-oversight).

26 ¹³ *License Plate Readers in San Diego, CA*, FINDING FLOCK,
27 <https://www.findingflock.com/cameras/california/san-diego> (last visited Sept. 24, 2026).

27 ¹⁴ *Id.*

28 ¹⁵ *San Diego CA PD Transparency Portal*, FLOCK SAFETY,
<https://transparency.flocksafety.com/san-diego-ca-pd> (last visited Sept. 17, 2026).

1 32. From August 18 through September 17, 2026, there were only 15,483 hits for
2 3,896,699 vehicles scanned, meaning the ALPR system detected a match for only 0.4% of license
3 plates during that period.

4 33. Similarly, in 2025, SDPD conducted more than 244,000 searches of ALPR data, but
5 only 361 cases were advanced by these searches, resulting in a 0.147% success rate. In other words,
6 nearly everyone whose ALPR information is stored by San Diego was under no suspicion
7 whatsoever at the time the ALPR system captured that information.

8 34. In fact, the Vice Chair of the City of San Diego Privacy Advisory Board noted
9 during a City Council meeting that “[j]ust based off the numbers that [SDPD] gave us . . . I believe
10 it was 0.177% of a success rate in which ALPRs were . . . helping with the case in some way.”¹⁶

11 35. On August 13, 2026, Flock updated its privacy and security safeguards in response
12 to abuses of its technology¹⁷ by shortening its recommendation and default of ALPR data retention
13 from 30 days to 7 days¹⁸. However, as with its previous 30-day recommendation and default, state
14 or local policies may decide on a longer or shorter retention period.¹⁹ Flock also introduced
15 “Evidence Mode,” which allows law enforcement agencies to “reserve specific ALPR data as
16 evidence for an active investigation in cold storage, consistent with existing laws and policies.”²⁰

17 36. Despite Flock’s updated recommendation and default of a 7-day data retention
18 period, SDPD continues to store ALPR information in its database for 30 days.

19 ///

20 ///

21 _____
22 ¹⁶ Grace Buscaglia, *SCLU Speaks Against SDPD Surveillance Technology Contract*, THE
GUARDIAN (May 4, 2026), [https://ucsdguardian.org/2026/05/04/sclu-speaks-against-sdpd-](https://ucsdguardian.org/2026/05/04/sclu-speaks-against-sdpd-surveillance-technology-contract)
surveillance-technology-contract.

23 ¹⁷ Soo Youn & Katie Kindelan, *Flock Announces Security Changes After Dozens of Reports of*
24 *Law Enforcement Abuse and Public Backlash*, ABC NEWS (Aug. 13, 2026, 9:01 PM),
[https://abcnews.com/GMA/News/flock-announces-security-amid-data-privacy-](https://abcnews.com/GMA/News/flock-announces-security-amid-data-privacy-concerns/story?id=135619397)
concerns/story?id=135619397.

25 ¹⁸ *Flock Updates Privacy, Accountability, Security, and Transparency*, FLOCK SAFETY (published
26 August 13, 2026), [https://www.flocksafety.com/blog/flock-guardrails-address-lpr-privacy-](https://www.flocksafety.com/blog/flock-guardrails-address-lpr-privacy-concerns-and-police-transparency)
concerns-and-police-transparency.

27 ¹⁹ See Joe Kelley, *Dallas to Keep Flock Camera Data for a Year as Company Shortens Default to*
7 Days, KRLD (Aug. 18, 2026 06:58 CTD), [https://www.audacy.com/krlD/news/local/dallas-to-](https://www.audacy.com/krlD/news/local/dallas-to-keep-flock-camera-data-for-a-year-as-company-shortens-default-to-7-days)
keep-flock-camera-data-for-a-year-as-company-shortens-default-to-7-days.

28 ²⁰ *Flock Updates Privacy, Accountability, Security, and Transparency*, *supra* note 18.

1 **C. ALPR systems contain locations and other sensitive details about people’s private**
2 **lives.**

3 37. ALPR systems radically change the way government authorities have operated in
4 the past. They allow government authorities to effortlessly surveil drivers *en masse* and to
5 continuously surveil entire communities in a way that would not have been possible before the
6 invention of ALPR. By tracking where people are across time, ALPR information can reveal a
7 pattern of a person’s private habits, movements, and associations and other “privacies of life.”
8 *Carpenter*, 585 U.S. at 311 (citations omitted).

9 38. It may have been the case in 2020 that “[i]t would be folly to hold that searches of
10 ALPR databases require a warrant without identifying even one case where the ‘whole of [one’s]
11 physical movements’ was implicated in an ALPR database search.” *United States v. Yang*, 958 F.3d
12 851, 864 (9th Cir. 2020) (Bea, J., concurring). However, in 2026, with the dizzying advancements
13 in technology and AI, ALPR systems now achieve the “near perfect surveillance” of which
14 *Carpenter* was concerned.

15 39. In recent years, a number of companies have started to sell enhanced, high-tech
16 ALPR systems to police departments across the country. Among the largest of these companies is
17 Flock. Flock’s ALPR cameras are used by over 5,000 law enforcement agencies across the country,
18 including SDPD.²¹ There are over 140,000 ALPRs installed across the nation.^{22, 23}

19 40. Flock and other ALPR vendors offer police departments the ability to easily and
20 automatically share and pool ALPR data. This allows police departments to create
21 multijurisdictional databases tracking the movements of cars across cities and states.
22
23

24 ²¹ *Flock LPR*, FLOCK SAFETY, <https://www.flocksafety.com/products/license-plate-readers> (last
25 visited Sept. 24, 2026).

26 ²² *Welcome to DeFlock*, DEFLOCK, <https://deflock.org> (last visited Sept. 24, 2026).

27 ²³ A cybersecurity researcher built a detailed public map of Flock’s surveillance infrastructure,
28 documenting roughly 300,000 devices, including roughly 130,000 supporting devices, such as
Falcon cameras, Picard processing units, and acoustic detection devices. Alex Barrientos, *Flock
Pressured to Remove Map of its 300,000-Device Surveillance Network*, YAHOO!NEWS (Sept. 25,
2026 at 8:04 AM PDT), [https://www.yahoo.com/news/politics/articles/flock-pressured-remove-
map-300-150424954.html](https://www.yahoo.com/news/politics/articles/flock-pressured-remove-map-300-150424954.html).

1 41. Some systems, including Flock’s, allow police to also search by other vehicle
2 features captured in the image. Flock, for example, offers “Vehicle Signature,” which extracts and
3 stores data showing car color, car make, features such as roof racks, and any decals or bumper
4 stickers on the vehicle. Flock users can easily filter their database searches based on those features,
5 allowing them to track the movements and locations of vehicles with those features over time.

6 42. Flock also offers a data-integration platform, FlockOS, which enables ALPR
7 cameras to capture audio and video, and to retrieve data such as public records, jail records, and law
8 enforcement computer-aided dispatch notes.²⁴ In December 2025, SDPD signed a contract to pilot
9 the FlockOS platform.²⁵

10 43. ALPR systems may also include the AI-powered product Flock FreeForm, which
11 combines AI with cross-agency access of ALPR data. FreeForm allows users to search for
12 individuals—not just vehicles—in ALPR images using “observable, non-biometric visual
13 characteristics . . . such as clothing and visible accessories.”²⁶

14 44. Once an ALPR system captures license plate information, police can also cross
15 reference the plate information against a Department of Motor Vehicles database to reveal the
16 vehicle owner’s identity.

17 **D. SDPD’s retrospective searches of its ALPR system exposes private habits, movements,**
18 **and associations of drivers in San Diego.**

19 45. SDPD personnel routinely conduct retrospective searches of the database of ALPR
20 information. These searches can return extensive information about a driver’s exact whereabouts at
21 precise times, dozens of times a day, stretching back 30 days.

22 46. Separate from these retrospective searches, SDPD automatically and in real-time
23 compares license plates seen by the ALPR cameras to hot lists.

24 ²⁴ *FlockOS*, FLOCK SAFETY, <https://www.flocksafety.com/products/flock-os> (last visited Sept. 24, 2026).

25 ²⁵ At the time of contract, this product was named “Flock Nova.” Marx, *supra* note 11.

26 ²⁶ *Flock FreeForm*, FLOCK SAFETY, <https://www.flocksafety.com/products/flock-freeform> (last visited Sept. 24, 2026).

1 47. SDPD conducts thousands of retrospective searches of the ALPR database every
2 day. According to SDPD’s 2025 Annual Surveillance Report, SDPD conducted over 244,000
3 searches of the ALPR database in 2025—an average of about 668 searches a day.

4 48. Recently, SDPD released the reasons its officers searched the ALPR database
5 between January and August of 2026. Of the 114,692 times SDPD officers searched the ALPR
6 database in this period, 3,962 of the searches listed “other” as the reason for the search.²⁷

7 49. SDPD does not require any suspicion of wrongdoing before police search for the
8 historical movements of drivers in the City.

9 50. SDPD also grants other California law enforcement agencies access to its Flock
10 database pursuant to a search request. This significantly increases the number of times San Diego’s
11 Flock database is searched. In 2025, SDPD conducted a total of 474 searches for other California
12 law enforcement agencies, 4 searches for out-of-state agencies, and 53 searches for a federal
13 agency.²⁸

14 51. Flock’s database enables searches across extended periods of time, allowing users
15 to query weeks of vehicle data with a single request. SDPD does not provide information regarding
16 its retrospective searches or search audits of ALPR data on its Flock Transparency portal, despite
17 those options being available to Flock’s Transparency portals.²⁹

18 52. SDPD does not have any rules limiting the total number of Police Department
19 personnel who may access the database.

20 53. A person who regularly drives through an area subject to ALPR surveillance can
21 have their location information captured multiple times per day. This information can reveal travel
22 patterns and provide an intimate window into a person’s life as they travel from home to work, drop
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24 ²⁷ Dorian Hargrove, *SDPD Now Discloses Why Officers Search Flock License Plate Readers.*
25 *Nearly 4,000 Times, the Reason Was ‘Other’*, TIMES OF SAN DIEGO (Sept. 20, 2026 11:00 a.m.),
26 [https://timesofsandiego.com/crime/2026/09/20/san-diego-police-license-plate-reader-flock-](https://timesofsandiego.com/crime/2026/09/20/san-diego-police-license-plate-reader-flock-disclosure)
disclosure.

27 ²⁸ In May 2025, SDPD allegedly ended all data sharing with federal and out-of-state agencies
pursuant to guidance from the California Department of Justice. SAN DIEGO POLICE DEP’T,
Annual Surveillance Report 76–77 (2025), <https://sdpd-annual-surveillance-report-2025.pdf>.

28 ²⁹ See generally *San Diego CA PD Transparency Portal*, *supra* note 15.

1 off their children at school, or park at a house of worship, a doctor’s office, or a protest. It could also
2 reveal whether a person crossed state lines to seek health care in California.

3 54. SDPD’s system raises these concerns even for drivers who happen to pass by
4 relatively fewer ALPR cameras on a given day. People’s patterns of movement are unique, and it
5 takes only a small number of location points to identify someone or to infer their path of travel,
6 including to or from sensitive locations. Researchers have shown, for example, that, using cell phone
7 location data, just four approximate location points are enough to uniquely identify an individual
8 based on their pattern of movements. *See Beautiful Struggle*, 2 F.4th at 343, n.10.

9 55. “Even short-term monitoring of a person’s physical movements can provide a
10 wealth of detail about [their] familial, political, professional, religious, and sexual associations.”
11 *Chatrie*, 609 U.S. ---- (quoting *United States v. Jones*, 565 U.S. 400, 415 (2012) (J. Sotomayor,
12 concurrence)). “Consider just a few trips that a person is apt to think [are] ‘indisputably private’: to
13 ‘the psychiatrist, the plastic surgeon, the abortion clinic, the AIDS treatment center, the strip club,
14 the criminal defense attorney, [or] the by-the-hour motel.’” *Id.* And much like Location History,
15 ALPR systems “enable[] police officers to focus on precisely those sites—to see, in a given time
16 block, who shows up.” *Id.* Even two hours of ALPR data “allows officers to target one-off events of
17 potential interest: a gun show, say, or a political rally.” *Id.*

18 56. Location information reflecting people’s long-term physical movements, even in
19 public spaces, is entitled to constitutional protection under the Fourth Amendment. *See Carpenter*,
20 585 U.S. at 310–11. That protection exists because the recording of individual movements over time
21 reveals sensitive information about a person’s private life. The U.S. Supreme Court has held that
22 “[a] person does not surrender all [privacy] protection[s] by venturing into the public sphere,”
23 recognizing that modern location tracking allows the Government to “travel back in time to retrace
24 a person’s whereabouts,” impacting everyone, not only “persons who might happen to come under
25 investigation” *Id.* at 310, 312. Moreover, a “new technology should not transform what
26 individuals had reasonably thought they could withhold from the Government.” *Chatrie*, 609 U.S.
27 ---. By storing ALPR information for 30 days, SDPD can “secretly monitor and catalogue” the
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1 movement of vehicles “for a very long period,” *Carpenter*, 585 U.S. at 310, far longer than the 7
2 days at issue in *Carpenter*.

3 57. Importantly, the California Supreme Court has recognized that the federal
4 constitutional right to privacy “appears narrower than what the voters approved in 1972 when they
5 added ‘privacy’ to the California Constitution.” *City of Santa Barbara v. Adamson*, 27 Cal. 3d 123,
6 130 n.3 (1980). Therefore, California’s constitutional right to privacy is broader than the federal
7 right. In fact, it was intended to protect against the very harm caused by ALPR surveillance.

8 58. Short of choosing not to drive, there is no way for a person traveling within the City
9 to avoid having their location information caught up in SDPD’s ALPR surveillance web. Yet many
10 San Diego residents have no choice but to drive because the City is a car-dependent series of
11 communities, too large to commute by foot and often lacking meaningful public transportation
12 alternatives. In addition to collecting information on the population at large, governments have long
13 used surveillance—ranging from wiretaps to social media monitoring—to target individuals from
14 disfavored and marginalized groups based on, among other attributes, their race, national origin,
15 ethnicity, religion, socioeconomic status, sexuality, gender identity, and political activism. ALPR
16 systems are no exception to this history.

17 60. Given the sensitivity of the location information collected and the ability to use
18 ALPR information to target and locate individuals, SDPD’s widespread collection and searches of
19 ALPR information pose serious threats to communities’ privacy and freedom of movement.

20 61. ALPR cameras are installed across the entire City of San Diego, including near and
21 around highly sensitive locations, including religious centers and community spaces for system-
22 impacted youth.

23 62. For example, there are four ALPR cameras at the main intersection outside of a
24 Muslim civil rights organization. It would be difficult for any person visiting this location to come
25 and go without being captured by an ALPR.

26 63. SDPD has likewise positioned five ALPR cameras on the roads outside of a non-
27 profit organization that specifically serves system-affected and unhoused youth. Similarly, there are
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four ALPR cameras positioned at a major intersection outside of a reproductive health clinic. Visitors to either of these locations are likely to have their presence captured by an ALPR.

64. SDPD has also placed ALPR cameras in residential areas and on streets with private residences, allowing the cameras to track people going to and from their homes.

E. The City and SDPD expend taxpayer funds on the City’s extensive ALPR system.

65. The City expends taxpayer funds, personnel time, and resources to purchase and operate the ALPR system, including but not limited to purchasing and licensing ALPR cameras and related software and database; training SDPD personnel on the use of the ALPR system; operating, managing, and maintaining the ALPR system.

66. In fact, the annual service cost for the two integrated technologies alone is \$2,012,500.³⁰

67. Absent an order from this Court, the City will continue to illegally expend taxpayer funds, personnel time, and resources on this ALPR system.

F. California has historically responded to mass surveillance technologies.

68. In 1972, California Assemblymember Kenneth Cory introduced Constitutional Amendment 51 (“ACA 51”) (the “Privacy Amendment”) in the California legislature, which added “and privacy” to the unalienable rights in Article I, Section 1 of the California Constitution, due to the rise in surveillance. Assemblymember Cory wrote that “[i]n the face of a cybernetics revolution and the increasingly pervasive amount of information being compiled, it would be highly desirable that our constitution state in clear terms that each person has a fundamental right to privacy.” Assemblymember Cory proposed the Privacy Amendment to create a positive, inalienable right to privacy and “put the State and private firms on notice that the people have this fundamental right and it can only be abridged when the public concern is an overriding concern.”

69. The ballot materials for the 1972 initiative that created the right to privacy at Article I, Section 1 of the California Constitution demonstrate the provision protects people’s privacy and freedom. “The proliferation of government snooping and data collecting is threatening to destroy

³⁰ *SDPD Annual Surveillance Report*, *supra* note 27, at 74.

1 our traditional freedoms. Government agencies seem to be competing to compile the most extensive
2 sets of dossiers of American citizens. Computerization of records makes it possible to create ‘cradle-
3 to-grave’ profiles of every American.” The argument in favor continues:
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5 The right of privacy is the right to be left alone. It is a fundamental and compelling
6 interest. It protects our homes, our families, our thoughts, our emotions, our
7 expressions, our personalities, our freedom of communion, and our freedom to
8 associate with the people we choose. [This right] prevents government and business
9 interests from collecting and stockpiling unnecessary information about us and
10 from misusing information gathered for one purpose in order to serve other
11 purposes or to embarrass us.

12 Fundamental to our privacy is the ability to control circulation of personal
13 information. (Emphasis in original.) This is essential to social relationships and
14 personal freedom. The proliferation of government and business records over
15 which we have no control limits our ability to control our personal lives.

16 70. The staff report of the Assembly Constitutional Committee on ACA 51 explained
17 that “[w]ith the technological revolution,” the Fourth Amendment and other federal constitutional
18 protections “do not offer sufficient protection against state surveillance, record collection, and
19 government snooping into our personal lives. We must, therefore, develop new safeguards to meet
20 the new dangers.”

21 71. The California Supreme Court has also recognized: “[T]he overbroad collection and
22 retention of unnecessary personal information by government and business interests was one of the
23 principal ‘mischiefs’ at which the Privacy Initiative was directed.” *Hill v. NCAA*, 7 Cal. 4th 1, 17–
24 18 (1994) (quoting *White v. Davis*, 13 Cal. 3d 757, 775 (1975)) (cleaned up). ALPRs cause the exact
25 privacy harms this constitutional right was intended to prevent.

26 **INJUNCTIVE AND DECLARATORY RELIEF ALLEGATIONS**

27 **Code of Civ. Proc. §§ 525, 526, 1060**

28 72. Plaintiff contends that SDPD’s ALPR mass surveillance violates the California
Constitution, and that Defendants’ expenditures made in connection with such mass surveillance
constitutes an illegal expenditure and waste of public funds. Plaintiff contends the same regarding

SDPD's authorization of searches by external agencies. SDPD has engaged in and continues to engage in this unconstitutional mass surveillance. Unless the Court enjoins this unlawful conduct, the legal status of Defendants' actions will remain uncertain, and there will continue to be disputes and controversies surrounding the legality of these uses.

73. By utilizing and allowing external agencies to utilize ALPR technology, SDPD has violated and continues to violate peoples' right to privacy and right to be free from unreasonable searches and seizures guaranteed by Article I, Sections 1 and 13 of the California Constitution.

74. San Diego's willful disregard of the constitutional rights of people subjected to the City's ALPR surveillance has resulted in irreparable harm to them, and unless San Diego's conduct is permanently enjoined, San Diego and SDPD will continue to inflict irreparable harm.

75. By conducting and allowing external agencies to conduct ALPR surveillance, San Diego has illegally and wastefully expended public funds in violation of Article I, Sections 1 and 13 of the California Constitution.

76. Plaintiff is therefore entitled to a permanent injunction under Code of Civil Procedure section 526a to prevent, restrain, and enjoin said illegal expenditures of funds.

FIRST CAUSE OF ACTION

Violation of Cal. Const. Article I, Section 13

(By Plaintiff Against all Defendants)

77. Plaintiff incorporates by reference the allegations of the above paragraphs as though fully set forth herein.

78. Defendants' use of ALPR violates Plaintiff's rights under Article I, Section 13 of the California Constitution, which provides that "[t]he right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches may not be violated"

79. Defendants' allowing external law enforcement agencies to conduct searches of its ALPR information also violates Plaintiff's expectation of privacy under Article I, Section 13 of the California Constitution.

80. Plaintiff and others subject to these searches have a reasonable expectation of privacy in the whole of their movements. *See Carpenter*, 585 U.S. at 310–11.

81. Defendants' use of ALPR violates this expectation of privacy.

82. Defendants' policies and practices constitute an illegal and wasteful expenditure of public funds justifying an injunction under California Code of Civil Procedure § 526a.

SECOND CAUSE OF ACTION

Violation of Cal. Const. Article I, Section I

(By Plaintiff Against all Defendants)

83. Plaintiff incorporates by reference the allegations of the above paragraphs as though fully set forth herein.

84. Article I, Section 1 of the California Constitution provides that “[a]ll people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and *privacy*.” (Emphasis added.) This provision creates a right to privacy more protective than the implicit privacy protections in the United States Constitution. *In re Carmen M.*, 141 Cal. App. 4th 478, 490 n.10 (2006) (citation omitted). The right to privacy protects the right to informational and autonomy privacy, and the right to be free from government intrusion into private lives. *Hill*, 7 Cal. 4th at 35–36.

85. Defendants' use of ALPR mass surveillance violates this fundamental right to privacy of Plaintiff and other San Diego residents. So too does Defendants' allowing external law enforcement agencies to access its ALPR database. People have legitimate privacy interests in not only their locations, but also the profiles and compilations of information that ALPR systems combine with location and license plate data, including information about vehicles, behavior, and the nature of their activities. Retrospective ALPR searches of databases containing these rich profiles implicate a host of informational and autonomy privacy interests beyond what is typical in the search and seizure context, such as freedom of speech, freedom of association, financial privacy, medical privacy, and sexual privacy. Defendants' surveillance deprives Plaintiff of their ability to exercise

1 their informational and autonomy privacy rights and violates their reasonable expectations of
2 privacy.

3 86. Defendants' ALPR mass surveillance does not substantially further any
4 countervailing interest, let alone interests that are compelling. Furthermore, feasible and effective
5 alternatives to this ALPR surveillance exist that have a lesser impact on people's privacy rights.

6 87. As a direct and proximate consequence of Defendants' use of ALPR and
7 Defendants' allowing access of its ALPR database by external agencies, Plaintiff and other residents
8 of San Diego have and continue to suffer violations of their rights, for which they are entitled to
9 declaratory and injunctive relief, as alleged herein.

10 **THIRD CAUSE OF ACTION**

11 **Taxpayer Action under Code of Civ. Proc. § 526a to Prevent the Illegal Expenditure of** 12 **Public Funds in Violation of Article I, Sections 1 and 13, of the California Constitution**

13 (By Plaintiff Against all Defendants)

14 88. Plaintiff incorporates by reference the allegations of the above paragraphs as though
15 fully set forth herein.

16 89. Code of Civil Procedure section 526a provides that a taxpayer has standing to sue
17 to prevent a public official from the waste or illegal expenditure of public funds.

18 90. Plaintiff is a taxpayer within the meaning of Section 526a and has been assessed
19 taxes and/or paid taxes in San Diego within the year prior to commencement of this action.

20 91. Defendant City of San Diego is a local agency, and Defendants Wahl and Gloria are
21 officers of that local agency, within the meaning of Section 526a, subsection (d), paragraph (1).
22 Defendants are responsible for the City's ALPR system and the searches conducted in the ALPR
23 databases.

24 92. Defendants' expenditure of public funds, including the payment of salaries to
25 employees to administer and implement the complained of practices, is an unlawful use of funds.

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1 93. Defendants will continue to illegally waste and expend public funds by conducting
2 and allowing external agencies to conduct ALPR surveillance in violation of Article I, Sections 1
3 and 13 of the California Constitution.

4 94. Plaintiff has an interest in enjoining the waste of government resources and in
5 restraining Defendants from violating Article I, Sections 1 and 13, of the California Constitution.

6 95. Plaintiff uses Code of Civil Procedure Section 526a and its general citizen remedy
7 for addressing and stopping this illegal government activity to challenge the constitutional validity
8 of Defendants' retrospective ALPR searches.

9 96. As a direct and proximate consequence of Defendants' illegal expenditure of public
10 funds to conduct, and allow external agencies to conduct, ALPR surveillance in violation of the
11 California Constitution, Plaintiff is entitled to permanent injunctive and declaratory relief, as
12 previously alleged herein.

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REQUEST FOR RELIEF

Plaintiff respectfully requests that this Court grant the following relief:

- A. Declare that Defendants violated Article I, Section 13 of the California Constitution by utilizing ALPR surveillance, and by allowing external law enforcement agencies to do so;
- B. Declare that Defendants violated Article I, Section 1 of the California Constitution by utilizing ALPR surveillance, and by allowing external law enforcement agencies to do so;
- C. Enjoin Defendants from conducting ALPR surveillance, and from allowing external law enforcement agencies to do so;
- D. Enjoin Defendants from the continued illegal expenditure of taxpayer funds to conduct and allow external agencies to conduct ALPR surveillance;
- E. Award Plaintiff reasonable costs and attorneys' fees incurred in this action pursuant to Code of Civil Procedure sections 1021 and 1021.5 and any other applicable law; and
- F. Grant any further relief the Court deems just and proper.

Respectfully submitted,

DATED: 9/29/2026

ACLU FOUNDATION OF SAN DIEGO &
IMPERIAL COUNTIES

s/ Samantha Itazawa

SAMANTHA ITAZAWA

FREDERICK CARROLL

Attorneys for Plaintiff