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County of Santa Clara
25CV480254
Reviewed By: M. Johnson

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

SERVICES, IMMIGRANT RIGHTS & EDUCATION NETWORK; COUNCIL ON AMERICAN-ISLAMIC RELATIONS, CALIFORNIA,

Plaintiffs,

v.

CITY OF SAN JOSE; PAUL JOSEPH, in his official capacity as Chief of Police of the City of San Jose Police Department; and MATT MAHAN, in his official capacity as Mayor of the City of San Jose,

Defendants.

Case No.: 25CV480254

VERIFIED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

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

INTRODUCTION

1. Every day, as San Jose residents and visitors commute to work, drive their kids to school, and take their loved ones to the doctor, the San Jose Police Department's network of Automated License Plate Readers ("ALPRs") indiscriminately compiles their movements into a database. These unblinking cameras automatically retain the locations of drivers for an entire year,

enabling San Jose police to instantly reconstruct a person's movements throughout the City during that entire time.

2. Records show that the Police Department routinely conducts warrantless searches of its ALPR location database. According to publicly released audit documents, the Police Department searched for driver locations 261,711 times between June 5, 2024 and June 17, 2025. San Jose does not require any suspicion of wrongdoing before police search for the historical movements of drivers in the City.

3. San Jose's ALPR program stands apart in its invasiveness. While many California agencies run ALPR systems, few retain the locations of drivers for an entire year like San Jose. Further, it is difficult for most residents of San Jose to get to work, pick up their kids, or obtain medical care without driving, and the City has blanketed its roads with nearly 500 ALPRs. San Jose's location surveillance of all residents is especially pervasive in both time and space.

4. San Jose's warrantless ALPR database searches violate 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 Jose's ALPR program illegally expends taxpayer funds.

5. This action seeks declaratory and injunctive relief to enjoin Defendants' unconstitutional searches of San Jose residents' and drivers' movements. Plaintiffs are organizations that work to serve San Jose residents and who must travel through the San Jose community to provide their services. As taxpayers, Plaintiffs seek to restrain and prevent the illegal expenditure of City resources on this unconstitutional ALPR surveillance program. Specifically, Plaintiffs seek to compel San Jose to comply with the California Constitution by requiring San Jose's agents to obtain a warrant before retrospectively searching its ALPR database.

JURISDICTION AND VENUE

6. This Court has jurisdiction over Plaintiffs' 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.

7. Venue is proper in this Court pursuant to Code of Civil Procedure section 394

because the actions giving rise to Plaintiffs' claims arose in and around the County of Santa Clara, and because this is an action against the City of San Jose, which is situated in the County of Santa Clara.

PARTIES

8. Plaintiff SERVICES, IMMIGRANT RIGHTS & EDUCATION NETWORK ("SIREN") is a non-profit organization that works to empower low-income immigrants and refugees through community education and organizing, leadership development, policy advocacy, civic engagement and legal services. SIREN seeks to center the role of immigrants themselves as agents of long-term systemic change working to promote social justice and equality, freedom from oppression, and an end to poverty. It provides clinics and other education services to the community and its members. SIREN is a state-registered non-profit organization and has been assessed and paid taxes that fund San Jose within the last year, including sales and business-related taxes.

9. Plaintiff COUNCIL ON AMERICAN-ISLAMIC RELATIONS, CALIFORNIA ("CAIR-CA") is a chapter of the nation's largest American Muslim civil rights and advocacy organization. CAIR-CA's mission is to enhance the understanding of Islam, protect civil rights, promote justice, and empower American Muslims. Through its four offices, CAIR-CA serves California's estimated one million American Muslims by providing direct legal services to victims of discrimination, working with the media, facilitating community education, and engaging in policy advocacy to advance civil rights and civic engagement. The constituents CAIR-CA's San Francisco Bay Area office serves, along with its board and staff, include residents of San Jose. CAIR-CA is a state-registered non-profit organization that frequently does business in San Jose and has paid taxes that fund San Jose within the last year, including sales taxes.

10. Defendant CITY OF SAN JOSE ("San Jose" or the "City") is a political subdivision of the State of California. The San Jose Police Department ("SJPD" or the "Police Department") is a City department. San Jose operates, governs, and is responsible for the Police Department pursuant to the laws of the State of California.

11. Defendant PAUL JOSEPH is the current Chief of Police of the San Jose Police Department and is sued in his official capacity. Chief Joseph 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.

12. Defendant MATT MAHAN is the current Mayor of San Jose and is sued in his official capacity. Mayor Mahan is responsible for recommending policy, program, and budget priorities for the City. *See* San Jose City Charter, art. V, § 502 (updated 2024). Mayor Mahan has taken an active role in promoting and expanding the City's extensive network of ALPR cameras.[1]

13. Defendants are illegally and wastefully expending public funds, including the payment of salaries to employees to administer and implement the policies and practices addressed in the Complaint. Plaintiffs have an interest in preventing Defendants' illegal and wasteful expenditure of public funds.

FACTS

A. Automated license plate readers are an invasive mass surveillance technology.

14. As deployed in San Jose, ALPRs are a mass surveillance technology that records the locations of cars and any visible drivers. San Jose's ALPR cameras are mounted on light posts or stationary objects near roadways. Because of their small size, they often go unnoticed by passersby.

15. An "ALPR system" consists of high-speed cameras, the software that reads and converts images of license plates into driver location information, and the searchable database that stores the ALPR information.

16. ALPR cameras automatically capture images of every vehicle that passes within their field of view, even though there is no suspicion that any given driver has violated the law. Once an ALPR camera captures an image of a vehicle, vehicle data, including the license plate number, is extracted from the image for storage in a central database. Often, the image is first transferred to a computer or central server. Software then extracts the license plate number from

[1] Joseph Geha, *San José Adding Hundreds of License Plate Readers Amid Privacy and Efficacy Concerns*, KQED (Apr. 26, 2024, updated Oct. 15, 2024) <https://www.kqed.org/news/11983813/san-jose-adding-hundreds-of-license-plate-readers-amid-privacy-and-efficacy-concerns>.

the image by rendering it into machine-readable text and stores the image, license plate number, and precise date, time, and Global Positioning System ("GPS") coordinates of the image in a searchable database. The owner or department controlling the ALPR camera can typically choose how long to store this information, whether that is a few days or indefinitely.

17. Many ALPR vendors, including the vendor used by SJPD, also collect and extract other vehicle data by design. The images captured by ALPR cameras show the vehicle itself, including individuals within the vehicle, bumper stickers with political or other messages, make, model, color, and other details, depending on the camera's position. The photograph, plate number, GPS location coordinates, date and time information, and all other extracted data are collectively referred to herein as "ALPR information."

18. ALPRs collect driver locations *en masse*. A single ALPR camera can capture the locations of thousands of drivers in a matter of minutes, all without any human involvement. San Jose's ALPRs routinely collect over 2 million plates and their locations in a 30-day period. Unlike police officers, ALPR cameras engage in constant, around-the-clock surveillance and do not take breaks.

19. Most drivers are unaware that San Jose's Police Department is tracking their locations and do not know all that their saved location data can reveal about their private lives and activities.

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

21. SJPD can easily run retrospective searches in the databases storing ALPR information. They may search for a full license plate number to locate a specific vehicle, search for a partial license plate number to locate a group of vehicles, search for all vehicles recorded at a particular location at specific times, or search for all vehicles with certain features, including make, model, color, or vehicle alterations.

B. The San Jose Police Department collects ALPR information on millions of drivers and retains this deeply invasive location and identifying information for a full year.

22. San Jose's ALPR system collects a massive trove of location and identifying data, without any limitation whatsoever to drivers under individualized suspicion of wrongdoing, allowing the SJPD to piece together, track, and surveil the private habits, movements, and associations of drivers in San Jose.

23. San Jose and the Police Department have operated ALPR technology since 2006. SJPD first installed ALPR cameras atop police cruisers. The City and the SJPD first installed fixed ALPR cameras in 2022 and have since rapidly expanded the ALPR system.

24. The SJPD currently operates an ALPR network consisting of at least 474 ALPR cameras across the City and a searchable database operated by third-party surveillance company Flock Safety ("Flock"). In 2024 alone, SJPD more than tripled the number of ALPR cameras in operation. There were 149 ALPR cameras installed in San Jose at the end of 2023.

25. Using these ALPR cameras, the SJPD collects vast quantities of information about San Jose residents and people who travel through its boundaries.

26. In 2024, the SJPD used the ALPR system to collect 361,494,941 scans of driver license plates and location information.

27. SJPD continues to collect vast quantities of information about the people of San Jose. According to San Jose's Flock Transparency portal, from October 1 through October 31, 2025 alone, SJPD used the ALPR system to detect 2,600,798 vehicles, including their precise location information.

28. Despite the hundreds of millions of pieces of location information collected, only a sliver of the license plates captured by the SJPD are "hits," or plates that are of interest based on hot lists.

29. In 2024, there were only 923,159 hits for 361,494,941 scans, meaning the ALPR system detected a match for only 0.2% of scans that year. In other words, nearly everyone whose ALPR information is stored by San Jose were under no suspicion whatsoever at the time the ALPR system captured that information.

30. From October 1 through October 31, 2025, there were only 166,348 hits for 2,600,798 vehicles scanned, meaning the ALPR system detected a match for only 6.4% of vehicles during that period.

31. The SJPD stores ALPR information in the database for a full year.

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

32. ALPR systems radically change the way government authorities have operated in the past. They allow government authorities to effortlessly surveil drivers *en masse* and to continuously surveil entire communities in a way that would not have been possible before the invention of ALPR. By tracking where people are across time, ALPR information can reveal a map of a person's private habits, movements, and associations and other "privacies of life." (*Carpenter v. United States* (2018) 585 U.S. 296, 311 [citations omitted].)

33. In recent years, a number of companies have started to sell enhanced, high-tech ALPR systems to police departments across the country. Among the largest of these companies is Flock. Flock's ALPR cameras are used by over 3,000 police departments across the country,[2] including SJPD.

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

35. Some systems, including Flock's, allow police to also search by other vehicle features captured in the image. Flock, for example, offers "Vehicle Fingerprint Technology," which extracts and stores data showing car color, car make, features such as roof racks, and any decals or bumper stickers on the vehicle. Flock users can easily filter their database searches based on those features, allowing them to track the movements and locations of vehicles with those features over time. Flock boasts that this allows ALPR images to be used as evidence with "No plate required."

[2] Flock Safety, *License Plate Cameras* <https://www.flocksafety.com/devices/lpr-cameras> (as of Nov. 17, 2025).

36. ALPR systems may also include artificial intelligence ("AI")-powered features that purport to be able to predict whether a person's movements are "suspicious." Flock has advertised features that promise to "maximize" its product's ability to "detect patterns of suspicious behavior across cities and states." This includes features that allow customers to "uncover vehicles frequently seen together" or to "uncover vehicles seen in multiple locations." These features threaten to flag people as suspicious in databases solely because they associate together, worship together, or live together.

37. Once an ALPR system captures license plate information, police can also cross-reference the plate information against a Department of Motor Vehicles database to reveal the vehicle owner's identity.

D. SJPD's warrantless retrospective searches of its ALPR system exposes private habits, movements, and associations of drivers in San Jose.

38. SJPD personnel routinely conduct retrospective searches of the database of ALPR information. These searches can return extensive information about a driver's exact whereabouts at precise times, dozens of times a day, stretching back at least 365 days.

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

40. SJPD conducts thousands of retrospective searches of the Flock database every month. According to San Jose's Flock Transparency Portal, in just 30 days between October 1 and October 31, 2025, SJPD personnel conducted 5,040 retrospective searches.

41. Publicly released audit documents reveal even larger search numbers. Between June 5, 2024 and June 17, 2025, SJPD conducted 261,711 searches of the Flock database—an average of about 692 searches a day.

42. SJPD also grants other California law enforcement agencies access to its Flock database, allowing them to directly conduct warrantless, retrospective searches of San Jose's ALPR data. This significantly increases the number of times San Jose's Flock database is searched. Between June 5, 2024 and June 17, 2025, SJPD and other California law enforcement agencies searched San Jose's database a staggering 3,965,519 times in total.

43. Flock's database enables searches across extended periods of time, allowing users to query weeks or months of vehicle data with a single request. Audit logs reveal that SJPD regularly conducts retrospective searches that span multiple days, weeks, months, or even a year of ALPR data.

44. SJPD does not have any rules limiting the total number of Department personnel who may access the database.

45. SJPD does not seek a warrant or other judicial authorization before conducting these retrospective searches. Nor does SJPD require a warrant before other California law enforcement agencies may search its database. SJPD personnel and personnel from partner agencies are permitted to search the database without making any showing of probable cause or individualized suspicion.

46. A person who regularly drives through an area subject to ALPR surveillance can have their location information captured multiple times per day. This information can reveal travel patterns and provide an intimate window into a person's life as they travel from home to work, drop off their children at school, or park at a house of worship, a doctor's office, or a protest. It could also reveal whether a person crossed state lines to seek health care in California.

47. SJPD's system raises these concerns even for drivers who happen to pass by relatively fewer ALPR cameras on a given day. People's patterns of movement are unique, and it takes only a small number of location points to identify someone or to infer their path of travel, including to or from sensitive locations. Researchers have shown, for example, that, using cell-phone location data, just four approximate location points are enough to uniquely identify an individual based on their pattern of movements. (*See Leaders of a Beautiful Struggle v. Baltimore Police Dep't* (4th Cir. 2021) 2 F. 4th 330, 343, n. 10.)

48. Location information reflecting people's long-term physical movements, even in public spaces, is entitled to constitutional protection under the Fourth Amendment. (*See Carpenter*, *supra*, 585 U.S. 296.) That protection exists because the recording of individual movements over time reveals sensitive information about a person's private life. The U.S. Supreme Court has held that "[a] person does not surrender all [privacy] protection[s] by venturing into the public sphere,"

recognizing that modern location tracking allows the Government to "travel back in time to retrace a person's whereabouts," impacting everyone, not only "persons who might happen to come under investigation . . . ." (*Id.* at pp. 310, 312.) By storing ALPR information for 365 days, SJPD can "secretly monitor and catalogue" the movement of vehicles "for a very long period," *id*. at p. 310, far longer than the 7 days at issue in *Carpenter.*

49. Short of choosing not to drive, there is no way for a person traveling within the City of San Jose to avoid having their location information caught up in the SJPD's ALPR surveillance web. Yet many San Jose residents have no choice but to drive because the City is a car-dependent series of communities, too large to commute by foot and often lacking meaningful public transportation alternatives.

50. In addition to collecting information on the population at large, governments have long used surveillance—ranging from wiretaps to social media monitoring—to target individuals from disfavored and marginalized groups based on, among other attributes, their race, national origin, ethnicity, religion, socioeconomic status, sexuality, gender identity, and political activism. ALPR systems are no exception to this history. For example, the Associated Press reported in 2012 that the New York Police Department had used ALPR cameras to record a list of drivers attending prayers at mosques."[3]

51. Given the sensitivity of the location information collected, and the ability to use ALPR information to target and locate individuals, the SJPD's widespread collection and searches of ALPR information poses serious threats to communities' privacy and freedom of movement.

52. The ALPR cameras are installed across the entire City of San Jose, including near and around highly sensitive locations, including clinics, immigration centers, and places of worship.

53. For example, three ALPR cameras are positioned on the roads directly outside of an immigration law firm that handles a wide range of immigration cases, including for especially vulnerable populations, such as those who have status under the Deferred Action for Childhood

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[3] Adam Goldman & Matt Apuzzo, *With Cameras, Informants, NYPD Eyed Mosques*, The Associated Press (Feb. 23, 2012) <https://www.ap.org/media-center/ap-in-the-news/2012/with-cameras-informants-nypd-eyed-mosques>.

Arrivals ("DACA") program. Similarly, there are four ALPR cameras positioned at two major intersections outside of a reproductive health clinic. Visitors to either of these locations are likely to have their presence captured by an ALPR.

54. SJPD has likewise positioned ALPR cameras near religious centers. For example, there are ALPR cameras on each road at the intersection outside a Muslim community center, and there are five ALPR cameras on the roads directly outside of a mosque. It would be difficult for any person visiting those locations to come and go without being captured by an ALPR.

55. SJPD 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.

56. Despite ALPR data revealing intimate details and private facts about the lives of drivers in San Jose, the SJPD does not require officers to obtain search warrants prior to searching the Flock ALPR database. Officers are constrained only by the protocols outlined in the City's "Data Usage Protocol (DUP) for Automated License Plate Reader (ALPR) Technology."[4]

E. <u>San Jose and the SJPD expend taxpayer funds on the City's extensive ALPR system.</u>

57. 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 SJPD personnel on the use of the ALPR system; operating, managing, and maintaining the ALPR system.

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

59. Plaintiffs tried to resolve this matter by sending a letter to Defendants. But Defendants have not responded to Plaintiffs' demand that they cease the unlawful conduct described in this complaint.

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[4] *Data Usage Protocol (DUP) for Automated License Plate Reader (ALPR) Technology* (Aug. 22, 2022) City of San José <https://www.sanjoseca.gov/home/showpublisheddocument/106228/638338446466870000> (as of Nov. 17, 2025).

INJUNCTIVE AND DECLARATORY RELIEF ALLEGATIONS

Code of Civ. Proc. §§ 525, 526, 1060

60. Plaintiffs contend that SJPD's warrantless retrospective ALPR searches violate the California Constitution, and that Defendants' expenditures made in connection with such searches constitute an illegal expenditure and waste of public funds. Plaintiffs contend the same regarding SJPD's authorization of warrantless searches by external agencies. The Police Department has engaged in and continues to engage in these unconstitutional searches. Unless the Court enjoins this unlawful conduct and issues a declaration of the respective rights and responsibilities of the parties with reference to retrospective ALPR searches, the legal status of Defendants' actions will remain uncertain, and there will continue to be disputes and controversies surrounding the legality of these searches.

61. By conducting retrospective ALPR searches without a warrant, and by allowing external agencies to conduct retrospective searches of San Jose's ALPR database without a warrant, SJPD 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.

62. San Jose'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 Jose's conduct is permanently enjoined, San Jose will continue to inflict irreparable harm.

63. By conducting and allowing external agencies to conduct retrospective ALPR searches without a warrant, San Jose has illegally and wastefully expended public funds in violation of Article I, Sections 1 and 13 of the California Constitution.

64. Plaintiffs are therefore entitled to a permanent injunction under Code of Civil Procedure section 526a to prevent, restrain, and enjoin said illegal expenditures of funds.

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FIRST CAUSE OF ACTION

Violation of Cal. Const. Article I, Section 13

(By all Plaintiffs Against all Defendants)

65. Plaintiffs incorporate by reference the allegations of the above paragraphs as though fully set forth herein.

66. Defendants' warrantless, retrospective searches of ALPR information violate Plaintiffs' rights under Article I, Section 13 of the California Constitution.

67. Defendants' allowing external law enforcement agencies to conduct warrantless, retrospective searches of its ALPR information also violates Plaintiffs' rights under Article I, Section 13 of the California Constitution.

68. Plaintiffs and others subject to these searches have a reasonable expectation of privacy in the whole of their movements. (*Carpenter*, *supra*, 585 U.S. 296.)

69. Defendants' searches of its database of historical ALPR data without a warrant or judicial approval violate this expectation of privacy.

70. Defendants additionally violate this expectation of privacy by allowing external law enforcement agencies to search its database of historical ALPR data without a warrant or judicial approval.

71. No exception to the warrant requirement applies.

72. 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 1

(By all Plaintiffs Against all Defendants)

73. Plaintiffs incorporate by reference the allegations of the above paragraphs as though fully set forth herein.

74. 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.* (2006) 141 Cal.App.4th 478, 490 n. 10 [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 v. NCAA* (1994) 7 Cal.4th 1, 35–36.)

75. 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 right of privacy is the right to be left alone. It is a fundamental and compelling interest. It protects our homes, our families, our thoughts, our emotions, our expressions, our personalities, our freedom of communion, and our freedom to associate with the people we choose."[5] This right prevents "government and business interests from collecting and stockpiling unnecessary information about us and from misusing information gathered for one purpose in order to serve other purposes or to embarrass us."[6]

76. Defendants' warrantless retrospective ALPR searches violate this fundamental right to privacy of Plaintiffs and other San Jose residents. So too does Defendants' allowing external law enforcement agencies to conduct warrantless, retrospective searches of its ALPR information. 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' warrantless surveillance of Plaintiffs deprived them of their ability to exercise their informational and autonomy privacy rights and violated their reasonable expectations of privacy.

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[5] Right of Privacy, Proposition 11 (1972) (emphasis added) p. 27 <https://repository.uclawsf.edu/ca_ballot_props/762> (as of Nov. 17, 2025).
[6] *Ibid*.

77. Defendants' warrantless ALPR searches do not substantially further any countervailing interest, let alone interests that are compelling. Furthermore, feasible and effective alternatives to this ALPR surveillance exist that have a lesser impact on people's privacy rights.

78. As a direct and proximate consequence of Defendants' warrantless retrospective ALPR searches and Defendants' allowing warrantless searches of its ALPR information by external agencies, Plaintiffs and other residents of San Jose have and continue to suffer violations of their rights, for which they are entitled to declaratory and injunctive relief, as alleged herein.

THIRD CAUSE OF ACTION

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

(By All Plaintiffs Against all Defendants)

79. Plaintiffs incorporate by reference the allegations of the above paragraphs as though fully set forth herein.

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

81. Plaintiffs are all taxpayers within the meaning of Section 526a and each has been assessed taxes and/or paid taxes in San Jose within the year prior to commencement of this action.

82. Defendant San Jose is a local agency, and Defendants Chief Joseph and Mayor Mahan are officers of that local agency, within the meaning of Section 526a, subsection (d), paragraph (1). Defendants are responsible for the City's ALPR system and the searches conducted in the ALPR databases.

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

84. Defendants' will continue to illegally waste and expend public funds by conducting and allowing external agencies to conduct warrantless retrospective searches of their ALPR system in violation of Article I, Sections 1 and 13 of the California Constitution.

85. Plaintiffs have an interest in enjoining the waste of government resources and in restraining Defendants from committing violations of Article I, sections 1 and 13, of the California Constitution.

86. Plaintiffs use Code of Civil Procedure section 526a and its general citizen remedy for addressing and stopping this illegal government activity to challenge the constitutional validity of Defendants' warrantless retrospective ALPR searches.

87. As a direct and proximate consequence of Defendants' illegal expenditure of public funds to conduct, and allow external agencies to conduct, retrospective ALPR searches without a warrant in violation of the California Constitution, Plaintiffs are entitled to permanent injunctive and declaratory relief, as previously alleged herein.

REQUEST FOR RELIEF

Plaintiffs respectfully request that this Court grant the following relief:

A. Declare that Defendants violated Article I, Section 13 of the California Constitution by retrospectively searching ALPR information without a warrant, and by allowing external law enforcement agencies to do so;

B. Declare that Defendants violated Article I, Section 1 of the California Constitution by retrospectively searching ALPR information without a warrant, and by allowing external law enforcement agencies to do so;

C. Enjoin Defendants from retrospectively searching ALPR information without a warrant, 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 searches without a warrant;

E. Award Plaintiffs 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.

Dated: November 18, 2025

Respectfully Submitted,

ELECTRONIC FRONTIER FOUNDATION

JENNIFER PINSOF (SBN 350418)
ELIZABETH FEMIA (SBN 356193)
ANDREW CROCKER (SBN 291596)
ADAM SCHWARTZ (SBN 309491)
SAIRA HUSSAIN (SBN 300326)

ACLU FOUNDATION OF NORTHERN CALIFORNIA, INC.

MATTHEW T. CAGLE (SBN 286101)
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NICOLAS A. HIDALGO (SBN 339177)

Attorneys for Plaintiffs

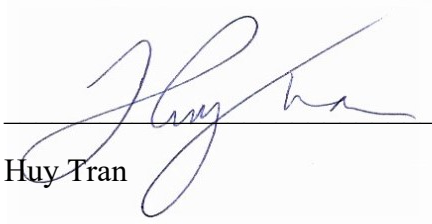
VERIFICATION

I, Huy Tran, am the Executive Director of Services, Immigrant Rights & Education Network ("SIREN"), which is a plaintiff in the matter of *Services, Immigrant Rights & Education Network v. City of San Jose*, and I am authorized to make this verification on its behalf.

I have read the VERIFIED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF in the above-named case. I have personal knowledge of the facts stated in Paragraphs 8, 24-31, 38-40, 56, and 59, and know them to be true. I am informed, and do believe, that the matters stated in the remainder of the Complaint are also true. On these grounds, I allege that the matters stated herein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 17th, 2025 in San Jose, California



Huy Tran

VERIFICATION

I, Zahra Billoo, am the Executive Director of the San Francisco Bay Area office of Council on American-Islamic Relations, California ("CAIR-CA"), which is a plaintiff in the matter of *Services, Immigrant Rights & Education Network v. City of San Jose*, and I am authorized to make this verification on its behalf.

I have read the VERIFIED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF in the above-named case. I have personal knowledge of the facts stated in Paragraphs 9, 24-31, 38-40, 56, and 59, and know them to be true. I am informed, and do believe, that the matters stated in the remainder of the Complaint are also true. On these grounds, I allege that the matters stated herein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 17, 2025 in Van Nuys, California

Zahra Billoo

Zahra Billoo