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CITY OF SAN JOSÉ;
SAN JOSÉ POLICE DEPARTMENT;
and PAUL JOSEPH

**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, et al.,

Defendants.

Case No. 25CV480254

DEFENDANTS' SUPPLEMENTAL BRIEFING IN
SUPPORT OF DEMURRER

Judge: Hon. Jeffrey El-Hajj

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In *People v. Cartwright* (2024) 99 Cal.App.5th 98, the Court of Appeal addressed the same privacy interest alleged by Plaintiffs—that “accessing” data from cameras in public locations without a warrant infringes a reasonable expectation of privacy. *Cartwright* squarely rejected that contention, holding that an individual does not have an objectively reasonable expectation of privacy in the public location information recorded by the cameras. (*Id.* at 103–05.) *Cartwright* also held that the two cases upon which Plaintiffs rely, *Carpenter v. United States* (2018) 585 U.S. 296 and *Leaders of a Beautiful Struggle v. Baltimore Police Dept.* (4th Cir. 2021) 2 F.4th 330, do not apply to public cameras because the location information they gather is qualitatively different from the cell site data and aerial surveillance data in those cases. (*Cartwright*, 99 Cal.App.5th at 103–05.) *Cartwright* noted that the *Carpenter* Court “specifically indicated that its holding was intended to be narrow and did not extend to ‘conventional surveillance techniques and tools, such as security cameras.’” (*Id.* at 103, quoting *Carpenter*, 585 U.S. at 316.) Similarly, *Cartwright* pointed out that the court in *Beautiful Struggle* acknowledged, “[p]eople understand that they may be filmed by security cameras on city streets.” (*Cartwright*, 99 Cal.App.5th at 103, quoting *Beautiful Struggle*, 2 F.4th at 345.) *Cartwright*’s holding controls the outcome here, and it is binding on this Court.

Plaintiffs’ attempts to distinguish *Cartwright* are unpersuasive. In their opposition, Plaintiffs argued that “*Cartwright* concerned a small number of conventional security cameras which could ‘only capture short term movements’ and could not ‘create a retrospective database of everyone’s movements across the city.’” (Opp. at 12, quoting *Cartwright*, 99 Cal.App.5th at 104–05.) But the number of cameras played no part in the reasoning of *Cartwright*—indeed, the number is not even mentioned in the court’s opinion. (See 99 Cal.App.5th [no discussion of camera count].) That *Cartwright* may have involved “short term movements” also does not distinguish it.

1 In fact, ALPRs record *less* information than the security cameras in *Cartwright*, which
2 captured continuous video footage and therefore could identify where a journey ended; in contrast,
3 ALPRs show only that a particular vehicle was at a particular public location at a particular
4 moment with no information about where the journey began or ended. (Reply at 8; *see also United*
5 *States v. Martin* (E.D. Va. 2024) 753 F. Supp. 3d 454, 472–73 [the ALPR system “does not record
6 the totality of one’s movements” and “is not meant to ‘track’ or ‘monitor’ the entirety of an
7 individual’s movements during a particular car trip, much less through the activities of their daily
8 life”].) And ALPRs cannot “create a retrospective database of everyone’s movements across the
9 city.” (*Cartwright*, 99 Cal.App.5th at 104–05 (internal quotation omitted)). Unlike cell site data or
10 aerial surveillance, ALPRs do not continuously track an individual’s movements, and do not follow
11 individuals into private spaces. (*See Carpenter*, 585 U.S. at 311 [CSLI “faithfully follows its owner
12 beyond public thoroughfares and into private residences, doctor’s offices, political headquarters,
13 and other potentially revealing locales”]; *Schmidt v. City of Norfolk* (E.D. Va. 2026) 819 F. Supp.
14 3d 492, 511 [noting that the ALPR system was “incapable of cataloging the whole of vehicles’
15 movements”].)

16 At oral argument, Plaintiffs contended that ALPR data can be searched more easily than
17 the cameras in *Cartwright* because it is centralized in a database, whereas the security cameras in
18 *Cartwright* stored data locally. But this is a distinction without a difference. Whether the ALPR
19 data is stored in a database rather than locally in the cameras has no Fourth Amendment
20 significance. (*See United States v. Ellison* (6th Cir. 2006) 462 F.3d 557, 562 [it would “fl[y] in the
21 face of established Fourth Amendment doctrine” to hold that “a privacy interest is somehow
22 created by the entry of [public] information into a law-enforcement computer database”]; *see also*
23 *United States v. Sturdivant* (N.D. Ohio 2025) 786 F. Supp. 3d 1098, 1111 [“the query of a database
24 containing this information does not violate [defendant’s] rights,” and “no search occurred”].)

25 Finally, even if the Court were to conclude that *Cartwright* is not binding, it is still by far
26 the closest analogy to this case. In terms of capability, functionality, and the nature of information
27 gathered, ALPRs are much more akin to the City IQ cameras in *Cartwright* than the cell site data
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1 in *Carpenter* or the aerial surveillance in *Beautiful Struggle*. *Cartwright* emphasized that the
2 cameras “only capture ‘short term’ movements rather than ‘everyone’s movements across the
3 city,’” that they “are ‘fixed in place,’” that they ““only capture individual trips,”” and that “due to
4 these inherent limitations, stationary cameras merely ‘augment[] ... ordinary police capabilities.’”
5 (99 Cal.App.5th at 104–05 (quoting *Beautiful Struggle*, 2 F.4th at 345).) Every one of those
6 characteristics applies with equal or greater force to ALPRs.

7 **2. Does an individual have a reasonable expectation of privacy in a vehicle’s**
8 **movements on public roads if the information gathered is less than the whole of**
9 **the vehicle’s movements?**

10 No. “A person travelling in an automobile on public thoroughfares has no reasonable
11 expectation of privacy in his movements.” (*United States v. Knotts* (1983) 460 U.S. 276, 281.) In
12 *Cartwright*, the Court of Appeal applied this principle to public cameras, holding that the defendant
13 “could not maintain an objectively reasonable expectation of privacy in the downtown, urban
14 public spaces when any number of private businesses may have maintained similar cameras that
15 capture similar images.” (99 Cal.App.5th at 104.) *Cartwright* concluded that the information
16 captured by fixed cameras “is all information voluntarily conveyed to anyone in a public space
17 who cares to look—something any police officer could have done without a warrant.” (*Id.* at 105.)
18 San José’s ALPRs capture even less information than the cameras in *Cartwright*—they record only
19 a vehicle’s license plate and exterior at a fixed point on a public road, with no continuous video
20 footage and no information about where a journey began or ended. (*See id.* at 101.)

21 Plaintiffs’ reliance on *Carpenter* is misplaced. *Carpenter* explicitly stated that its holding
22 does not “call into question conventional surveillance techniques and tools, such as security
23 cameras.” (585 U.S. at 316.) And in *Chatrue v. United States* (2026) 146 S. Ct. 2193, the Supreme
24 Court reaffirmed this narrow framing, distinguishing between “public-movements-only
25 technology” (*id.* at 2211 n.10) such as “surveillance” “confined to public roads,” and cell-phone-
26 tracking technology. (*Id.* at 2211.)

1 *Carpenter* applies only to technology that records “the whole of [a person’s] physical
2 movements” (585 U.S. at 310)—meaning a “detailed, encyclopedic, and effortlessly compiled”
3 (*id.* at 309) record that tracks an individual continuously, “beyond public thoroughfares and into
4 private residences, doctor’s offices, political headquarters, and other potentially revealing locales.”
5 (*Id.* at 311.) ALPR data falls squarely outside that category. A fixed ALPR camera records only
6 that a vehicle passed a single point on a public road at a single moment—it cannot show where the
7 vehicle came from, where it went, or follow it into any private space. Such scattered, disconnected
8 snapshots are a far cry from the comprehensive, continuous chronicle at issue in *Carpenter* and
9 *Chatrue*. Technology that records less than the whole of a vehicle’s movements—as ALPRs do—
10 does not provide “an all-encompassing record” (*Carpenter*, 585 U.S. at 311) of a person’s
11 whereabouts and is not akin to “an ankle monitor” (*id.* at 312) and therefore does not fall within
12 *Carpenter*’s narrow exception. (*See United States v. Rubin* (N.D. Cal. 2021) 556 F. Supp. 3d 1123,
13 1130 [concluding that ALPR data was “not remotely comparable to the detailed, encyclopedic
14 information at issue in *Carpenter*” (internal quotation omitted)].)

15 At oral argument, Plaintiffs noted that cell site data and aerial surveillance had “gaps” in
16 coverage. But those “gaps” do not change the fact that those technologies continuously track an
17 individual’s movements through all spaces, public and private, while ALPRs do not. (*See*
18 *Carpenter*, 585 U.S. at 311.) As *Cartwright* held, fixed cameras “merely augment[] . . . ordinary
19 police capabilities”—they capture only short-term movements at fixed locations and do not create
20 “a retrospective database of everyone’s movements across the city.” (99 Cal.App.5th at 104–05
21 (internal quotation omitted).) That is precisely what San José’s ALPRs do, and no more.

22 **3. If the Court concludes that ALPRs record only public information, then does the**
23 **querying of the ALPR database by law enforcement without a warrant violate the**
24 **California Constitution?**

25 No. California courts have consistently applied federal legal standards when analyzing the
26 reasonableness of a search under Article I, Section 13 of the California Constitution. (*See People*
27 *v. Perry* (2019) 36 Cal.App.5th 444, 466.) And in the search and seizure context, the Article I,
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1 Section 1 privacy clause “has never been held to establish a broader protection than that provided
2 by the Fourth Amendment . . . or article I, section 13 of the California Constitution.” (*In re York*
3 (1995) 9 Cal.4th 1133, 1149 (internal quotation omitted); *see also Hill v. National Collegiate*
4 *Athletic Assn.* (1994) 7 Cal.4th 1, 30, n.9.)

5 Under those federal standards, no independent constitutional claim arises from the
6 government’s retention or use of information it lawfully captured in the first instance. (*See, e.g.,*
7 *Hallstein v. City of Hermosa Beach* (9th Cir. 2003) 87 Fed. Appx. 17, 19; *Johnson v. Quander*
8 (D.C. Cir. 2006) 440 F.3d 489, 499; *United States v. Ellison* (6th Cir. 2006) 462 F.3d 557, 562 [the
9 argument “that even if an individual has no expectation of privacy in a license plate number, a
10 privacy interest is somehow created by the entry of this information into a law-enforcement
11 computer database . . . flies in the face of established Fourth Amendment doctrine”]; *see also*
12 *Stamm v. County of Cheyenne* (D. Neb. 2018) 326 F. Supp. 3d 832, 849.) A police officer querying
13 the ALPR database is no different from an officer running a license plate through the DMV
14 database, and “every circuit that has considered the issue in a precedential opinion has held that
15 license plate checks do not count as searches under the Fourth Amendment.” (*United States v.*
16 *Diaz-Castaneda* (9th Cir. 2007) 494 F.3d 1146, 1150; *accord Sturdivant*, 786 F. Supp. 3d at 1111
17 [“the query of a database containing [that] information does not violate [defendant’s] rights,” and
18 “no search occurred”]).

19 Because Plaintiffs cannot establish a reasonable expectation of privacy in information
20 already exposed to public view, the query of a database containing that information cannot
21 constitute a violation under either provision. (*See Cartwright*, 99 Cal.App.5th at 105 [fixed
22 cameras record only “information voluntarily conveyed to anyone in a public space who cares to
23 look—something any police officer could have done without a warrant”].)

24 Plaintiffs’ argument to the contrary rests entirely on their attempt to analogize ALPRs to
25 cell site data. For the reasons set forth above and in Defendants’ reply, that analogy fails. That the
26 Legislature enacted statutory regulations governing ALPR use (Cal. Civ. Code §§ 1798.90.5–
27 1798.90.55) does not create a constitutional privacy interest where none otherwise exists.

1 DATED: August 28, 2026

Respectfully submitted,

2 By: /s/ Jonathan I. Kravis

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I, Charlotte Keeley, declare:

I am over the age of eighteen years and not a party to the within-entitled action. My business address is 607 14th St NW Ste 625, Washington, DC 20005. My electronic service address is charlotte.keeley@lskllp.com. On August 28, 2026, I served a copy of the within document(s):

DEFENDANTS' SUPPLEMENTAL BRIEFING IN SUPPORT OF DEMURRER

by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

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

Executed on August 28, 2026, at Washington, District of Columbia.

/s/ Charlotte Keeley
Charlotte Keeley