

1 ROB BONTA
Attorney General of California
2 ACRIVI COROMELAS
Senior Assistant Attorney General
3 NANCY A. BENINATI
Supervising Deputy Attorney General
4 AIMEE G. HAMOY
State Bar No. 221228
5 CURTIS HARRIS
State Bar No. 329801
6 Deputy Attorneys General
1515 Clay Street Suite 2000
7 Oakland, CA 94612
Telephone: (510) 879-3429
8 E-mail: Aimee.Hamoy@doj.ca.gov

9 *Attorneys for the People of the State of California*

10
11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SAN DIEGO
14

15
16 **THE PEOPLE OF THE STATE OF**
17 **CALIFORNIA, ex rel. ROB BONTA,**
18 **ATTORNEY GENERAL OF THE STATE**
19 **OF CALIFORNIA,**

Petitioner,

20 v.

21 **CITY OF EL CAJON; CITY OF EL CAJON**
22 **POLICE DEPARTMENT; JEREMIAH**
23 **LARSON, in his official capacity as the**
24 **Chief of Police for City of El Cajon; DOES 1**
25 **through 20, INCLUSIVE,**

26 Respondents.
27
28

*Exempt from Payment of Filing Fee
Pursuant to Gov. Code, § 6103*

Case No. 25CU053437C

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PETITION FOR WRIT OF MANDATE
AND FOR INJUNCTIVE AND
DECLARATORY RELIEF**

(Civ. Proc. Code, §§ 1060, 1085)

Date: February 19, 2026
Time: 10:30 a.m.
Dept: C-68
Judge: Hon. Richard Whitney

Action Filed: October 3, 2025

TABLE OF CONTENTS

	Page
Introduction	6
Factual Background	6
I. Automated License Plate Recognition Technology	6
II. ALPR Data Privacy Law - Civil Code Section 1798.90.5 Et Seq.	8
III. The Attorney General’s Information Bulletin.....	9
IV. El Cajon’s ALPR Data Sharing.....	10
Legal Argument	11
I. The Plain Meaning of SB 34 Prohibits Sharing ALPR Data Out-of-State	11
II. California Law Prohibits Sharing ALPR Data with Out-Of-State and Federal Agencies, and El Cajon’s Refusal to Comply with State Law Warrants Mandamus	15
A. El Cajon’s ongoing noncompliance with SB 34 violates the clear, beneficial rights of California residents	16
B. There is no plain, speedy, and adequate remedy to El Cajon’s refusal to comply with state law without mandamus	18
III. Respondents’ Misinterpretation of State Law Warrants Declaratory Relief	18
Conclusion	19

TABLE OF AUTHORITIES

Page

CASES

<i>Ailanto Properties, Inc. v. City of Half Moon Bay</i> (2006) 142 Cal.App.4th 572	14
<i>Alameda County Land Use Assn. v. City of Hayward</i> (1995) 38 Cal.App.4th 1716	18
<i>Austin v. Dep't of Motor Vehicles</i> (1988) 203 Cal.App.3d 305.....	15
<i>Californians for Native Salmon Etc. Ass'n v. Dep't of Forestry</i> (1990) 221 Cal.App.3d 1419.....	18
<i>County of San Diego v. State of California</i> (2008) 164 Cal.App.4th 580	15
<i>Curle v. Superior Court</i> (2001) 24 Cal.4th 1057	12
<i>Dr. Leevil, LLC v. Westlake Health Care Ctr.</i> (2018) 6 Cal.5th 474	11
<i>Green v. Obledo</i> (1981) 29 Cal.3d 126	16
<i>In re Marriage of Harris</i> (2004) 34 Cal.4th 210	11
<i>James v. State of California</i> (2014) 229 Cal.App.4th 130	15
<i>Martin v. THI E-Commerce, LLC</i> (2023) 95 Cal.App.5th 521	14
<i>Morris v. Harper</i> (2001) 94 Cal.App.4th 52	16
<i>People ex rel. Bonta v. City of Huntington Beach</i> (2025) 338 Cal.Rptr.3d 644	15
<i>People ex rel. Bonta v. County of Lake</i> (2024) 105 Cal.App.5th 1222	15
<i>People v. Canty</i> (2004) 32 Cal.4th 1266	11, 13

TABLE OF AUTHORITIES
(continued)

	<u>Page</u>
<i>Save the Plastic Bag Coalition v. City of Manhattan Beach</i> (2011) 52 Cal.4th 155	16
<i>Smith v. Superior Court</i> (2006) 39 Cal.4th 77	11, 12
<i>Sullivan v. Oracle Corp.</i> (2011) 51 Cal.4th 1191	13
<i>Tan v. Super. Ct. of San Mateo County</i> (2022) 76 Cal.App.5th 130	13
<i>Venice Town Council v. City of L.A.</i> (1996) 47 Cal.App.4th 1547	18, 19
<i>Walker v. County of Los Angeles</i> (1961) 55 Cal.2d 626	15, 18
<i>Weinstein v. County of Los Angeles</i> (2015) 237 Cal.App.4th 944	12
<i>Zeitlin v. Arnebergh</i> (1963) 59 Cal.2d 901	19
 STATUTES	
Civil Code	
§ 1798.90.5	6, 19
§ 1798.90.5(c)	9
§ 1798.90.5 et seq.	6, 8, 9
§ 1798.90.5(f)	9, 12, 14, 16
§ 1798.90.51(a)	9
§ 1798.90.51(b)	9
§ 1798.90.55(b)	6, 9, 12, 16
 Code of Civil Procedure	
§ 1085	15
§ 1086	16, 18
 Streets and Highways Code	
§ 31490	9
 CONSTITUTIONAL PROVISIONS	
Fourth Amendment	8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF AUTHORITIES
(continued)

	<u>Page</u>
California Constitution, Article V, § 13	9, 17

INTRODUCTION

California law prohibits local law enforcement entities from sharing Automated License Plate Recognition (ALPR) data with out-of-state agencies. The El Cajon Police Department (El Cajon PD) violates this law. In 2015, California passed Senate Bill (SB) 34 to address data captured by ALPR technology. (See Civ. Code, § 1798.90.5.) Civil Code section 1798.90.5, et seq. requires California law enforcement agencies to limit the collection, storage, and sharing of ALPR data. Specifically, California law enforcement agencies who collect ALPR data may only share that data with California public agencies. (Civ. Code, § 1798.90.55, subd. (b).)

El Cajon PD admittedly shares its ALPR data with out-of-state law enforcement agencies. Despite the Attorney General's efforts to seek compliance, the City of El Cajon refuses to stop this practice that violates California law. The Attorney General, on behalf of the People of the State of California (Petitioner), filed this action against the City of El Cajon, the City of El Cajon Police Department, and Jeremiah Larson in his official capacity as Chief of Police (Respondents). Petitioner seeks a judgment 1) directing Respondents to cease sharing their ALPR data with out-of-state agencies in violation of California law, 2) declaring that Civil Code section 1798.90.5, et seq. prohibits sharing ALPR data with federal and out-of-state agencies, and 3) permanently enjoining Respondents from sharing ALPR data with federal and out-of-state agencies absent a lawful court order.

FACTUAL BACKGROUND

I. AUTOMATED LICENSE PLATE RECOGNITION TECHNOLOGY

ALPR technology uses computer-controlled camera systems mounted at various locations, including streetlights and freeway overpasses, to scan all license plate numbers that come into view. (Cal. State Auditor (State Auditor Report), *Automated License Plate Readers* (Feb. 2020) p. 7 <<https://information.auditor.ca.gov/pdfs/reports/2019-118.pdf>> [as January 9, 2026] and Request for Judicial Notice, attached as Exhibit 6) ALPR technology also photographs the rear of any vehicle and records the location, date, and time of vehicles captured by the system. (Roberts and Casanova, *Automated License Plate Reader Systems: Policy and Operational Guidance for Law Enforcement* (2012) International Association of Chiefs of Police, p. 1

1 <https://www.theiacp.org/sites/default/files/IACP_ALPR_Policy_Operational_Guidance.pdf> [as
2 of January 13, 2026].) The ALPR system then stores the images, plate numbers, and dates, times,
3 and locations of the image captured in a searchable database. (State Auditor Report, *supra*, at p.
4 7.) While “the primary focus of each image is the license plate, the image may also show part of
5 the vehicle itself, including individuals within the vehicle, depending on the camera’s position.”
6 (*Ibid.*) Further, the sharing of images from other jurisdictions enables agencies to search a
7 broader area, such as across county and state lines. (*Ibid.*)

8 California law enforcement agencies use ALPR technology and share ALPR data. The
9 exact number of California law enforcement agencies that currently use ALPR technology is
10 unclear, but as of 2020, at least 230 law enforcement agencies use such technology. (State
11 Auditor Report, *supra*, at p. 4-5.) Data captured using ALPR technology has been used for
12 legitimate law enforcement purposes, including assisting law enforcement agencies in
13 investigating criminal conduct. (*Id.* at p. 8-9.) This includes matching captured license plates with
14 hot lists that relate to potential missing persons, warrants, and stolen vehicles. (*Ibid.*)

15 At the same time, however, ALPR data raises serious privacy concerns because of its ability
16 to capture and track the movements of anyone who passes through a given area, thereby creating
17 a database with millions of images, including individuals in vulnerable circumstances, such as
18 undocumented individuals or people seeking reproductive care. (Electronic Frontier Foundation,
19 *Data Driven: What is ALPR* (Oct. 1, 2023) <<https://www.eff.org/pages/what-alpr>> [as of January
20 9, 2026].) For example, ALPR data can track a vehicle across several locations, including from a
21 person’s home to a workplace, to a medical provider office that provides abortion care, and then
22 back again. (State Auditor Report, *supra*, at p. 13, 34-35.) When agencies across various
23 jurisdictions share this ALPR data, in aggregate, a vehicle’s location can then be mapped and
24 followed not just within a single city, but throughout the county or even state of California. And,
25 in the case of El Cajon, because they are sharing this sensitive data beyond California’s borders,
26 the data can be accessed nationwide. (City of El Cajon Flock Transparency Portal
27 <<https://transparency.flocksafety.com/-el-cajon-pd-ca>> [as of January 19, 2026] and Declaration
28 of Aimee G. Hamoy (Hamoy Decl.), attached as Exhibit 2.) Further, some law enforcement

1 agencies collect and maintain ALPR data for up to one year, thereby creating a massive database
2 of searchable ALPR information. (San Jose Police Department Flock Transparency Portal
3 <<https://transparency.flocksafety.com/san-jose-ca-pd>> [as of January 19, 2026] and Hamoy Decl.,
4 attached as Exhibit 5.) Privacy rights advocates have challenged ALPR data collection as
5 unlawful surveillance in violation of the Fourth Amendment and California privacy laws.
6 (Request for Judicial Notice, Exhibits 7 and 8.)

7 In February 2020, the California State Auditor published a report about its audit of law
8 enforcement agencies' use of ALPRs. The California State Auditor determined that law
9 enforcement agencies "must better protect individuals' privacy through ensuring that their
10 policies reflect state law," including by "improv[ing] their ALPR data security, mak[ing] more
11 informed decisions about sharing their ALPR data, and expand[ing] their oversight of ALPR
12 users." (State Auditor Report, *supra*, at p. 2-4.) The State Auditor found that "ALPR systems may
13 contain data beyond license plate images," including "names, addresses, dates of birth, and
14 criminal charges." (*Id.* at p. 18.) As noted in the State Auditor's Report, nearly all the ALPR
15 images stored were unrelated to criminal investigations: "99.9 percent of the 320 million images
16 Los Angeles stores are for vehicles that were not on a hot list when the image was made." (State
17 Auditor Report, *supra*, at p. 1-2.) Another privacy concern highlighted in the State Auditor report
18 was the failure of agencies to properly protect data within their ALPR systems, such as data that
19 "may be categorized as criminal justice information" and data that "may originate from the
20 California Law Enforcement Telecommunications System (CLETS)," which is maintained by the
21 California Department of Justice (DOJ). (*Id.* at p. 2.) "State law requires these agencies to
22 maintain reasonable security procedures and practices to protect ALPR data from unauthorized
23 access, destruction, use, modification, or disclosure." (*Ibid.*) Sharing of data must consider
24 individual privacy as each "authorized share exposes the ALPR images to greater risk of misuse."
25 (*Id.* at p. 25.)

26 **II. ALPR DATA PRIVACY LAW - CIVIL CODE SECTION 1798.90.5 ET SEQ.**

27 In 2015, the California Legislature passed SB 34 to limit the collection, storage, and use of
28 ALPR data, including by restricting the sharing of ALPR data with federal and out-of-state

1 agencies. (See Civ. Code, §1798.90.5, et seq.)¹ These restrictions require ALPR operators² to
2 protect ALPR information from “unauthorized access, destruction, use, modification, or
3 disclosure” by maintaining security procedures and practices, including “operational,
4 administrative, technical, and physical safeguards.” (Civ. Code, § 1798.90.51, subd. (a).) ALPR
5 operators are also required to “implement a usage and privacy policy” that protects ALPR
6 information in a manner “consistent with respect for individuals’ privacy and civil liberties.”
7 (Civ. Code, § 1798.90.51, subd. (b).)

8 Regarding the sharing of ALPR data, “[a] public agency shall not sell, share, or transfer
9 ALPR information, except to another public agency, and only as otherwise permitted by law.”
10 (Civ. Code § 1798.90.55, subd. (b).) A “public agency” is defined as “the state, any city, county,
11 or city and county, or any agency or political subdivision of the state or a city, county, or city and
12 county, including, but not limited to, a law enforcement agency.” (Civ. Code, § 1798.90.5, subd.
13 (f).) The definition of public agency does not include federal or out-of-state agencies.

14 **III. THE ATTORNEY GENERAL’S INFORMATION BULLETIN**

15 Pursuant to Article V, Sec. 13 of the California Constitution, the Attorney General is “the
16 chief law officer of the State” with the duty of ensuring the “laws of the State are uniformly and
17 adequately enforced.” Moreover, “[w]henever in the opinion of the Attorney General any law of
18 the State is not being adequately enforced in any county, it shall be the duty of the Attorney
19 General to prosecute any violations of law of which the superior court shall have jurisdiction, and
20 in such cases the Attorney General shall have all the powers of a district attorney.” (*Ibid.*)

21 Pursuant to the Attorney General’s constitutional duties, the Attorney General published
22 Information Bulletin No. 2023-DLE-06 (Bulletin), dated October 27, 2023, providing guidance
23 on SB 34 regarding ALPR data collection and use. (Hamoy Decl., attached as Exhibit 1.) The
24 Bulletin was addressed to all California state and local law enforcement agencies and was issued
25

26 ¹ References to SB 34 and Civil Code section 1798.90.5 et seq. are used interchangeably
throughout this brief.

27 ² An “ALPR operator” is a person, public entity, or business “that operates an ALPR
28 system, but does not include a transportation agency when subject to Section 31490 of the Streets
and Highways Code.” (Civ. Code, § 1798.90.5, subd. (c).)

1 to “to ensure that the storage, collection, sharing, and use of this information is consistent with
2 California law.” (*Id.* at p. 1.) It advised that “public agency” does not include out-of-state or
3 federal law enforcement agencies, and therefore California’s state and local law enforcement
4 agencies may not share ALPR data with federal and out-of-state law enforcement agencies.³ (*Id.*
5 at pp. 2-3.)

6 **IV. EL CAJON’S ALPR DATA SHARING**

7 El Cajon PD uses Flock Safety, a Georgia-based ALPR provider that serves over 5,000 law
8 enforcement agencies nationwide. (El Cajon Police Department < <https://perma.cc/R7EU-RM74>>
9 [as of January 16, 2026]; Flock Safety LPR Cameras< <https://perma.cc/KBN8-5X7L>> [as of
10 January 16, 2026].) Flock Safety facilitates ALPR data sharing between law enforcement
11 agencies who are part of its network, including law enforcement agencies at the local, state, and
12 federal level. (Flock Safety LPR Cameras < <https://perma.cc/KBN8-5X7L>> [as of January 16,
13 2026].)

14 Flock Safety has privacy settings that would enable El Cajon PD to comply with California
15 law. Flock Safety is the vendor for many California law enforcement agencies who manage and
16 protect the privacy of their ALPR data by selecting privacy settings within Flock Safety to limit
17 ALPR data sharing to California public agencies. El Cajon PD’s online Transparency Portal on
18 the Flock Safety website includes a list of external organizations granted access to El Cajon PD’s
19 ALPR data. (Hamoy Decl., attached as Exhibit 2.) According to Flock Safety, El Cajon PD shares
20 ALPR data with out-of-state law enforcement agencies, including those in Alabama, Minnesota,
21 Ohio, and Texas. (*Ibid.*) Once Californian’s ALPR data is shared with external agencies, those
22 external agencies can then funnel that data to federal agencies and other states. (State Auditor
23 Report, *supra*, at pp. 23-27.)

24
25 ³ On September 17, 2025, the California Legislature enrolled Senate Bill (SB) No. 274
26 (2025-2026 Reg. Session), which contained amendments to SB 34, including that an “agency may
27 manually implement agency to agency sharing with other California state law enforcement
28 agencies only as authorized by Department of Justice General Order 2023-05.” (Request for
Judicial Notice, attached as Exhibit 13.) There was also a component of the statute that the
Attorney General would conduct audits of agency ALPR searches. (*Ibid.*) While SB 274 was
ultimately vetoed by the Governor on budgetary grounds, the Legislature’s ratification of the
Attorney General’s interpretation of SB 34 supports that it is correct.

1 In August 2024, the Attorney General sent a letter to El Cajon PD, reiterating California's
2 ALPR data sharing restrictions and emphasizing that sharing ALPR data with out-of-state or
3 federal agencies violates the law. (Hamoy Decl., attached as Exhibit 3.) On June 25, 2025, the
4 Attorney General's office held a telephone meeting with the City Attorney for El Cajon to
5 reiterate that sharing ALPR data outside of California is prohibited. (Declaration of Nancy A.
6 Beninati at ¶ 1.) On August 21, 2025, DOJ sent El Cajon a follow up letter asking for
7 confirmation that it would stop sharing ALPR data outside of California and requested a response
8 by September 12, 2025. (Hamoy Decl., attached as Exhibit 4.) El Cajon did not respond. (Hamoy
9 Decl. at ¶ 7.)

10 El Cajon erroneously claims it can share ALPR data with out-of-state agencies. (Beninati
11 Decl. at ¶ 1 and Respondents' Answer to Petition for Writ of Mandate ¶¶ 12-14.) El Cajon PD
12 continues to share its ALPR data with over 100 state and local agencies outside of California,
13 including granting access to Brevard County Sheriff's Officer (Florida), Shelby County Sheriff's
14 Office (Tennessee), Bloomfield Police Department (New Mexico); Covington Police Department
15 (Louisiana), and North Charleston Police Department (South Carolina). (Hamoy Decl., attached
16 as Exhibit 2.) This lawsuit followed.

17 LEGAL ARGUMENT

18 I. THE PLAIN MEANING OF SB 34 PROHIBITS SHARING ALPR DATA OUT-OF-STATE

19 In statutory interpretation cases, courts seek to "ascertain and effectuate the intended
20 legislative purpose" of the statute at issue. (*Dr. Leevil, LLC v. Westlake Health Care Ctr.* (2018) 6
21 Cal.5th 474, 478.) Courts begin this analysis by examining the statutory language, giving the
22 words their usual and ordinary meaning. (*Smith v. Super. Ct.* (2006) 39 Cal.4th 77, 83.) As they
23 do so, courts construe the language "in the context of the statute as a whole and the overall
24 statutory scheme," while "giv[ing] significance to every word, phrase, sentence, and part of an act
25 in pursuance of the legislative purpose." (*People v. Canty* (2004) 32 Cal.4th 1266, 1276.) Courts
26 avoid "constru[ing] statutes in isolation," and instead "read every statute with reference to the
27 entire scheme of law . . . so that the whole may be harmonized and retain effectiveness." (*In re*
28 *Marriage of Harris* (2004) 34 Cal.4th 210, 222.)

1 If the terms of a statute are clear, courts presume the lawmakers meant what they said, and
2 therefore the plain meaning of the language governs. (*Curle v. Superior Court* (2001) 24 Cal.4th
3 1057, 1063.) When the terms of a statute are ambiguous, courts look to extrinsic sources,
4 including the legislative purpose and the statute’s legislative history. (*Smith, supra*, 39 Cal.4 at
5 pp. 77, 83.) Ultimately, courts must “select the construction that comports most closely with the
6 apparent intent of the Legislature, with a view to promoting rather than defeating the general
7 purpose of the statute, and avoid an interpretation that would lead to absurd consequences.”
8 (*Weinstein v. County of Los Angeles* (2015) 237 Cal.App.4th 944, 966, quoting *Estate of*
9 *Griswold* (2001) 25 Cal.4th 904, 910–911.)

10 Here, the plain meaning of SB 34 prohibits El Cajon PD from sharing ALPR data with out-
11 of-state or federal agencies. SB 34 provides that “[a] public agency shall not sell, share, or
12 transfer ALPR information, except to another public agency, and only as otherwise permitted by
13 law.” (Civ. Code, § 1798.90.55, subd. (b).) SB 34 defines “public agency” narrowly, to the
14 exclusion of out-of-state and federal agencies. The term is defined to mean: “the state, any city,
15 county, or city and county, or any agency or political subdivision of the state or a city, county, or
16 city and county, including, but not limited to, a law enforcement agency.” (Civ. Code, §
17 1798.90.5, subd. (f).) This definition contains two clauses. The first covers “*the* state, any city,
18 county, or city and county,” meaning California’s state and local governments. (Emphasis added.)
19 The second covers “any agency or political subdivision of *the* state or a city, county, or city and
20 county, including, but not limited to, a law enforcement agency,” meaning any agency or political
21 subdivision of California’s state and local governments. Nowhere does this definition encompass
22 out-of-state or federal agencies.

23 Other provisions of SB 34 support this reading. (See *Smith, supra*, 39 Cal.4th at p. 83
24 [courts “read every statute with reference to the entire scheme of law of which it is part so that the
25 whole may be harmonized and retain effectiveness,” quotations omitted].) For example, Section
26 1798.90.55, subdivision (a) provides that “[a] public agency that operates or intends to operate an
27 ALPR system shall provide an opportunity for public comment at a regularly scheduled public
28 meeting of the governing body of the public agency before implementing the program.” Because

1 California cannot mandate public hearings *outside of California*, the term “public agency” must
2 be limited to California and its local governments and agencies. (See *Sullivan v. Oracle Corp.*
3 (2011) 51 Cal.4th 1191, 1207 [under “presumption against extraterritoriality,” courts “presume
4 the Legislature did not intend a statute to be operative, with respect to occurrences outside the
5 state,” quotations omitted].) Accordingly, this Court should find that Section 1798.90.5 covers
6 only the State of California and those localities and agencies within its regulatory authority.

7 While the Court can resolve this dispute based solely on the plain language of SB 34,
8 legislative history also supports this reading. (*Tan v. Super. Ct. of San Mateo County* (2022) 76
9 Cal.App.5th 130, 136 [“the most reliable indicator of legislative intent is the words of the
10 statute.”])

11 The Legislature intended SB 34 to impose much-needed privacy protections on ALPR data
12 use and sharing. (See, e.g., Assem. Com. on Transportation, analysis of Sen. Bill 34 (2015-2016
13 Reg. Sess.) as amended April 22, 2015, p. 6 [“SB 34 aims to establish a minimal set of privacy
14 standards for personal data collected by a person or entity using ALPR technology”]; Assem.
15 Com. on Privacy & Consumer Protection, analysis of Sen. Bill 34 (2015-2016 Reg. Sess.) as
16 amended July 2, 2015, p. 11 [discussing “[p]rivacy concerns related to the use of ALPR
17 systems”]; Sen. Rules Com., Off. of Sen. Floor Analyses, analysis of Sen. Bill 34 (2015-2016
18 Reg. Sess.) as amended Sept. 1, 2015, p. 5-6 [discussing “[p]rivacy concerns”]; Assem. Floor
19 Analyses, analysis of Sen. Bill 34 (2015-2016 Reg. Sess.) as amended Sept. 1, 2015, p. 7 [“The
20 author introduced this bill to institute a number of usage and privacy standards for the operation
21 of ALPR systems within the state.”], attached to Request for Judicial Notice Exhibits 9-12.) If an
22 agency, like El Cajon, shares its ALPR data with out-of-state agencies, that data is no longer
23 protected in the manner required under California law. The Court therefore should read Section
24 1798.90.5 “in pursuance of [this] legislative purpose,” or in a manner that will best effectuate the
25 Legislature’s efforts to establish meaningful privacy protections. (*Canty, supra*, 32 Cal.4th at p.
26 1276.)

27 Furthermore, legislative history reveals that the Legislature deliberately chose to use the
28 definite article in Section 1798.90.5 with reference to “the state,” evidencing the Legislature’s

1 intention to limit ALPR data sharing to agencies within the State. As amended in the Senate on
2 April 9, 2014, SB 893, the predecessor to SB 34, defined the term “public agency” to mean
3 “every state agency and every local agency,” leaving some ambiguity as to whether the term was
4 limited to the State of California and its local agencies. (Sen. Bill No. 893 (2013-2014 Reg. Sess.)
5 § 1.) While SB 34 contained the same definition when it was introduced in 2015, it was
6 subsequently amended in the Assembly to clarify that “public agency” refers to “*the state*”—i.e.,
7 California—and its local governments and agencies. (Civ. Code § 1798.90.5, subd. (f) [emphasis
8 added]; Sen. Bill No. 34 (2015-2016 Reg. Sess.) as amended July 2, 2015.)

9 Subsequent legislative history further confirms the Attorney General has correctly
10 interpreted “public agency” to exclude out-of-state agencies. On September 17, 2025, the
11 California Legislature enrolled SB 274, which contained amendments to SB 34. One amendment
12 confirmed that an “agency may manually implement agency to agency sharing with other
13 California state law enforcement agencies only as authorized by Department of Justice General
14 Order 2023-05.” (Request for Judicial Notice, attached as Exhibit 13.) There was also a
15 component of the statute that the Attorney General would conduct audits of agency ALPR
16 searches. (*Ibid.*) While the Governor ultimately vetoed SB 274 on budgetary grounds, the
17 Legislature’s ratification of the Attorney General’s interpretation of SB 34 supports that it is
18 correct. (See, e.g., *Ailanto Properties, Inc. v. City of Half Moon Bay* (2006) 142 Cal.App.4th 572,
19 589, fn. 13 (2006) [“We may properly rely on the legislative history of subsequent enactments to
20 clarify the Legislature's intent regarding an earlier enacted statute.”]; see also *Martin v. THI E-*
21 *Commerce, LLC* (2023) 95 Cal.App.5th 521, 534 [relying on subsequent legislative history to
22 interpret congressional intent].)

23 Simply put, the plain meaning of “public agency”—particularly when read in harmony with
24 the rest of SB 34, the Legislature’s intent behind the bill, and legislative history—confirms that
25 out-of-state law enforcement agencies do not meet the definition of “public agency.” Therefore,
26 the Court should issue an order directing Respondents to stop out-of-state sharing of ALPR data.
27
28

1 **II. CALIFORNIA LAW PROHIBITS SHARING ALPR DATA WITH OUT-OF-STATE AND**
2 **FEDERAL AGENCIES, AND EL CAJON’S REFUSAL TO COMPLY WITH STATE LAW**
3 **WARRANTS MANDAMUS**

4 Petitioner seeks a writ of mandate to compel Respondents to align their policies,
5 procedures, and practices for sharing sensitive ALPR data with state law. Respondents violate
6 state law by sharing ALPR data with out-of-state agencies. In addition, sharing with out-of-state
7 agencies may lead to those agencies sharing of California data with federal agencies, which El
8 Cajon agrees is prohibited under SB 34.

9 A writ of mandate is an equitable remedy which may be issued by a court “to compel the
10 performance of an act which the law specially enjoins, as a duty resulting from an office, trust, or
11 station.” (Code Civ. Proc., § 1085.) A writ of mandate is available when the following three
12 conditions are met: 1) the respondent is failing to perform a ministerial duty; 2) the petitioner has
13 a clear, present, and beneficial right to performance of that duty; and 3) there is no plain, speedy,
14 and adequate alternative remedy in the absence of mandamus. (*James v. State of California*
15 (2014) 229 Cal.App.4th 130, 136.) It is well-established that the Attorney General may obtain a
16 writ of mandate to redress a local jurisdiction’s violation of state law. (See, e.g. *People ex rel.*
17 *Bonta v. City of Huntington Beach* (2025) 338 Cal.Rptr.3d 644, 653 [reversing denial of writ of
18 mandate when city’s voter identification requirement violated state law]; *People ex rel. Bonta v.*
19 *County of Lake* (2024) 105 Cal.App.5th 1222, 1240 [affirming trial court’s order granting writ of
20 mandate when county’s approval of mixed development project violated state environmental
21 laws].) El Cajon’s duty to restrict its sharing of ALPR data is ministerial.

22 Respondents have a mandatory duty to comply with California privacy laws that protect
23 and limit sharing ALPR data outside of California. A ministerial act is an act that a public officer
24 or entity is required to perform pursuant to an established legal authority. (*County of San Diego v.*
25 *State of California* (2008) 164 Cal.App.4th 580, 593.) Courts consider the presence of language
26 such as “shall” in analyzing whether a rule or regulation expresses a mandatory duty. (*Walker v.*
27 *County of Los Angeles* (1961) 55 Cal.2d 626, 634 [finding that county charter’s use of the
28 language “shall, in each instance” conferred a compulsory or mandatory obligation]; *Austin v.*
Dep’t of Motor Vehicles (1988) 203 Cal.App.3d 305, 309 [“The word ‘shall’ is ordinarily used in

1 laws, regulations, or directives to express what is mandatory.”].) In such cases, discretion is
2 unavailable, and the public officer’s “judgment or opinion concerning such act’s propriety or
3 impropriety” is irrelevant. (*Morris v. Harper* (2001) 94 Cal.App.4th 52, 62.)

4 Here, SB 34 sets forth mandatory obligations and duties for California public agencies that
5 are stewards of ALPR systems and data. A California public agency “shall not sell, *share*, or
6 *transfer* ALPR information,” except to another California public agency unless otherwise
7 permitted by law. (Civ. Code, § 1798.90.55, subd. (b) (emphasis added); see also Civ. Code,
8 § 1798.90.5, subd. (f).) The statute does not empower agencies with any discretion to determine
9 whether out-of-state data sharing is permissible, nor are agencies empowered to expand the
10 definition of “public agencies” to otherwise allow for out-of-state data sharing. Instead, as the
11 language makes clear, the specific obligations and duties imposed on Respondents are mandatory
12 and afford no discretion. As such, Respondents’ continued refusal to adhere to these ministerial
13 duties warrants mandamus.

14 **A. El Cajon’s ongoing noncompliance with SB 34 violates the clear, beneficial**
15 **rights of California residents**

16 The Attorney General properly seeks a writ of mandate because California residents are
17 entitled to protection of their privacy rights under California law. A party must be beneficially
18 interested to seek a writ of mandate. (Code Civ. Proc., § 1086.) Generally, this requirement is
19 fulfilled when a petitioner asserts a “special interest to be served or some particular right to be
20 preserved or protected over and above the interest held in common with the public at large.”
21 (*Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 165.) Courts
22 have also recognized a “public right/public duty” exception and found that there exists a
23 sufficient interest for a writ of mandate “where the question is one of public right and the object
24 of the mandamus is to procure the enforcement of a public duty.” (*Id.* at p. 166 [finding that
25 plaintiff was beneficially interested under public right/public duty exception sufficient to seek
26 writ of mandate when city ordinance would potentially increase damage to the environment];
27 *Green v. Obledo* (1981) 29 Cal.3d 126, 144 [finding that the public duty exception “promotes the
28

1 policy of guaranteeing citizens the opportunity to ensure that no governmental body impairs or
2 defeats the purpose of legislation establishing a public right”].)

3 El Cajon’s refusal to follow California law by impermissibly sharing ALPR data falls
4 within the public duty exception and qualify as a “particular right to be preserved.” Respondents’
5 sharing of Californians’ ALPR data with out-of-state agencies directly violates its mandatory
6 duties under Section 1798.90.55 and intrudes upon the privacy rights of California residents. As
7 discussed above, the data collected through ALPR systems reveal the individual movements of
8 California residents, including their driving patterns and locations of residences, places of
9 worship, workplaces, medical providers, and schools. California law regulates how this data can
10 be used, but if agencies like El Cajon share that data out of state, the data is no longer protected
11 by California law. Out-of-state sharing affects the daily lives of Californians and causes fear of
12 surveillance and tracking by both federal and out-of-state agencies. (See e.g., KQED, *As Federal*
13 *Surveillance Grows, Santa Cruz Axes Powerful License Plate Readers* (January 16, 2026)
14 < <https://www.kqed.org/news/12070036/12070036> > [explaining that the city of Santa Cruz
15 ceased its ALPR contract, that out-of-state agencies shared ALPR data with federal law
16 enforcement, and that “many worry the powerful data gathered by these surveillance tools could
17 end up in the wrong hands”].) Consequently, this lawsuit, filed on behalf of the People of
18 California, seeks to ensure the public safety of Californians and compel El Cajon to perform its
19 statutory duty to protect sensitive ALPR data because these rights fall within the public
20 right/public duty exception.

21 Second, the Attorney General is uniquely empowered by the California Constitution to take
22 those actions necessary to see that all the laws of the State are uniformly and adequately enforced
23 for the protection of public rights and interests. (Cal. Const., art. V, § 13.) This extends to taking
24 actions necessary to ensure that state and local agencies are uniformly and adequately enforcing
25 the law. Because of this special interest in the unlawful conduct at issue, a writ of mandate is
26 further warranted.

1 **B. There is no plain, speedy, and adequate remedy to El Cajon’s refusal to**
2 **comply with state law without mandamus**

3 A writ of mandate is unavailable when a plain, speedy, alternative remedy exists. (Code
4 Civ. Proc., § 1086.) Here, the conduct at issue is Respondents’ unlawful sharing of sensitive
5 ALPR data with out-of-state agencies. According to the El Cajon Flock Transparency Portal for
6 El Cajon’s ALPR system, over 682,000 vehicles have been detected in the last 30 days and this
7 data is accessible to over 100 agencies outside of California. (Exhibit 2.) Once an out-of-state
8 agency has accessed and obtained ALPR data from El Cajon, California has no control over how
9 that data is shared. Stated differently, once the data leaves California, it has no protection and can
10 easily be disseminated in violation of California law.

11 In circumstances such as this, where the harm at stake is the widespread disclosure of
12 Californians’ private data, the immediate cessation of Respondents’ unlawful ALPR practices is
13 the only remedy available that accomplishes the goal of rectifying Respondents’ ongoing
14 unlawful data sharing. Accordingly, a writ of mandate to compel Respondents to do so is
15 warranted.

16 **III. RESPONDENTS’ MISINTERPRETATION OF STATE LAW WARRANTS DECLARATORY**
17 **RELIEF**

18 In addition to issuing a writ of mandamus, declaratory relief is also proper here to ensure
19 that El Cajon PD and other law enforcement entities comply with state law by declaring that
20 Section 1798.90.55 prohibits sharing ALPR data with federal and out-of-state agencies.

21 Declaratory relief is an equitable remedy which serves the purpose of “liquidating
22 uncertainties and controversies which might result in future litigation.” (*Walker, supra*, 55 Cal.2d
23 at p. 637.) Declaratory relief must be granted when the facts alleged demonstrate that an actual
24 controversy relating to the legal rights and duties of the parties exists, and the Court is requested
25 to adjudge those rights and duties. (*Venice Town Council v. City of L.A.* (1996) 47 Cal.App.4th
26 1547, 1552.) Any doubt should be resolved in favor of granting declaratory relief. (*Californians*
27 *for Native Salmon Etc. Ass’n v. Dep’t of Forestry* (1990) 221 Cal.App.3d 1419, 1422.)

28 A fundamental disagreement regarding the construction of a law represents an actual
controversy within the meaning of Code of Civil Procedure section 1060. (See, e.g., *Alameda*

1 *County Land Use Assn. v. City of Hayward* (1995) 38 Cal.App.4th 1716, 1723 [finding that
2 declaratory relief was warranted when plaintiff alleged that multiple provisions in city's
3 memorandum of understanding impermissibly abnegated city's governmental and administrative
4 powers]; *Zeitlin v. Arnebergh* (1963) 59 Cal.2d 901, 907-908 [finding that declaratory relief was
5 warranted when plaintiff alleged dispute regarding whether particular book fell within definition
6 of "obscene" under criminal statute represented an actual controversy].) In such cases, the parties'
7 dueling interpretations of their responsibilities under a statute would likely result in recurring
8 issues, and thus judicial economy would strongly favor the use of declaratory relief to avoid a
9 multiplicity of lawsuits challenging the disputed statutory interpretations. (*Venice Town, supra*,
10 47 Cal.App.4th at p. 1566.)

11 In the present case, the disagreement between the parties is straightforward. The Attorney
12 General interprets Section 1798.90.55 as prohibiting the sharing of ALPR data with non-
13 California entities, including the federal government, whereas Respondents believe the statute
14 permits them to share with out-of-state agencies, but not the federal government. (Respondents'
15 Answer to Petition for Writ of Mandate ¶¶ 12-14.) Respondents' continued misinterpretation has
16 resulted in ongoing and significant violations of California law, to which the Attorney General
17 seeks to put an end. Accordingly, declaratory relief that definitively and conclusively sets forth
18 the parties' legal rights and obligations with respect to the prohibition of sharing ALPR data
19 outside of California is necessary to resolve this matter.

20 CONCLUSION

21 Based on the foregoing, Petitioner requests this Court issue a writ of mandamus ordering
22 the City of El Cajon, the El Cajon Police Department, and Chief Jeremiah Larson to follow
23 California law and to cease sharing ALPR data with any out-of-state public agencies in
24 contravention of California law. Petitioner also requests this Court declare that the definition of
25 "public agency" in Civil Code section 1798.90.5 is limited to agencies within the State of
26 California and does not include federal or out-of-state public agencies. Petition further requests
27 this Court permanently enjoin Respondents from sharing ALPR data with federal and out-of-state
28 agencies absent a lawful court order.

1 Dated: January 21, 2026

Respectfully submitted,

2
3 ROB BONTA
Attorney General of California
4 NANCY A. BENINATI
Supervising Deputy Attorney General

5
6
7 /s/ *Aimee G. Hamoy*
AIMEE G. HAMOY
8 Deputy Attorney General
Attorneys for

9 OK2025900271
10 92078155 - signed MPA.docx