No. 25-13913

In the

United States Court of Appeals
for the Eleventh Circuit

Shannon Schemel, et al.,
Plaintiffs-Appellants,

v.

City of Marco Island, Florida,
Defendant-Appellee.

On Appeal from the United States District Court for the Middle District of Florida, Fort Myers Division
No. 2:22-CV-00079 — Hon. Kyle C. Dudek, *District Judge*

BRIEF OF *AMICI CURIAE* STATE OF GEORGIA AND 18 OTHER STATES IN SUPPORT OF DEFENDANT-APPELLEE AND AFFIRMANCE

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Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1, I certify that in addition to the persons identified in the Certificate of Interested Persons and Corporate Disclosure Statement filed by Defendant-Appellee in its brief, the persons listed below are known to have an interest in the outcome of this case:

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STATEMENT OF THE ISSUE

Whether the Fourth Amendment prohibits law enforcement from using automatic license-plate readers on public roadways.

INTRODUCTION AND INTEREST OF *AMICI*

The Fourth Amendment is a bulwark against government intrusion on Americans' private lives. Equally important, it leaves room for state and local governments to ensure public safety—and bring criminals to justice—by "using technology to more efficiently conduct their investigations." *United States v. Gregory*, 128 F.4th 1228, 1243 (11th Cir. 2025). Today, automatic license-plate readers—often called ALPRs—are among the most valuable crime-fighting tools in law enforcement's arsenal. Every day, state and local police use these devices to solve crimes ranging from murder to kidnapping to armed robbery. Indeed, ALPRs enable police departments on opposite ends of the country to coordinate to apprehend fugitives and rescue would-be victims. In short, they help keep our communities safe by deterring crime and putting the worst of the worst behind bars.

Seeking to capitalize on this astounding success—while protecting privacy—Georgia's General Assembly has enacted a statute regulating law enforcement's use of ALPR technology. *See* O.C.G.A. § 35-1-22. Georgia's law sets a maximum retention

period for ALPR data, criminalizes its improper use, shields it from disclosure, and mandates training. *See id.* Georgia is not alone; at least 22 States and the District of Columbia have enacted statutes or rules governing ALPR use by law enforcement and other government entities. *See Automatic License Plate Recognition Systems: Summary of State Laws* 4, Leg. Analysis and Pub. Pol. Ass'n (Sep. 2025), https://tinyurl.com/bdr26zhp.

With this suit, plaintiffs hope to short-circuit that robust democratic process. This Court should decline that dangerous invitation and join the near-unanimous chorus of courts around the country that have rejected Fourth Amendment challenges to ALPR technology. For all the reasons explained in the City's brief and this one, the Fourth Amendment does not place ALPRs beyond the reach of state and local law enforcement. *See* Part I, *infra*. And the stakes of this Court's constitutional inquiry could not be higher: Georgia's experience with ALPR technology, like that of its fellow *amici* States, confirms that stripping our state and local law enforcement of this vital tool would endanger our citizens while emboldening criminals. *See* Part II, *infra*. Few interests are more important to *amici* States—and our people—than the prevention of that outcome. Because nothing in our Constitution compels it, this Court should affirm.

SUMMARY OF ARGUMENT

Decades ago, the Supreme Court correctly recognized that a driver on public roads "has no reasonable expectation of privacy in his movements from one place to another." *United States v. Knotts*, 460 U.S. 276, 281 (1983). And no one can expect to hide his license plate or the other exterior features of his vehicle. *See, e.g.*, *New York v. Class*, 475 U.S. 106, 112–14 (1986). Finally, of course, automatic security cameras are constitutional. *See, e.g.*, *Gregory*, 128 F.4th at 1242. These basic Fourth Amendment principles dispose of this case. Nor, contrary to plaintiffs' constant refrain, can ALPRs begin to replicate the "near perfect," "ankle monitor"-style "surveillance" addressed in *Carpenter v. United States*, 585 U.S. 296, 312 (2018). Instead, as nearly every court faced with this issue has held, ALPRs merely augment traditional methods without generating an invasive "chronicle of a person's physical presence … every day, every moment, over several years." *Id.* at 315.

The consensus among courts has enabled States and localities to strike the proper balance between security and privacy. So far, the results of that democratic process—state laws authorizing but limiting the use of ALPRs—confirm that the technology "promotes public safety without transgressing" expectations of privacy. *See*

Schmidt v. City of Norfolk, 2026 WL 207513, at *16 (E.D. Va. Jan. 27, 2026). Experience has also proven that ALPRs are a vital crime-fighting tool. ALPRs have enabled law enforcement to solve countless crimes, including the worst violent and sexual felonies. Recent examples from Georgia illustrate these well-recognized public-safety benefits. This Court should not erase that progress in the name of the Fourth Amendment. Our Constitution allows state and local governments to responsibly harness "innovation" to "protect[] those most vulnerable to the ravages of crime." *Leaders of a Beautiful Struggle v. Baltimore Police Dep't*, 2 F.4th 330, 353 (4th Cir. 2021) (en banc) (Wilkinson, J., dissenting). This Court should permit the *amici* States to do just that.[1]

ARGUMENT

I. The City's use of ALPRs does not violate the Fourth Amendment.

The Fourth Amendment provides that "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." U.S. Const. amend. IV. An "antecedent question" in any Fourth Amendment case is whether a "'search' has occurred." *Kyllo v.*

[1] The same underlying Fourth Amendment issue is also pending before this Court in *United States v. Slaybaugh*, No. 25-1439.

United States, 533 U.S. 27, 31, 33–34 (2001). "When the Fourth Amendment was adopted, as now, to 'search' meant '[t]o look over or through for the purpose of finding something; to explore; to examine by inspection; as, to *search* the house for a book; to *search* the wood for a thief.'" *Id.* at 32 n.1 (quotation omitted). The Founders primarily sought to preclude searches, such as those supported by "general writs" and "writs of assistance," in which "British officers … rummage[d] through homes … unrestrained." *Carpenter*, 585 U.S. at 303 (quotation omitted).

Under modern doctrine, a "search" occurs when "the government [has] violate[d] a[n] expectation of privacy that society recognizes as reasonable." *Kyllo*, 533 U.S. at 33–34. This case, like other recent applications of that test, implicates "a person's expectation of privacy in [their] physical locations and movements." *Carpenter*, 585 U.S. at 306. The reasonableness of that expectation waxes or wanes depending on the context. On one end of the spectrum, someone "travelling in an automobile on public thoroughfares has no reasonable expectation of privacy in his movements from one place to another." *Knotts*, 460 U.S. at 281. On the other end lies round-the-clock surveillance that "tracks nearly exactly the movements of its owner … beyond public thoroughfares and into private residences, doctor's offices,

political headquarters, and other potentially revealing locales." *Carpenter*, 585 U.S. at 311.

A state or local government's use of ALPR cameras falls decidedly on the constitutional side of that line—as almost every court to consider the question has held. A driver lacks a reasonable expectation of privacy in his "car's license plate and exterior appearance." *See, e.g.*, *United States v. Sturdivant*, 786 F. Supp. 3d 1098, 1107 (N.D. Ohio 2025). And unlike the "near perfect surveillance"—akin to an "ankle monitor"—in *Carpenter*, the use of ALPRs does not implicate a driver's privacy interest in "the *whole* of [his] physical movements." 585 U.S. at 310, 312 (emphasis added). Rather than become the first federal court to adopt plaintiffs' sweeping theory that the installation of ALPRs on public roads categorically violates the Fourth Amendment, this Court should align with the "nearly uniform consensus" on this critical issue.[2] *Scholl v. Ill. State Police*, 776 F. Supp. 3d 701, 720–21 (N.D. Ill. 2025) (Pacold, J.) (collecting cases).

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[2] Plaintiffs repeatedly cite *Schmidt v. City of Norfolk*¸ 2025 WL 410080 (E.D. Va. Feb. 5, 2025), which held that a plaintiff's complaint had adequately alleged that the use of ALPRs *could* constitute a search. Notably, however, the same court reached the opposite conclusion at the summary-judgment stage,

A. Drivers lack a reasonable expectation of privacy in their license plates and public movements.

No Fourth Amendment "search" occurs when law-enforcement officers examine information "voluntarily conveyed" to the public—either with their "naked eyes," or by "augmenting the[ir] sensory faculties … with science and technology." *Knotts*, 460 U.S. at 281–82, 285. Here, that general rule applies to both the images ALPRs capture and to the location information those images can convey to law enforcement.

1. Start with the images ALPRs capture, which reveal a vehicle's license plate and some exterior features. No driver has a reasonable expectation of privacy in "the physical characteristics of [his] automobile." *Class*, 475 U.S. at 112. "A car has little capacity for escaping public scrutiny," since "[i]t travels public thoroughfares" where it is necessarily "in plain view." *Id.* at 112–113. Plus, "automobiles … are subject to pervasive and continuing governmental regulation and controls." *Id.* at 113. So, when an officer moved "papers obscuring the … dashboard" of a car to uncover its vehicle identification number—and discovered a handgun—the Court rejected the defendant's Fourth Amendment claim. *Id.* at 107–08, 113. The Court deemed "unreasonable" any

rejecting the plaintiff's Fourth Amendment claim across the board. *See Schmidt*, 2026 WL 207513, at *12–17.

"expectation of privacy in an object required by law to be located in a place ordinarily in plain view from the exterior of the automobile," and which "plays an important part in the pervasive regulation by the government of the automobile." *Id.* at 113–14.

"'The factors that generally diminish the reasonable expectation of privacy in automobiles are applicable *a fortiori* to' license plates." *Scholl*, 776 F. Supp. 3d at 714 (quoting *Class*, 475 U.S. at 113). "The very purpose of a license plate," like a VIN, "is to provide identifying information to law enforcement officials and others," *United States v. Ellison*, 462 F.3d 557, 561 (6th Cir. 2006), including whether the car is "stolen or otherwise noncompliant with the law," *United States v. Wilcox*, 2009 WL 10671540 (N.D. Ga. Dec. 22, 2009), *adopted*, 2010 WL 11527193 (N.D. Ga. Jan. 27, 2010), *aff'd*, 415 Fed. App'x 990, 992 (11th Cir. 2021). And like VINs, license plates *must* be "in plain view from the exterior of the automobile." *See Class*, 476 U.S. at 114; *see also* Fla. Stat. § 316.605 (requiring license plates to be publicly displayed on Florida vehicles). As such, there is "no privacy interest … in license plates." *United States v. Walraven*, 892 F.2d 972, 974 (10th Cir. 1989); *Olabisiomotosho v. City of Houston*, 185 F.3d 521, 529 (5th Cir. 1999). And while "the interior of an automobile has [some] Fourth Amendment protection," exterior features—which

cannot serve as a "repository of personal effects," *Cardwell v. Lewis*, 417 U.S. 583, 590–91 (1974)—plainly do not.

2. If drivers lack a reasonable expectation of privacy in the images that ALPRs capture, what about the information that "ALPR data reveals about their movements"? *Scholl*, 776 F. Supp. 3d at 715. Once again, precedent provides the answer: "A person travelling in an automobile on public thoroughfares has no reasonable expectation of privacy in his movements," *Knotts*, 460 U.S. at 281, because "[w]hat a person knowingly exposes to the public ... is not a subject of Fourth Amendment protection," *Katz v. United States*, 389 U.S. 347, 351 (1967).

When a driver chooses to travel on "public streets," he has "voluntarily conveyed … the fact that he was travelling over particular roads in a particular direction, the fact of whatever stops he made, and the fact of his final destination when he exited from public roads onto private property." *Knotts*, 460 U.S. at 281–82. The facts of *Knotts* illustrate this principle in action. There, officers used a radio-transmitter device (a "beeper") to track the location of a suspect's car. *Id.* at 277. Officers followed the beeper's signal as Knotts navigated by public roads to his cabin, which contained a drug lab. *Id.* at 278–79. The Court held that no Fourth Amendment "search" occurred the because the location

of the suspect's vehicle and cabin could have been discovered through "visual surveillance from public places." *Id.* at 282.

Plaintiffs suggest the Supreme Court retreated from *Knotts* in *United States v. Jones*, 565 U.S. 400 (2012). Opening.Br.17–19. It did not. *Jones* held that the government's installation of a GPS tracker on a suspect's vehicle was a Fourth Amendment "search." 565 U.S. at 404. But the Court did not suggest that Jones had a reasonable expectation of privacy in his public movements—it relied on a distinct line precedent holding that a "search" occurs when the government "engage[s] in physical intrusion of a constitutionally protected area." *Id.* at 407. In *Jones*, "by attaching the [tracker] to the [suspect's vehicle,]" officers did "*more* than conduct a visual inspection"; they "encroached on a protected area." *Id.* at 410 (emphasis in original). That doctrine, grounded in physical trespass, has no application to ALPRs.

To be sure, as plaintiffs emphasize, "five Justices suggested in concurring opinions" that long-term, continuous GPS monitoring of a person's location might constitute a search. *United States v. Brown*, 744 F.3d 474, 476 (7th Cir. 2014). But "*Jones* did not reach that conclusion." *Id.* at 478. And for many of the reasons discussed in Part I.B, *infra*, the use of ALPRs does not replicate the "precise, comprehensive record" of an individual's

whereabouts—and thus, his "familial, political, professional, religious, and sexual associations"—discussed in the separate *Jones* opinions. 565 U.S. at 415 (Sotomayor, J., concurring); *id.* at 430 (Alito, J., concurring in the judgment) ("In this case, for four weeks, law enforcement agents tracked every movement [Jones] made[.]").

Courts continue to reaffirm *Knotts*'s rule. In *United States v. Hammond*, police tracked a suspect's movements on public roads using "real-time" cell-site location information. 996 F.3d 374, 389–90 (7th Cir. 2021). Officers received "pings" from AT&T alerting them to Hammond's location every fifteen minutes for several hours. *Id.* at 381. Hammond travelled on "public, interstate highways and into parking lots within the public's view." *Id.* at 389. But by using this technology to track "Hammond's location in public," rather than "to peer into the intricacies of his private life," the court held, police had not effectuated a search. *Id.* This Court has reached similar conclusions. *See United States v. Davis*, 109 F.4th 1320, 1330 (11th Cir. 2024) (suggesting use of geofence "location information for six public locations and up to one hundred meters around those areas" was not a search); *United States v. Howard*, 858 Fed. App'x 331, 333–34 (11th Cir. 2021) (distinguishing *Carpenter*, and

upholding use of a GPS to track a suspect's truck for 22 hours under *Knotts*).

Like the beeper in *Knotts*, ALPRs can be used to track a driver's public movements more effectively than police "rel[ying] solely on their naked eyes." 460 U.S. at 285. But "the Fourth Amendment does not punish law enforcement for using technology to more efficiently conduct their investigations." *Gregory*, 128 F.4th at 1243 (quotation omitted). ALPRs "merely augment the same sensory faculties that have always been used by" police. *United States v. Martin*, 753 F. Supp. 3d 454, 476 (E.D. Va. 2024). That "does not allow officers to access any previously-unobtainable information; it simply allows them to access information more quickly." *Sturdivant*, 786 F. Supp. 3d at 1108. Simply put, "there is no indication" that the information ALPRs collect "would not [be] visible to the naked eye." *Knotts*, 460 U.S. at 285; *United States v. Toombs*, 671 F. Supp. 3d 1329, 1340–41 (N.D. Ala. 2023) (ALPRs and the beeper in *Knotts* "result in information that could have been obtained from simple surveillance"). When police "could have stationed agents round-the-clock to observe" traffic, the fact "that they instead used a camera … does not make the surveillance unconstitutional." *Gregory*, 128 F.4th at 1243 (quotation omitted).

ALPRs enhance police efficiency in much the same way as pole and security cameras—"conventional surveillance technique[s]" that state and local governments have used "for decades." *Id.* at 1242. That such cameras operate automatically and "non-stop" does not make their use a Fourth Amendment search. *See id.* Unsurprisingly, "no federal circuit court has found a Fourth Amendment search based on long-term use of pole cameras on public property." *Id.* at 1244.

Under longstanding Supreme Court precedent, a driver lacks a reasonable expectation of privacy in his license plate, the exterior of his car, or his public movements on public roadways. As such, the City's installation of ALPRs on such roadways did not amount to a Fourth Amendment "search."

B. Plaintiffs' reliance on *Carpenter* fails.

Faced with this wall of adverse precedent, plaintiffs have one card to play: *Carpenter*. And they play it with gusto, citing the decision at least once on 30 pages of their 52-page brief. In fairness, that single-mindedness is understandable: Courts faced with Fourth Amendment challenges to ALPRs have recognized that *Carpenter* is the only conceivable way around *Knotts* and decades of precedent on vehicles, license plates, and security cameras. *See, e.g.*, *Scholl*, 776 F. Supp. 3d at 717–18; *Toombs*, 671

F. Supp. 3d at 1333. But nearly all those Fourth Amendment claims have run headlong into the fact that *Carpenter*'s scope is decidedly "narrow." 585 U.S. at 316. The *Carpenter* Court could not have been clearer on this point, explaining that its decision did not "call into question conventional surveillance techniques and tools, such as security cameras," or otherwise prejudge "matters not before" the Justices. *Id.* This Court should heed that warning and reject plaintiffs' superficial conflation of conventional ALPRs with *Carpenter*'s continuous, "near perfect surveillance," *id.* at 312.

1. Before turning to the substance of plaintiffs' argument, however, their "reliance on Carpenter encounters an early roadblock." *Scholl*, 753 F. Supp. 3d at 719. Plaintiffs' § 1983 suit for injunctive relief does not challenge law enforcement's use of ALPR data to track their movements—no such use is even alleged. Instead, they target the City's mere *collection* of ALPR data. But plaintiffs cannot wield *Carpenter* to "challenge … the collection of data" because "[t]he 'search' at issue" in *Carpenter* was law enforcement's "'*acquisition* of the cell-site records'" for investigatory purposes, "not the [data's] initial collection." *Id.* (quoting *Carpenter*, 585 U.S. at 316)); *Leaders of a Beautiful Struggle*, 2 F.4th at 344 (*Carpenter* made "clear" that search "took

place when the Government *accessed CSLI*"). And because "a collection of photos taken in public places that are never accessed or analyzed reveals *nothing* about a person's movements," the mere presence of ALPRs cannot violate the Fourth Amendment. *Schmidt*, 2026 WL 207513, at *13.

Thus, until City officials *access* an ALPR database to retrieve data about plaintiffs' locations, no search has occurred, and no Fourth Amendment claim has accrued. And because plaintiffs allege no "facts indicating a 'substantial risk' that police will soon retrieve [their] license plate information from the database," they would lack Article III standing to "seek forward-looking, injunctive relief" against an *actual* search. *Scholl*, 776 F. Supp. 3d at 709–10 (quoting *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 158 (2014)); *see also City of Los Angeles v. Lyons*, 461 U.S. 95, 109 (1983). Of course, for the reasons explained in this brief and the City's, a police query of an ALPR database is *not* a Fourth Amendment search. *See, e.g.*, *Rinaldi v. Sylvester*, No. 24-CV-272 (KMK), 2025 WL 2682691, at *17 (S.D.N.Y. Sep. 19, 2025) ("nearly every court" to consider the issue "has held that queries of [A]LPR databases" are not searches). But this suit does not even aim at the right target.

More broadly, the Supreme Court has warned that "Fourth Amendment cases must be decided on the facts of each case, not by extravagant generalizations," and has "never held that potential, as opposed to actual, invasions of privacy constitute searches [under] the Fourth Amendment." *Dow Chemical Co. v. United States*, 476 U.S. 227, 238 n.5 (1986) (quotation omitted)); *see also United States v. Chatrie*, 136 F.4th 100, 112 (4th Cir. 2025) (en banc) (Wilkinson, J., concurring) (explaining that "courts can review the temporal and spatial character of [geofence] warrants" case-by-case; "[t]o strike the warrant down here comes pretty nearly to invalidating it everywhere"), *cert. granted*, 2026 WL 120676 (Jan, 16, 2026). That makes sense, because the constitutional requirement of "[r]easonable[ness]," U.S. Const. amend. IV, *necessarily* turns on case-specific facts. *See United States v. Yang*, 958 F.3d 851, 864 (9th Cir. 2020) (Bea, J., concurring) ("It would be folly to hold that searches of ALPR databases require a warrant without identifying even one case where the 'whole of [one's] physical movements' was implicated in [a] database search." (citation omitted)). In short, plaintiffs'

litigation tactics are a mismatch for the Fourth Amendment right they hope to vindicate.[3]

2. Even setting this threshold problem aside, plaintiffs' reliance on *Carpenter* cannot withstand scrutiny. The City's use of ALPRs does not begin to resemble the "unique" circumstances of *Carpenter*, in which the government invaded an individual's "reasonable expectation of privacy *in the whole of his physical movements*." *See* 585 U.S. at 313 (emphasis added). Indeed, all 26 federal courts (and counting) faced with this issue have rejected plaintiffs' *Carpenter* analogy.[4] This Court should join them.

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[3] The wisdom of a case-by-case approach is confirmed by the fact that not all ALPR queries are created equal. For example, some ALPRs send police "automatic alerts if a *stolen or wanted vehicle* passes by a camera." *The Hotlist: What Happens When a Wanted Car Passes a Flock Safety Camera?*, Flock Safety (Jun. 1, 2023), https://tinyurl.com/bde8tef6 (emphasis added).

[4] *Scholl*, 776 F. Supp. 3d at 721; *Schmidt*, 2026 WL 207513, at *13; *United States v. Floyd*, 2025 WL 3250951 (M.D. Fla. Nov. 21, 2025); *Sidor v. Thornell*, 2025 WL 3282976 (D. Ariz. Oct. 24, 2025), *adopted*, 2025 WL 3281746 (D. Ariz. Nov. 25, 2025); *Schemel v. City of Marco Island, Fla.*, 2025 WL 2958798 (M.D. Fla. Oct. 17, 2025), *Rinaldi*, 2025 WL 2682691; *United States v. Brown*, 2025 WL 2444596 (W.D. Okla. Aug. 25, 2025); *United States v. Acosta*, 2025 WL 2427700 (N.D. Okla. Aug. 22, 2025); *United States v. Slaybaugh*, 2025 WL 2123781, at *1 (M.D. Ala. July 29, 2025); *Sturdivant*, 786 F. Supp. 3d at 1108; *United States v. Jackson*, 2025 WL 1530574 (D. Kan. May 29, 2025); *United States v. Griffin*, 2025 WL 1474679, at *9 (S.D. Ind. May 22, 2025); *Martin*, 753 F. Supp. 3d 454; *United States v. Porter,*

a. *Carpenter* involved cell-site location information, or CSLI, automatically generated each time a user's mobile device "connects to a cell site." 585 U.S. at 301. Especially in urban areas with numerous cell sites, these "time-stamped record[s]" of a phone's location have become very precise. *Id.* In Timothy Carpenter's case, federal authorities acquired CSLI that revealed "12,898 location points cataloguing Carpenter's movements—an average of 101 data appoints per day." *Id.* at 302. This "detailed, encyclopedic, and effortlessly compiled" location data created an "an all-encompassing record" of Carpenter's whereabouts. *Id.* at 309, 311. In short, the government used historical CSLI to obtain an "intimate window into a person's life, revealing not only his particular movements, but through them his familial, political,

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2022 WL 124563 (N.D. Ill. Jan. 13, 2022); *Brown*, 2021 WL 4963602; *Toombs*, 671 F. Supp. 3d 1329; *Schemel v. City of Marco Island, Fla.*, 2023 WL 3010344, at *4 (M.D. Fla. Feb. 14, 2023); *United States v. Rubin*, 556 F. Supp. 3d 1123, 1130 (N.D. Cal. 2021); *Boniecki v. Fox*, 2015 WL 3507936, at *1 (D. Mont. June 3, 2015); *United States v. Salcido-Gonzalez*, 2024 WL 2305478, at *12 (D. Utah May 21, 2024); *Cooper*, 2025 WL 35035 at *7; *United States v. Bowers*, 2021 WL 4775977, at *3 (W.D. Pa. Oct. 11, 2021); *Chaney v. City of Albany*, 2019 WL 3857995, at *8 (N.D.N.Y. Aug. 16, 2019); *Jiles*, 2024 WL 891956 at *15-19; *United States v. James*, 2023 WL 3370421 (W.D. La. Jan. 30, 2023); *United States v. Graham*, 2022 WL 4132488, at *5 (D.N.J. Sep. 12, 2022), *aff'd*, No. 23-3197, 2025 WL 342190 (3d Cir. Jan. 30, 2025).

professional, religious, and sexual associations." *Id.* at 311 (quotation omitted). That precise, continuous surveillance "contravenes" reasonable expectations of privacy. *Id.*

The Court took care to distinguish *Knotts*. It explained that "individuals regularly leave their vehicles," whereas "they compulsively carry their cell phones with them … beyond public thoroughfares and into private residences, doctor's offices, political headquarters, and other potentially revealing locales." *Id.* Thus, historical CSLI, unlike tracking a car as it travels public roads, enables "near[ly] perfect surveillance, as if" the government "had attached an ankle monitor to the phone's user." *Id.* at 312.

At the end of its opinion, the *Carpenter* Court reiterated that its judgment turned on "the unique nature of cell phone location information," that its ruling was "a narrow one," and that it did not "call into question conventional surveillance techniques and tools, such as security cameras"—or any other "matters not before" the Court. *Id.* at 315–16. It even held out the possibility that police could "obtain an individual's historical CSLI," without a warrant, for a "limited period." *Id.* at 310 n.3.

Carpenter—read in line with its caveats and disclaimers—thus reiterates a basic Fourth Amendment principle: Whether a "search" has occurred often turns on whether the government has

obtained a "distinct category" of previously "unknowable" private information. *Id.* at 312, 314. A "detailed chronicle of a person's physical presence compiled every day, every moment, over several years" qualifies. *Id.* at 315. In this way, *Carpenter* resembles *Kyllo*, which held that thermal imaging of a home necessarily exposed an area "held safe from prying government eyes." 533 U.S. at 37. *Kyllo* focused on the "otherwise-imperceptibility" of private facts exposed by the government. *Id.* at 38 n.5. And in *Carpenter*, the Court applied the same principle to "the whole of [a person's] physical movements," a tapestry of information—much of it private—previously imperceptible to the state. *See* 585 U.S. at 310.

Confirming its narrow scope, federal appellate courts have extended *Carpenter* to just one technology: aerial surveillance covering "90% of the city" of Baltimore. *Leaders of a Beautiful Struggle*, 2 F.4th at 334. The Fourth Circuit reasoned that because this surveillance "transcend[ed] mere augmentation of ordinary police capabilities" and allowed "police to deduce from the whole of individuals' movements," it gave the government a qualitatively different set of information about a person's private life. *See id.* at 345–46. But five respected jurists disagreed, explaining that Baltimore's program was consistent with *Knotts*

and arguing that the majority "overread[] *Carpenter*," "extending it beyond recognition to bar all warrantless tracking of public movements." *Id.* at 361 (Wilkinson, J., dissenting).

b. If the Fourth Circuit stretched *Carpenter*, plaintiffs urge this Court to put it on the rack. Unlike the cell-site technology in *Carpenter*, ALPRs do not record "the whole of [a person's] physical movements," or produce a "detailed chronicle of a person's physical presence compiled every day, every moment, over several years." 585 U.S. at 310, 315. While the technology in *Carpenter* recorded a person's position "several times a minute" and followed him off of roads into "private residences and … other potentially revealing locales," *id.* at 300, 311, ALPRs "record[] a vehicle's location only when it passes one of a limited … number of" devices, which are usually "installed near the roadside of an expressway" or mounted on a patrol vehicle, *Scholl*, 776 F. Supp. 3d at 720.

By collecting "discrete data points with considerable stretches of obscurity in between," ALPRs "thus provide[] no more information than what could have been obtained through police surveillance," *Rinaldi*, 2025 WL 2682691, at *18 (quotations omitted). These obvious technological distinctions mean that the location information recorded by ALPRs—while incredibly useful for solving crimes—would be of "sharply limited" "utility" for

anyone hoping to glean "an individual's familial, political, professional, religious, and sexual associations." *Scholl*, 776 F. Supp. 3d at 720 (cleaned up); *accord United States v. Jiles*, 2024 WL 891956, at *19 (D. Neb. Feb. 29, 2024) ("[T]he ALPR database only reveals when, where, and in which direction a certain vehicle was driving."). Compared to CSLI, data indicating "what portions of an expressway someone passes tells the government far less about the privacies of life." *Scholl*, 776 F. Supp. 3d at 720 (cleaned up); *accord United States v. Brown*, 2021 WL 4963602, at *3 (N.D. Ill. Oct. 26, 2021).

This is true even when ALPR data can entirely reconstruct "one route" a person uses. *Schmidt*, 2026 WL 207513, at *16. After all, "the constitutional concern in *Carpenter* … was not reconstructing *one route*, but tracking *all* (or nearly all) of a citizen's movements." *Id.* (emphases in original). Police reviewing "comprehensive data" on a person's location can deduce "not just one such fact about a person, but all such fact[s]" apparent from his movements, including whether he "is a weekly churchgoer, a heavy drinker" or "an unfaithful husband." *Id.* (emphases and citation omitted). APLRs are simply not the de facto "ankle monitor" that *Carpenter* disallowed.

In short, unlike the historical cell-site data in *Carpenter*, ALPRs *do* simply "augment[] … warrantless capabilities the police had even before the technology." *Leaders of a Beautiful Struggle*, 2 F.4th at 340; *Martin*, 753 F. Supp. 3d at 476. Indeed, vehicle-based monitoring of public roads, often aided by cameras, is elementary policework. True, ALPRs allow police to protect our communities "more efficiently" by using automatic cameras rather than "station[ing] agents round-the-clock." *Gregory*, 128 F.4th at 1243 (quotation omitted). But that *quantitative* leap in law-enforcement capacity is a far cry from the *qualitative* transformation in *Carpenter*, which provided access to a "previously unobtainable" portrait of an individual's every move. *Sturdivant*, 786 F. Supp. 3d at 1108.

Moreover, there is nothing unusual or unexpected about the City's use of ALPRs. *Cf. Kyllo*, 533 U.S. at 33–34 ("society" must broadly view a privacy expectation "as reasonable"). "Every day, individuals drive past surveillance cameras, including tollbooth cameras, private security cameras, CCTV cameras, ALPRs, traffic light cameras, [and] poll cameras." *Martin*, 753 F. Supp. 3d at 475. Thus, now more than ever, American drivers share the intuition of *Knotts*: We largely "expect the public surveillance of our vehicle as we travel on public roads." *Id.* And while some

courts have speculated that a far "more extensive network of ALPRs might" implicate the Fourth Amendment, *Scholl*, 776 F. Supp. 3d at 721, they have upheld the use of as many as 344 ALPRs in a single county, *id.* at 707, and the collection of "106 [images] in thirty-three unique public locations over a four-and-a-half-month period." *United States v. Bowers*, 2021 WL 4775977 (W.D. Penn. Oct. 11, 2021). *See also, e.g.*, *Martin*, 753 F. Supp. 3d at 468 (188 ALPRs across several counties); *Schmidt*, 2026 WL 207513 at *3 (176 ALPRs in one city); *United States v. Cooper*, 2025 WL 35035, at *6 (E.D. La. Jan. 6, 2025) (60 ALPRs in one city); *Sturdivant*, 786 F. Supp. 3d at 1114 (26 images of a defendant's car over six weeks).

Like many kinds of surveillance technology, ALPRs share "some features that the *Carpenter* Court found important," *Scholl*, 776 F. Supp. 3d at 720, but not to any degree that makes them comparable to CSLI. For example, ALPRs collect data on all passersby, rather than specified police targets. But if that controlled the analysis, *Carpenter* would do exactly what it expressly forswore: "call into question conventional surveillance techniques and tools, *such as security cameras*." 585 U.S. at 316 (emphasis added). And anyway, collecting the data is different

than *accessing* it, so the scope of collection cannot control, either. *See supra* at 13–16.

Moreover, when the *Carpenter* Court noted that CSLI "runs against everyone," not merely police targets, it was referring to every owner of the "400 million [cell phones] in the United States." 585 U.S. at 312. By contrast, a locality's ALPR network "runs against" only those drivers who happen to travel a particular route. *Id.* Also, ALPRs differ when it comes to data retention. In *Carpenter*, the government's ability to retroactively access CSLI was "subject only to the retention policies of the wireless carriers," *id.*, but ALPR data retention is often subject to statutory limits *and* providers' policies. *See, e.g.*, O.C.G.A. § 35-1-22(b) (setting a maximum 30-month retention period). To heed *Carpenter*'s "narrow" scope, 585 U.S. at 316, courts must account for "the dramatically reduced scope of ALPR surveillance, relative to" CSLI, *Scholl*, 776 F. Supp. 3d at 720.

Finally, ruling for the City would not split from the Fourth Circuit's (contestable) holding in *Leaders of a Beautiful Struggle*. According to the Fourth Circuit majority, Baltimore's aerial surveillance tracked individuals' movements "[w]hether they drove or walked," "followed them to each new garage entered or door knocked on," and "only ceased once night fell—typically when

individuals were already back at home for the night." *Martin*, 753 F. Supp. 3d at 471; *see Leaders of a Beautiful Struggle*, 2 F.4th at 343 ("[L]aw enforcement could … track a person's movements from a crime scene to, eventually, a residential location where the person remains," then "track [their] movements from that residence"). Plainly, an ALPR network's "individual snapshots of [a driver's] brief location at specific times" and "in strategically chosen locations" does not "rise to the level of persistent, unceasing public surveillance" used in Baltimore—or, for that matter, by federal prosecutors against Mr. Carpenter. *Martin*, 753 F. Supp. 3d at 458, 473.

II. Stripping law enforcement of this valuable crime-fighting tool would endanger communities nationwide.

As it considers whether a locality's use of ALPRs on public roads violates the Fourth Amendment, this Court cannot ignore the real-world consequences of plaintiffs' position. Indeed, all courts must exercise care in wielding "the blunt instrument of the Fourth Amendment," lest they constitutionalize questions properly left to the democratic process. *Riley v. California*, 573 U.S. 373, 408 (2014) (Alito, J., concurring). The Fourth and Tenth Amendments leave room for "democratic experimentation and innovation … to make headway in protecting those most

vulnerable to the ravages of crime." *Leaders of a Beautiful Struggle*, 2 F.4th at 353 (Wilkinson, J., dissenting). And the people of Georgia and other States have chosen to embrace the use of ALPRs—subject to important limits—as an indispensable element of effective law enforcement. *See supra* at 1.

As usual, the people got this one right: ALPRs are among the most important crime-fighting tools the arsenals of state and local police. Law enforcement agencies use ALPRs for a wide range of tasks, from "helping identify or apprehend potential suspects" and "locating missing or kidnapped individuals" to "facilitating crime scene analysis."[5] For example, ALPR data often provides "leads in a series of [unsolved] crimes," because it reveals whether "a common license plate number" was "in the area at the time the crimes [were] committed."[6] As the Oakland Branch of the NAACP recently put it, "fully utilizing" ALPRs represents "a practical, effective step toward reducing crime and safeguarding our families, local businesses, and public spaces."[7] The International

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[5] K. Finklea, *Law Enforcement and Technology: Use of Automated License Plate Readers* 1, Cong. Rsch. Serv. (2024).

[6] T. Martinez, *Innovative Uses of Automated License Plate Readers to Enhance Criminal Investigations* 2, Nat'l Police Found. (June 2019), https://tinyurl.com/3trymfms.

[7] Press Release, NAACP Oakland Branch, *The NAACP Oakland Branch calls on the City of Oakland and the Oakland City*

Association of Chiefs of Police agrees, noting that "[i]n some cases, knowing that the area employs [A]LPRs may be enough to deter potential offenders."[8] Recognizing as much, every police department "serving over 1 million residents" currently uses ALPR technology.[9]

ALPRs have proven extremely valuable to Georgia law enforcement in locating kidnapping victims and other missing persons. In one recent case, the Franklin County Sheriff's Office was alerted by a roadside ALPR to a car associated with a missing person.[10] Deputies eventually arrested the driver, a 25-year-old Idaho sex offender, and rescued the missing child he was transporting. When a baby was snatched from a stroller in Chamblee, law enforcement relied on integration of ALPRs with

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Council to continue to fund and activate Flock Safety Camera System to Combat Rising Crime (Oct. 23, 2025), https://tinyurl.com/4ccyu48c.

[8] *License Plate Reader (LPR) Systems: Use Cases* 9, Int'l Ass'n of Chiefs of Police (2024), https://tinyurl.com/ycy3c4y3.

[9] Finklea, *supra*, at 1.

[10] S. Moore, *Missing Washington child found in Georgia with registered sex offender*, WYFF4 (Aug. 22, 2025, 7:24 PM), https://tinyurl.com/3tzwyeb4.

Amber Alert notifications to swiftly identify the offender's SUV.[11] Last October, shortly after a Statesboro woman told police she could not find her son, the man's car alerted an ALPR near Cincinnati.[12] Statesboro officers coordinated with their Ohio counterparts to apprehend the driver—who was soon charged with murder after the missing man's body was found.

Even beyond the missing-persons context, ALPRs offer crucial assistance in searches for violent offenders. Last December, police in Dunn, North Carolina received an ALPR alert on a vehicle associated with a man wanted in Fulton County, Georgia for murder, aggravated assault, and armed robbery.[13] Dunn officers, in communication Atlanta police, tracked the driver to a hotel and apprehended him the next morning. Last June, Gwinnett County used its ALPR network to arrest suspects in an armed-robbery spree, including an incident in which a suspect stood armed just

[11] J. McKay, *License Plate Readers Add Real-Time Alerts for Missing Kids*, GovTech (May 21, 2021), https://tinyurl.com/yt27kcup.

[12] M. Bierster, *Statesboro PD conducting homicide investigation of missing man; Murder suspect found with juvenile in Ohio & later arrested*, WTOC (Oct. 13, 2025, 4:51 AM), https://tinyurl.com/4kex8bm3.

[13] R. Jordan, *Violent fugitive arrested in Dunn*, The Daily Record (Dec. 8, 2025), https://tinyurl.com/yc4pm2sj.

feet away from a baby.[14] And last month, DeKalb County police used an ALPR system to make three arrests mere hours after a gas-station shooting critically injured a nearby toddler.[15] And DeKalb's police chief credited ALPRs in the resolution of five homicide cases in the past thirty days alone.

Sex offenders have also been identified and apprehended using ALPRs. In July, police in Lawrenceville used an ALPR alert to locate a funeral home operator wanted for sex trafficking, child molestation, and a host of other felonies more than 200 miles away from his base of operations in rural Adel, Georgia.[16] And authorities in Snellville used ALPR data to investigate a string of peeping tom incidents at a local Target fitting room.[17]

As this small sampling of recent cases confirms, ALPRs play a critical role in protecting our communities and bringing offenders

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[14] B. Cruz, *Suspects arrested in Metro Atlanta for series of armed robberies involving incident with baby*, Hoodline (June 10, 2025), https://tinyurl.com/2vdpy4ma.

[15] D. Aaro, *Hours after 'senseless' shooting of DeKalb 3-year-old, police make 3 arrests*, Atlanta J. Const. (Jan. 6, 2026), https://tinyurl.com/yc7j83kt.

[16] *Adel funeral home operator arrested on child sex charges*, WALB (Jul. 18, 2025, 11:32 AM), https://tinyurl.com/2xrsfwxs.

[17] *Police investigating 3 separate sexual assault incidents at Snellville Target*, Fox5 (May 15, 2024, 6:23 AM), https://tinyurl.com/mu6377hz.

to swift justice. *Amici* States deeply value our citizens' privacy. Thankfully, those citizens and their elected representatives can utilize the democratic process to guard against potential future abuses. In many cases, they already have. But plaintiffs' desired ruling would end that process overnight in three States—and open the door to similar results elsewhere. Make no mistake: If courts strip law enforcement of this valuable crime-fighting tool, our streets will be more dangerous, our investigations less effective, our criminals emboldened, and our people less safe. Nothing in the Constitution requires that chilling result.

CONCLUSION

For the reasons set out above, this Court should affirm.

Respectfully submitted.

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I hereby certify that on February 24, 2026, I served this brief by electronically filing it with this Court's ECF system, which constitutes service on all attorneys who have appeared in this case and are registered to use the ECF system.

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