FILED
10-14-2026
CLERK OF WISCONSIN
SUPREME COURT

IN THE SUPREME COURT OF WISCONSIN
No. _____

WISCONSIN COUNCIL OF CHURCHES, INC.,
On behalf of itself and its members,
a Wisconsin nonprofit corporation,
203 Wisconsin Avenue
Madison, WI 53703

MELISSA PAGEL
1024 Shawano Avenue
Green Bay, WI 54303

Petitioners,

v.

CITY OF MILWAUKEE
200 East Wells Street
Milwaukee, WI 53202

CITY OF GREEN BAY
100 North Jefferson Street
Green Bay, WI 54301

CITY OF RACINE
730 Washington Avenue
Racine, WI 53403

CITY OF KENOSHA
625 52nd Street
Kenosha, WI 53140

Respondents.

PETITION TO THE SUPREME COURT OF WISCONSIN TO TAKE JURISDICTION OF AN ORIGINAL ACTION

WESLEY E. HASLAM
Wisconsin Bar No. 1121993
RYAN V. COX
Wisconsin Bar No. 1140899
HANNAH R. SCHWARZ
Wisconsin Bar No. 1143527
ACLU of Wisconsin
Foundation, Inc.
207 E. Buffalo Street, Suite 325
Milwaukee, WI 53202

ELIZABETH FEMIA
Pro hac vice forthcoming
ANDREW CROCKER
Pro hac vice forthcoming
Electronic Frontier Foundation
815 Eddy Street
San Francisco, CA 94109

TABLE OF CONTENTS

Contents

Table of Contents

TABLE OF CONTENTS ***3***

TABLE OF AUTHORITIES ***5***

ISSUE PRESENTED ***8***

INTRODUCTION **8**

PARTIES **10**

STATEMENT OF FACTS **12**

a. Automated License Plate Readers Operated by the Respondents Subject Wisconsin Drivers to Indiscriminate Mass Surveillance. .. 12

b. ALPR Systems Contain Information About Individuals' Location History, Movements, Habits, Private Associations, and Other Sensitive Information. 16

c. Widespread Misuse of ALPR Systems Has Led to Public Outcry Over the Collection and Use of ALPR Data. 17

d. In Response to Public Outrage Over ALPR Use, Municipalities Have Adopted Ad-Hoc Administrative Policies That Fail to Comply with Constitutional Search Standards. 20

STATEMENT OF CONTROLLING LAW **24**

a. Article I, Section 11 of the Wisconsin Constitution Guarantees Protection from Unreasonable Searches..... 24

b. Contemporary Jurisprudence Applies Constitutional Limits to Dragnet Surveillance Technology in Public Locations. 25

RELIEF SOUGHT BY THIS PETITION 30

STATEMENT OF REASONS WHY THIS COURT SHOULD TAKE ORIGINAL JURISDICTION 32

a. This Petition Addresses a Matter of Exceptional Statewide Importance Affecting the Public at Large. 32

b. An Urgent Need Exists for Prompt, Uniform Determination of an Issue That the Lower Courts Cannot Adequately Resolve..... 34

c. This Petition Presents a Pure Question of Constitutional Law Requiring No Further Factual Development. 36

CONCLUSION 36

TABLE OF AUTHORITIES

Cases

Carpenter v. United States, 585 U.S. 296 (2018) 25, 26, 27, 28

Chatrie v. United States, 609 U.S. ___, 146 S. Ct. 2193 (2026) 25, 29

Criminal Complaint at 2, *State v. Ayala*, No. 2026CM000553 (Milwaukee Cnty. Cir. Ct. Jan. 15, 2026), ... 18

Jones v. Shayhorn, No. 2:25-cv-01886 (E.D. Wis. Dec. 1, 2025) 18

Katz v. United States, 389 U.S. 347 (1967) 26

Kyllo v. United States, 533 U.S. 27, 34-35 (2001) 26, 28

Leaders of a Beautiful Struggle v. Baltimore Police Dept. (4th Cir. 2021) 2 F.4th 330, 333 (en banc) 29

Petition of Heil, 230 Wis. 428, 284 N.W. 42 (1938) 32, 35

Riley v. California, 573 U.S. 373 (2014) 27

State ex rel. La Follette v. Stitt, 114 Wis. 2d 358, 338 N.W.2d 684 (1983) 32, 34

State v. Chapman, No. 2026CF003239 (Milwaukee Cnty. Cir. Ct. 2026) 19

State v. Eason, 2001 WI 98, 245 Wis. 2d 206, 629 N.W.2d 625 25

State v. McGrath, No. 2026CF001160 (Kenosha Cnty. Cir. Ct. 2026) .. 18

State v. Morales, No. 2026CF000029 (Outagamie Cnty. Cir. Ct. 2026) 19

State v. Thompkins, 144 Wis. 2d 116, 132, 423 N.W.2d 823, 830 (1988) 25

State v. Ward, 2000 WI 3, 231 Wis. 2d 723, 604 N.W.2d 517 25

United States v. Di Re, 332 U.S. 581 (1948) 25, 29

United States v. Jones, 565 U.S. 400 (2012) 26, 27

United States v. Knotts, 460 U.S. 276 (1983) 27

United States v. Kyle, No. 26-CR-00189-SEH, 2026 WL 2958728 (N.D. Okla. Oct. 1, 2026). 30

United States v. Tuggle, 4 F.4th 505, 527-28 (7th Cir. 2021) 30

Wis. Pro. Police Ass'n, Inc. v. Lightbourn, 2001 WI 59, 243 Wis. 2d 512, 529, 627 N.W.2d 807, 816 32

Statutes

Wis. Stat. § 806.04 31

Wis. Stat. § 806.04(8) 32

Wis. Stat. § 809.70 (1) 31

Other Authorities

Adam Rife, *'Side door access': After FPC meeting, unclear how many federal and local agencies accessed Milwaukee Flock data*, CBS 58 News (Sept. 17, 2026) 21

Charles Benson, *Two Racine police officers under investigation for alleged Flock camera misuse; DA also reviewing RCSO case*, TMJ4 News (Oct. 2026), ... 18

Dane Cnty., Wis., Res. 2025 RES-403 (Apr. 16, 2026) 22

Drew Harwell et al., *How Rogue Officers Turned a Nationwide Camera Network Into a Tool for Stalking*, WASH. POST (Aug. 2, 2026) 19

Flock Safety, *Flock FreeForm: AI Video Search for Law Enforcement*, Flock Safety Blog (July 24, 2026), ... 16

Flock Safety, *Frequently Asked Questions*, Flock Safety (last visited Oct. 12, 2026) 16

Isiah Holmes, *Analysis of Flock Use by Wisconsin Cops Reveals Trends, Raises Questions*, WIS. EXAMINER (Aug. 6, 2025) 20

Katie Cox, *Lawsuit: Waukesha County man gets 'flocked' by sheriff's dept. after filing complaint against deputy*, TMJ4 NEWS (Dec. 3, 2025) 17

Kevin Mathewson, *Embattled Racine Detective And Somers Resident Demoted, Suspended 10 Days After Using Flock To Surveil Girlfriend's Ex*, Kenosha County Eye (Dec. 26, 2025) 18

Meredith Melland, *Milwaukee PD renews Flock contract as former detective appears in court for misuse*, Wis. Examiner (Oct. 8, 2026) . 22

Milwaukee police admit data error led to two gunpoint stops woman Flock, Wash. Times (Aug. 28, 2026), ... 19

U.S. Dep't of Transportation, Fed. Highway Admin., *Highway Statistics 2024, Table DL-1C: Licensed Drivers By Sex: Ratio To Population* (Feb. 2026), ... 33

Wisconsin Dept. of Transportation Data 33

Constitutional Provisions

U.S. Const. amend. IV ..... passim

Wis. Const. art. I, § 11 ..... passim

Wis. Const. art. VII, § 3(2) 32

ISSUE PRESENTED

1. Does law enforcement's retrospective querying of historical vehicular location data derived from the government's use of an aggregated, AI-assisted, multi-camera automated license plate reader ("ALPR") network constitute a "search" under Article I, Section 11 of the Wisconsin Constitution?

INTRODUCTION

Right now, Automated License Plate Readers ("ALPRs") are recording the movements of vast numbers of Wisconsin drivers as they seek medical care, attend 12-step recovery meetings, attend religious services, participate in protests, attend political meetings, and engage in many other private, sensitive activities. Law enforcement entities throughout Wisconsin collect, store, share, and aggregate this ALPR data. Then they search it, retrospectively tracking the movements of individuals and entire communities in ways that would have been prohibitively costly, if not outright impossible, before the advent of ALPR technology. Despite the intrusive nature of ALPR queries—which reveal individuals' location history, habits, and associations—law enforcement conducts these searches without first obtaining judicial warrants, establishing exigent circumstances, or applying any constitutional safeguards whatsoever. The disregard for constitutional safeguards has led to unconstitutional, indiscriminate mass surveillance of all people driving in Wisconsin, as well as a documented pattern of abuse and errors across the State.

Modern ALPR systems do far more than log drivers' isolated traffic movements. Enhanced by artificial intelligence and interconnected nationwide networks, they aggregate vehicular movements across jurisdictions to map every driver's habits, uncover their private associations, and predict their future locations. The United States Supreme Court has repeatedly held that, under the federal Constitution, such pervasive tracking invades a reasonable expectation of privacy, converting otherwise public observations into an unconstitutional search. Wisconsin's State Constitution provides at least that same protection from unreasonable searches and therefore prohibits this type of indiscriminate electronic dragnet. Accordingly, law enforcement's retrospective queries of ALPR databases without any constitutional safeguards constitute illegal searches.

A mounting record of documented abuses of ALPR systems across Wisconsin—from officers stalking former domestic partners to tracking adversaries—has ignited fierce public outcry and exposed the dangers of providing police with a mass surveillance apparatus without judicial oversight. In response, municipalities have scrambled to implement an ineffective patchwork of administrative guidelines across the State, not one of which would require a judicial warrant before officers search an individual's location history. This leaves the fundamental privacy of millions of daily Wisconsin drivers entirely at the whim of internal agency discretion.

This case presents a purely legal question: Does law enforcement's retrospective querying of historical vehicular location data, derived from an aggregated, AI-assisted, multi-camera ALPR network, constitute a "search" under Article I, Section 11 of the Wisconsin Constitution? No

factual development from a lower court is necessary to answer this question. Because this issue implicates the constitutional rights of millions of motorists navigating Wisconsin roads every day, it presents a quintessential public rights dispute demanding immediate, statewide resolution.

This Court should provide a definitive, state-wide resolution to this issue by granting this petition for an original action and issuing a declaratory judgment that the warrantless querying or analyzing of the data collected by these ALPR networks constitutes a search.

PARTIES

1. Petitioner Wisconsin Council of Churches, Inc. ("WCC"), is a membership-based Wisconsin nonprofit corporation headquartered at 203 Wisconsin Avenue, Madison, Wisconsin 53703. The WCC is an ecumenical network and brings this suit on behalf of itself and its thirty-two member judicatories, approximately 2,000 affiliated congregations, and over one million individuals who drive on Wisconsin roads and pay taxes in Wisconsin.

2. WCC members routinely facilitate gatherings for religious worship, pastoral care, confidential counseling, and community support. Members of WCC congregations travel throughout respondent municipalities to participate in these vital ministries and services, maintaining a reasonable expectation of privacy in their expressive associations and movements.

3. Petitioner Melissa Pagel ("Pagel") is a resident of the State of Wisconsin, who resides in Green Bay, Wisconsin. Pagel pays all applicable State of Wisconsin and local taxes within the City of Green

Bay. In addition to her standing as a resident and taxpayer, Pagel administers pastoral services–a role involving sensitive matters where privacy and confidentiality are of paramount importance. Pagel regularly drives on Wisconsin roads, including within the jurisdictions of Respondent Municipalities, and maintains a reasonable expectation of privacy in her expressive associations, religious participation, and travel.

4. Respondent City of Milwaukee is a Wisconsin municipal corporation organized and existing under Chapter 62 of the Wisconsin Statutes, with its principal municipal offices located at 200 East Wells Street, Milwaukee, Wisconsin 53202. The City of Milwaukee, acting through the Milwaukee Police Department, expends public tax revenues to deploy, operate and maintain ALPR surveillance networks and analytic software platforms—including those provided by commercial vendors Flock Group Inc., Axon Enterprise, Inc., and Genetec USA, Inc.—and establishes and oversees the operational policies governing the querying, data sharing, and archiving of vehicle location records collected through those systems.

5. Respondent City of Racine is a Wisconsin municipal corporation organized and existing under Chapter 62 of the Wisconsin Statutes, with its principal municipal offices located at 730 Washington Avenue, Racine, Wisconsin 53403. The City of Racine, acting through the Racine Police Department, has expended public tax revenues to deploy, operate, and maintain ALPR surveillance networks and analytic software platforms, and has established and overseen operational policies governing the querying, data sharing, and archiving of vehicle location records collected through those systems.

6. Respondent City of Kenosha is a Wisconsin municipal corporation organized and existing under Chapter 62 of the Wisconsin Statutes, with its principal municipal offices located at 625 52nd Street, Kenosha, Wisconsin 53140. The City of Kenosha, acting through the Kenosha Police Department, expends public tax revenues to deploy, operate, and maintain ALPR surveillance networks and analytic software platforms, and establishes and oversees the operational policies governing the querying, data sharing, and archiving of vehicle location records collected through those systems.

7. Respondent City of Green Bay is a Wisconsin municipal corporation organized and existing under Chapter 62 of the Wisconsin Statutes, with its principal municipal offices located at 100 North Jefferson Street, Green Bay, Wisconsin 54301. The City of Green Bay, acting through the Green Bay Police Department, expends public tax revenues to deploy, operate, and maintain ALPR surveillance networks analytic software platforms, and establishes and oversees the operational policies governing the querying, data sharing, and archiving of vehicle location records collected through those systems.

STATEMENT OF FACTS

a. Automated License Plate Readers Operated by the Respondents Subject Wisconsin Drivers to Indiscriminate Mass Surveillance.

8. Automated License Plate Readers ("ALPRs") are high-speed, computer-controlled camera networks mounted on municipal street poles, traffic lights, highway overpasses, portable trailers, and police patrol vehicles. These systems continuously photograph every motor vehicle passing by them—twenty-four hours a day, seven days a week.

9. For every vehicle captured, the system records the precise geographic coordinates, date, time, and direction of travel. In addition to high-resolution photographs of the license plate, ALPR cameras capture images of the entire vehicle, often capturing the driver, visible passengers, and unique identifiers such as bumper stickers, scratches, and roof racks.

10. ALPRs collect driver locations *en masse*. A single ALPR camera can effortlessly capture images and locations of thousands of vehicles in a matter of minutes, all without any human involvement. They capture this information indiscriminately, even though there is no suspicion that any given driver has violated the law.

11. Once an ALPR camera captures images of a vehicle, the system extracts vehicle data—including precise location, time, license plate number, and other features—for storage in a central, searchable database. This data is retained over time for retrospective investigative use.

12. Placed along neighborhood streets, highway corridors, and city centers, ALPR cameras create inescapable surveillance chokepoints. Residents navigating Wisconsin roads cannot conduct ordinary daily errands, attend medical appointments, visit places of worship, attend political protests or meetings, or travel home without being repeatedly photographed and logged into a centralized repository.

13. Across Wisconsin, these systems are procured, hosted, and maintained primarily through contracts with three commercial surveillance vendors: Flock Group Inc., d/b/a Flock Safety ("Flock"); Axon Enterprise, Inc. ("Axon"); and Genetec USA, Inc. ("Genetec"). Rather

than operating as isolated municipal recording devices, these vendors' cloud platforms—such as Flock's national network, Axon Evidence, and Genetec's AutoVu—are engineered to link local cameras into multi-jurisdictional surveillance webs. This allows law enforcement to automatically and continuously exchange ALPR data with other agencies and pool data into regional or nationwide sharing networks. Law enforcement can also integrate ALPR data from private entities, such as commercial plazas and homeowners' associations, into its portals.

14. Commercial ALPR vendors structure access through standardized contracts and Memoranda of Understanding ("MOUs"). For example, Flock routinely enters into MOUs that grant law enforcement entities complimentary access to search vehicular movement data captured across regional camera networks. The stated purpose of the MOUs between Flock and law enforcement entities is to facilitate investigations.

15. Law enforcement can retrospectively search ALPR data for as long as it is retained in their system. Vendor-hosted ALPR databases typically retain data for a set storage window, after which records are automatically deleted from the database. While some vendors set a default storage window, government customers can elect to bypass the default and extend that window at their sole discretion. Vendor platforms can store ALPR data for weeks, months, years, or even indefinitely.

16. Whatever a customer's database retention limits are, they do not apply once ALPR data is downloaded off the vendor's platform. Government customers possess the unilateral capability to manually

flag, export, and archive specific vehicle location records indefinitely. (App. A at 2).

17. Respondent City of Milwaukee currently expends municipal funds to operate multiple ALPR platforms–including Flock, Axon, and Genetec–deploying dozens of roadside cameras and dozens of cruiser-mounted readers that continuously log millions of vehicle locations across the city while maintaining access to ALPR data from over 800 jurisdictions outside of Milwaukee.

18. Respondent City of Racine has expended municipal funds to operate an ALPR network. Racine previously relied on dozens of Flock fixed cameras but is transitioning its surveillance infrastructure to Axon while maintaining mobile and alternative vendor capabilities to track individuals' location histories.

19. Respondent City of Green Bay currently expends municipal funds to operate a surveillance grid consisting of approximately forty-six Flock ALPRs alongside a fleet of Axon mobile and in-car systems. Green Bay maintains a searchable 30-day archive of vehicle location history and travel data and shares access to that data with 299 outside agencies. (App. B at 5-6). In a five-week period from January 1, 2026, through February 7, 2026, Green Bay's ALPR system recorded 9,447,030 vehicles. (*Id.*).

20. Respondent City of Kenosha currently expends municipal funds to operate a large-scale automated vehicular surveillance network under a 10-year, $14.6 million master technology contract with Axon (transitioning its infrastructure away from Flock), deploying fixed and

mobile plate-reading camera systems that continuously scan, aggregate, and store historical location data across the city.

b. ALPR Systems Contain Information About Individuals' Location History, Movements, Habits, Private Associations, and Other Sensitive Information.

21. Modern ALPR networks operate far beyond legacy, isolated surveillance cameras or traditional police observation. Their interconnected networks of cameras using advanced data-processing software transform public travel into a continuous, searchable digital footprint.

22. Law enforcement can easily run detailed retrospective searches in the databases storing ALPR information. They may search for a full license plate number to locate a specific vehicle, search for a partial license plate number to locate a group of vehicles, search for all vehicles recorded at a particular location at specific times, or search for all vehicles with certain features.

23. Industry leaders like Flock explicitly market systems that go far beyond reading numbers, utilizing proprietary "Vehicular Signature" technology–often described as vehicle fingerprinting–to log and categorize make, model, color, bumper stickers, and dents.[1] Flock also offers its AI-powered "FreeForm" technology, which allows law enforcement to use natural language descriptions to search for anything that appears in captured images.[2]

---

[1] Flock Safety, *Frequently Asked Questions*, Flock Safety (last visited Oct. 12, 2026), https://www.flocksafety.com/faq [https://perma.cc/8RRU-SZ3Q] (answering "Besides a license plate, what else do Flock Safety cameras capture?").

[2] Flock Safety, *Flock FreeForm: AI Video Search for Law Enforcement*, Flock Safety Blog (July 24, 2026), https://www.flocksafety.com/blog/how-ai-video-search-helps-law-enforcement [https://perma.cc/R9SZ-8E7P].

24. Furthermore, these platforms deploy automated analytical tools such as "Convoy Analysis" and multi-camera correlation algorithms. These tools automatically cross-reference disparate location feeds to track vehicles traveling together over time, exposing private personal, political, and professional associations.

25. Unlike a static traffic camera or an officer on patrol, contemporary ALPR platforms systematically aggregate millions of discrete data points across time and geography. By querying these archives without a warrant, law enforcement can effortlessly reconstruct an individual's pattern of life—mapping out locations a driver visits, the exact times they arrive and leave, and how frequently those trips occur.

c. Widespread Misuse of ALPR Systems Has Led to Public Outcry Over the Collection and Use of ALPR Data.

26. Several highly publicized cases of Wisconsin law enforcement officers allegedly misusing ALPR technology have been made public in the last two years alone.

27. Milwaukee Police Officer Josue Ayala pled guilty to using Flock to search the license plate of his romantic partner and her ex-partner a total of 179 times within a two-month period.[3] The misuse was only uncovered in December 2025 after a victim searched their license plate on "HaveIBeenFlocked.com" and alerted police.[4]

28. In May 2025, Waukesha County Sheriff's deputies ran over 100 ALPR searches targeting a Navy veteran's car after he filed a

[3] Criminal Complaint at 2, *State v. Ayala*, No. 2026CM000553 (Milwaukee Cnty. Cir. Ct. Jan. 15, 2026), App. C at 2.

[4] *Id.* at 1, App. C at 1.

misconduct complaint against a deputy[5]—illustrating how easily unconstrained databases enable targeted, retaliatory surveillance.

29. Racine County Sheriff's Detective Emil Ortiz was demoted and suspended for improperly using ALPRs between August and October 2025 to assist his girlfriend in a dispute with her ex-boyfriend.[6]

30. In August 2026, Kenosha County Sheriff's Deputy Frank McGrath had charges filed against him for using the ALPR database to track a fellow deputy whom he was dating.[7]

31. In July 2026, the individual assigned to investigate Officer Ayala's ALPR misuse, Milwaukee Police Department Internal Affairs Detective Tehrangi Chapman, was placed on leave and criminally charged with felony misconduct after investigators discovered he had weaponized the department's ALPR network to track a woman.[8]

32. In July 2026, two unnamed officers were placed under investigation for allegedly misusing ALPR data in Racine County.[9]

---

[5] *Jones v. Shayhorn*, No. 2:25-cv-01886 (E.D. Wis. Dec. 1, 2025); *see also* Katie Cox, *Lawsuit: Waukesha County man gets 'flocked' by sheriff's dept. after filing complaint against deputy*, TMJ4 NEWS (Dec. 3, 2025), https://www.tmj4.com/news/local-news/in-your-community/waukesha-county/lawsuit-waukesha-county-man-gets-flocked-by-sheriffs-dept-after-filing-complaint-against-deputy [https://perma.cc/GM57-D2MF].

[6] *See* Kevin Mathewson, *Embattled Racine Detective And Somers Resident Demoted, Suspended 10 Days After Using Flock To Surveil Girlfriend's Ex*, Kenosha County Eye (Dec. 26, 2025), https://kenoshacountyeye.com/2025/12/26/embattled-racine-detective-and-somers-resident-demoted-suspended-10-days-after-using-flock-to-surveil-girlfriends-ex/ [https://perma.cc/8HRC-F8XP].

[7] *State v. McGrath*, No. 2026CF001160 (Kenosha Cnty. Cir. Ct. 2026).

[8] *State v. Chapman*, No. 2026CF003239 (Milwaukee Cnty. Cir. Ct. 2026).

[9] Charles Benson, *Two Racine police officers under investigation for alleged Flock camera misuse; DA also reviewing RCSO case*, TMJ4 News (Oct. 2026),

33. In August 2026, officer Cristian Morales of the Menasha Police Department was sentenced after using the department's ALPR system to monitor and stalk an ex-girlfriend. According to an affidavit from an investigative officer, officer Morales used the searches to check whether his then-girlfriend had gone to a clinic to seek a potential termination of a pregnancy.[10]

34. In July 2026, Milwaukee Police officers pulled over an innocent woman and drew their guns after an ALPR camera issued an alert for a vehicle that should not have been entered into the system. Ten days later, Brookfield police officers pulled the same woman over with guns drawn for the same erroneous ALPR alert.[11]

35. The cases above likely represent only a small portion of the ALPR abuses by Wisconsin law enforcement. Given the high volume of searches conducted and the nebulous justifications law enforcement uses to search ALPR data, it would be impossible to identify every instance of misuse.

---

https://www.tmj4.com/news/local-news/in-your-community/racine-county/two-racine-police-officers-under-investigation-for-alleged-flock-camera-misuse-da-also-reviewing-rcso-case [https://perma.cc/M3EQ-ELCL].

[10] *State v. Morales*, No. 2026CF000029 (Outagamie Cnty. Cir. Ct. 2026); *see* Drew Harwell et al., *How Rogue Officers Turned a Nationwide Camera Network Into a Tool for Stalking*, WASH. POST (Aug. 2, 2026), https://www.washingtonpost.com/technology/2026/08/02/how-police-officers-used-vast-network-cameras-spy-their-exes/. (Last visited on October 13, 2026).

[11] *Milwaukee police admit data error led to two gunpoint stops woman Flock*, Wash. Times (Aug. 28, 2026), https://www.washingtontimes.com/news/2026/aug/28/milwaukee-police-admit-data-error-led-two-gunpoint-stops-woman-flock/. (Last visited on October 13, 2026).

36. For example, in the city of Milwaukee alone, 715 searches were conducted on Flock's system (not including searches on Milwaukee's other two ALPR platforms) in just a thirty-day period between August 19, 2026, and September 17, 2026. The top "offense type" selected as the reasons for these 715 searches was "Other." (App. D at 12).

37. A review by the Wisconsin Examiner spanning five months of queries across 221 Wisconsin law enforcement agencies revealed that officers routinely entered one-word justifications such as "investigation" or "suspicious" to bypass mandatory audit trails. In Milwaukee alone, the single term "investigation" was used more than 1,000 times in 2025.[12]

38. The prolific misuse of ALPR data by law enforcement in Wisconsin has resulted in strong public backlash.

d. In Response to Public Outrage Over ALPR Use, Municipalities Have Adopted Ad-Hoc Administrative Policies That Fail to Comply with Constitutional Search Standards.

39. In response to the public outcry over the prolific misuse of ALPR data, municipalities and police departments have instituted a patch-work of inadequate policies throughout the State. All the responses from municipalities fail to treat the querying of ALPR data as a constitutional search.

40. Rather than addressing the core constitutional violations, local responses have amounted to empty administrative reshuffling. For

[12] Isiah Holmes, *Analysis of Flock Use by Wisconsin Cops Reveals Trends, Raises Questions*, WIS. EXAMINER (Aug. 6, 2025), https://wisconsinexaminer.com/2025/08/06/analysis-of-flock-use-by-wisconsin-cops-reveals-trends-raises-questions/ [https://perma.cc/ULP6-GP24].

instance, the City of Kenosha announced in August of 2026 that it would no longer use Flock, only to approve a 10-year, $14.6 million master technology contract with Axon that includes hundreds of thousands of dollars to replace Flock cameras with Axon hardware. Similarly, in September of 2026, the City of Racine voted not to renew its contract with Flock while explicitly signaling it would simply look to alternative ALPR vendors.

41. Milwaukee's high-profile policy changes reveal the same illusion of oversight. In August of 2026, the Milwaukee Mayor announced administrative restrictions on the MPD's Flock network—later expanded in September to all ALPR technology—restricting queries to supervisors, limiting them to certain crimes, blocking outside law enforcement access, and creating a public stats portal.

42. Despite these purported guardrails, the system remains opaque and expansive, and it continues to be used to conduct indiscriminate mass surveillance on Wisconsin drivers. Milwaukee's public portal displays information exclusively for Flock while excluding other ALPRs that perpetuate the same harms, and as late as September 21, 2026, it relied on undefined search justifications: the most common "offense type" was listed as "Other," followed by "City Planning/Traffic Analysis." Furthermore, while Milwaukee agreed to stop sharing its own locally generated data, it continues to ingest data from the broader network, tapping into ALPR repositories from over 800 different jurisdictions.

43. As Milwaukee Police Department's chief of staff, Heather Hough, candidly admitted during a September 17, 2026, public meeting, ALPR "technology has been advancing faster than we can grasp. And so,

unfortunately, we're doing a lot of catch-up."[13] Despite their struggles to keep up with ALPR technology, MPD announced in early October of 2026 that it would renew its contract with Flock.[14]

44. This illusion of reform extends beyond the respondent municipalities to other public entities across the state, proving that partial policy changes leave core surveillance capabilities entirely intact. For example, when the University of Wisconsin-Madison Police Department ("UWPD") announced on July 3, 2026, that it would not renew its annual Flock contract and ordered campus cameras uninstalled, the decision left its core surveillance intact: it did not remove cruiser-mounted plate readers, bar future contracts with other vendors, or prohibit UWPD from querying shared ALPR databases.

45. Dane County's Board of Supervisors similarly approved a resolution in April of 2026 to strip an allocated $80,000 for the Dane County Sheriff's Office's Flock Safety ALPR subscription. Dane Cnty., Wis., Res. 2025 RES-403 (Apr. 16, 2026). Yet this resolution does not bar other ALPR vendors, nor does it prevent the Sheriff's Office from signing a zero-dollar memorandum of understanding to query vehicle records across the broader Flock network.

---

[13] Adam Rife, *'Side door access': After FPC meeting, unclear how many federal and local agencies accessed Milwaukee Flock data*, CBS 58 News (Sept. 17, 2026), https://www.cbs58.com/news/side-door-access-after-fpc-meeting-unclear-how-many-federal-and-local-agencies-accessed-milwaukee-flock-data [https://perma.cc/VGR2-8FG6].

[14] Meredith Melland, *Milwaukee PD renews Flock contract as former detective appears in court for misuse*, Wis. Examiner (Oct. 8, 2026), https://wisconsinexaminer.com/2026/10/08/milwaukee-pd-renews-flock-contract-as-former-detective-appears-in-court-for-misuse/ https://perma.cc/Z5RN-7DBT].

46. Across Wisconsin's patchwork of municipal policies, one rule remains constant: law enforcement and/or municipalities retain exclusive, unreviewable discretion to decide when, where, and how to track the movements of individuals.

47. No governmental ALPR user in Wisconsin requires its officers to obtain a search warrant prior to searching for an individual's vehicle, tracking that vehicle's location history, or saving the data obtained by ALPRs indefinitely.

e. Petitioner Wisconsin Council of Churches and Its Members Reside and Travel Within Respondent Municipalities and Are Subjected to Warrantless Surveillance.

48. Petitioner, the Wisconsin Council of Churches ("WCC"), is a statewide ecumenical body comprised of member denominations and congregations that routinely facilitate gatherings for religious worship, pastoral care, confidential counseling, and community support.

49. Members of WCC congregations travel throughout respondent municipalities to participate in these vital ministries and services, maintaining a reasonable expectation of privacy in their expressive associations and movements.

50. The services hosted by WCC member churches frequently involve sensitive, confidential, and deeply personal matters, including 12-step recovery programs such as Alcoholics Anonymous and Narcotics Anonymous, confidential pastoral counseling, mental health support groups, and domestic violence survivor meetings.

51. Other member congregations host immigration legal aid clinics, sanctuary and refugee support programs, and youth counseling

sessions where attendees face heightened legal, medical, or physical vulnerabilities for which confidentiality is essential.

52. Continuous, automated tracking of vehicles outside these facilities exposes constitutionally protected associations, religious exercise, and private medical decisions to government logging, ultimately chilling the exercise of foundational civil liberties.

STATEMENT OF CONTROLLING LAW

a. Article I, Section 11 of the Wisconsin Constitution Guarantees Protection from Unreasonable Searches.

53. The Wisconsin Constitution protects individuals from unreasonable searches and seizures and is nearly identical, in text, to the Fourth Amendment of the U.S. Constitution:

> The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Wis. Const. Art. I, Sec. 11.

54. Although this Court frequently looks to federal Fourth Amendment jurisprudence for guidance, federal law sets only the constitutional floor. This Court has repeatedly affirmed its sovereign authority to interpret Article I, Section 11 to provide greater protection than the federal counterpart. *State v. Eason*, 2001 WI 98, ¶ 63, 245 Wis. 2d 206, 629 N.W.2d 625; *see also State v. Ward*, 2000 WI 3, ¶ 59, 231 Wis. 2d 723, 604 N.W.2d 517. As this Court has long recognized, when modern surveillance techniques threaten liberties secured by the state, "this court is free to interpret our constitution in a manner which affords

greater protections." *State v. Thompkins*, 144 Wis. 2d 116, 132, 423 N.W.2d 823, 830 (1988).

55. The Fourth Amendment's "basic purpose" is "to safeguard the privacy and security of individuals against arbitrary invasions by governmental officials," *Carpenter v. United States*, 585 U.S. 296, 303 (2018), and it was designed "to place obstacles in the way of a too permeating police surveillance," *Chatrie v. United States,* 609 U.S. ___, 146 S. Ct. 2193 (2026) *(*quoting *United States v. Di Re,* 332 U.S. 581, 595 (1948)).

56. As such, technological advances in dragnet automated surveillance demand independent constitutional inquiry.

57. Because Article I, Section 11 protects privacy interests to an even greater extent than the Fourth Amendment, federal jurisprudence holding that the use of pervasive electronic surveillance for location tracking is a search provides persuasive precedent for assessing whether municipal ALPR systems constitute an unconstitutional search according to the Wisconsin Constitution.

b. Contemporary Jurisprudence Applies Constitutional Limits to Dragnet Surveillance Technology in Public Locations.

58. Confronting advances in modern digital surveillance, the United States Supreme Court has recognized that technology that "attempts to reconstruct a person's movements" presents a particularly acute risk of "erod[ing] Fourth Amendment protections," given its capacity to reveal the "privacies of life." *Carpenter*, 585 U.S. at 310. As a result, the Court has recalibrated Fourth Amendment doctrine to preserve "that degree of privacy against government that existed when

the Fourth Amendment was adopted." *Id.* at 305 (quoting *Kyllo v. United States*, 533 U.S. 27, 34 (2001)). Rather than evaluating isolated observations in a vacuum, modern doctrine examines the cumulative picture government tracking reveals. Combining discrete snapshots of public travel into a comprehensive historical record invades reasonable expectations of privacy and triggers constitutional protections.

59. Early search doctrine focused strictly on physical trespass to private property. *See United States v. Jones*, 565 U.S. 400, 405 (2012) (discussing the history of Fourth Amendment jurisprudence). But as surveillance capabilities expanded, constitutional protections decoupled from property lines. In *Katz v. United States*, 389 U.S. 347, 351-52 (1967) the Court made clear that the Fourth Amendment protects people, not places, establishing that what an individual "seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected."

60. Crucially, the government cannot circumvent that principle simply because its sensors occupy a public vantage point. In *Kyllo v. United States*, 533 U.S. 27, 34-35 (2001), officers parked on a public street used thermal technology to detect information undetectable to the naked eye. The Court rejected the argument that officers' lawful presence in a public location insulated the surveillance from constitutional scrutiny. Modern doctrine recognizes that technology can do more than merely enhance human perception; it can qualitatively transform it. *See Riley v. California*, 573 U.S. 373, 385, 393 (2014) (holding that government inspection of comprehensive digital records on a cellphone cannot be evaluated through the same legal lens as physical

objects). In other words, technologically aided surveillance can be far more intrusive than a police officer on the corner.

61. The Court's recent line of cases addressing the use of technology to track individuals' movements began with *United States v. Jones*, 565 U.S. 400 (2012), which directly confronted government tracking of vehicles on public roads by means of a GPS device placed on a suspect's car. While the majority resolved the case on physical trespass grounds, five Justices authored or joined concurrences holding that monitoring a vehicle's movements via GPS on public streets, at least for prolonged periods, was a "search" triggering constitutional protections because that electronic tracking invades a reasonable expectation of privacy regardless of trespass.[15] *Id.* at 415 (Sotomayor, J., concurring); *id.* at 430 (Alito, J., concurring in judgment). As Justice Sotomayor warned, aggregated location tracking reveals a "wealth of detail" about familial, political, professional, and religious associations that no officer on a street corner could ever observe. *Id.* at 415.

62. Next, in *Carpenter v. United States*, 585 U.S. 296 (2018), the Court adopted Justice Sotomayor's concurrence in *Jones* as binding constitutional doctrine. Rejecting the government's claim that location tracking from cell site location information (CSLI) lacked Fourth Amendment protection, the Court held that an individual maintains a legitimate expectation of privacy against the government compiling a

[15] *United States v. Knotts*, 460 U.S. 276 (1983), is not to the contrary. In *Knotts*, the Court held that a driver had no reasonable expectation of privacy in his movements captured by an analog radio beeper used solely to assist officers in maintaining visual contact during a single, discrete trip. Crucially, however, *Knotts* "was careful to distinguish between the rudimentary tracking facilitated by [a] beeper and more sweeping modes of surveillance, noting that "different constitutional principles may be applicable" if "twenty-four hour surveillance of any citizen of this country [were] possible." *Carpenter*, 585 U.S. at 306 (quoting *Knotts*, 460 U.S. at 284-85).

comprehensive chronicle of their public travels. *Id*. at 310. An individual "does not surrender all Fourth Amendment protection by venturing into the public sphere." *Id*. Drawing directly on the concurrences in *Jones*, Chief Justice Roberts recognized that aggregated location tracking reveals not just isolated trips, but an "all-encompassing record of the holder's progression through life"—exposing familial, political, professional, religious, and sexual associations. *Id*. at 311.

63. Crucially, *Carpenter* identified retrospective tracking as an unprecedented constitutional threat. Historical location archives provide the state with a technological time machine: they give the government "near perfect surveillance" and allow it to "travel back in time to retrace a person's whereabouts" across weeks, months, or years. *Id*. at 311-12. The Court emphasized that constitutional rules cannot turn on technical distinctions between cellular data and GPS tracking, but "must take account of more sophisticated systems that are already in use or in development." *Id*. at 312 (quoting *Kyllo*, 533 U.S. at 36). The inquiry did not turn on how the data was created, but on what the government obtained: an exhaustive, retrospective map of a person's life.

64. Most recently, in *Chatrie v. United States*, 146 S. Ct. 2193 (2026), the Supreme Court confronted the constitutional limits of querying vast, unparticularized digital repositories. There, investigators deployed a "geofence" warrant compelling Google to search historical location records for any device present near a crime scene, without identifying a specific suspect in advance. *Id*. at 2199. The Court held that querying an aggregate civilian location database constitutes a Fourth Amendment search—expressly rejecting the government's claim that short-term or time-limited queries escape constitutional scrutiny. *Id*. at

2206. Because searching an indiscriminate database inevitably sifts through the private movements of countless individuals, the Court held that the Fourth Amendment applied because it was specifically designed "to place obstacles in the way of a too permeating police surveillance." *Id*. at 2204 (quoting *United States v. Di Re*, 332 U.S. 581, 595 (1948)).

65. Lower federal courts have also recognized that comprehensive tracking of individuals' movements in public, including as they drive on public roads, can violate expectations of privacy.

66. In *Leaders of a Beautiful Struggle v. Baltimore Police Dept.* (4th Cir. 2021) 2 F.4th 330, 333 (en banc), the Fourth Circuit held that Baltimore police violated the Fourth Amendment by operating an aerial surveillance program ("AIR") that captured wide-area, low-resolution photographs allowing indiscriminate tracking of people's movements in public throughout the city. The court noted empirical research confirms that even as few as four points of public location data are enough to uniquely identify an individual based on their pattern of movements. *Id.* at 343 n.10.

67. Similarly, in *United States v. Tuggle*, 4 F.4th 505, 527-28 (7th Cir. 2021), the Seventh Circuit specifically warned that while surveillance using a single camera mounted on a utility pole was permissible, modern automated tools—including "protracted location tracking using automatic license plate readers, drones, and facial recognition"—threaten to "tether individuals to tracking markers that log their every move." The Seventh Circuit observed that when these technologies mature into pervasive regional networks, they inevitably cross the constitutional line. *Id*.

68. And earlier this month, the District Court for the Northern District of Oklahoma held that a retrospective search of an individual's movements as recorded in an ALPR database was a Fourth Amendment search that required a warrant. *United States v. Kyle*, No. 26-CR-00189-SEH, 2026 WL 2958728, at *14 (N.D. Okla. Oct. 1, 2026). The court wrote that the use of the ALPR system "credibly invoke[d] concerns raised in both *Carpenter* and *Chatrie*. . . . [B]y virtue of how ALPR technology works . . . officers using these systems have access to a continuously updated location history for all vehicles caught on ALPR cameras within the network." *Id.* at *13. The Court noted that "[c]ell phones also move in public places where people can see you in plain view. But it becomes constitutionally problematic when law enforcement can indiscriminately and passively catalog your whereabouts over an extended period of time and then use that information for any purpose whenever convenient." *Id.*

69. That constitutional line has also been crossed in Wisconsin. By amassing millions of vehicle records into databases and querying those archives at will without a warrant, respondents deploy the exact type of unconstrained dragnet the U.S. Supreme Court and other federal courts have cautioned against. This presents an urgent, unresolved question of state constitutional law under Article I, Section 11—a question that lower courts cannot uniformly resolve and that demands this Court's immediate intervention.

RELIEF SOUGHT BY THIS PETITION

Pursuant to Wis. Stat. § (Rule) 809.70 (1) and the Uniform Declaratory Judgments Act, Wis. Stat. § 806.04, Petitioners respectfully request that this Court grant this Petition for an Original Action and

enter a declaratory judgment resolving an unsettled, pressing constitutional question of statewide importance: whether law enforcement's querying of automated license plate reader ("ALPR") databases constitutes a "search" under Article I, Section 11 of the Wisconsin Constitution.

Specifically, Petitioners seek a judicial declaration and judgment providing:

1. A declaration that the government's accessing, querying, or analyzing of historical, location-identifying license plate data invades a reasonable, constitutionally protected expectation of privacy in a person's aggregate movements and therefore constitutes a search within the meaning of Article I, Section 11 of the Wisconsin Constitution.

2. A declaration that, absent a recognized and strictly circumscribed exception to the warrant requirement (such as genuine exigent circumstances), the warrantless accessing, querying, or analyzing of ALPR databases by state or municipal law enforcement agencies violates Article I, Section 11 of the Wisconsin Constitution.

3. A declaration that, pursuant to this Court's independent authority to interpret Article I, Section 11, the privacy protections guaranteed to the people of Wisconsin against dragnet electronic surveillance and long-term pattern-of-life location tracking are not diminished merely because individual vehicular travel occurs upon public thoroughfares.

4. Such further declaration of rights, supplemental relief under Wis. Stat. § 806.04(8), or preliminary and permanent injunctive relief

as this Court deems just, necessary, and proper to enforce its declaration and protect the constitutional rights of the Petitioners and the public.

STATEMENT OF REASONS WHY THIS COURT SHOULD TAKE ORIGINAL JURISDICTION

The Wisconsin Constitution empowers this Court to "hear original actions and proceedings." Wis. Const. art. VII, § 3(2). The purpose of the provision is to enable this Court to address "all judicial questions affecting the sovereignty of the state, its franchises or prerogatives, or the liberties of its people." *Petition of Heil*, 230 Wis. 428, 284 N.W. 42, 45 (1938). The Court exercises original jurisdiction where the question presented is *publici juris*—of "public right"—and "requires a prompt and authoritative determination by this court in the first instance." *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 362, 338 N.W.2d 684, 686 (1983); *Petition of Heil*, 284 N.W. at 49 (original actions limited to "cases so importantly affecting the rights and liberties of the people of this state as to warrant such intervention"); *Wis. Pro. Police Ass'n, Inc. v. Lightbourn*, 2001 WI 59, ¶ 4, 243 Wis. 2d 512, 529, 627 N.W.2d 807, 816 (original actions limited to "exceptional cases in which a judgment by the court significantly affects the community at large"). This case meets that high bar.

a. This Petition Addresses a Matter of Exceptional Statewide Importance Affecting the Public at Large.

This is a quintessential public rights case. At issue is the government's power to conduct dragnet surveillance that reveals an individual's location history, historical travel patterns, and private associations through ALPR technology, and the application of constitutional protections to such government activity. This issue

directly affects every driver in Wisconsin—a class comprising over 4.3 million licensed drivers who collectively log nearly 190 million vehicle miles each day.[16] Across the State, an interconnected web of private-vendor cameras captures and catalogues hundreds of millions of time-stamped, geolocated vehicle images annually. By aggregating these routine movements into centralized, searchable databases, government officials can retrospectively reconstruct an individual's intimate pattern of life—revealing visits to medical facilities, places of worship, political gatherings, and private residences.

As a constitutionally derived protection, the right to be protected against arbitrary invasions by governmental officials should be applied uniformly throughout the state, not left to a disjointed patchwork of local responses where individual municipalities, police departments, or private vendors unilaterally dictate the boundaries of mass surveillance.

Because millions of Wisconsinites are subjected daily to warrantless electronic tracking, and because a single lower court cannot provide the immediate, statewide certainty this sprawling surveillance apparatus requires, the matter is squarely *publici juris* and demands an authoritative resolution by this Court.

---

[16] U.S. Dep't of Transportation, Fed. Highway Admin., *Highway Statistics 2024, Table DL-1C: Licensed Drivers By Sex: Ratio To Population* (Feb. 2026), https://www.fhwa.dot.gov/policyinformation/statistics/2024/dl1c.cfm [https://perma.cc/S2NN-HR5C]; *see also* Wisconsin Dept. of Transportation Data: https://wisconsindot.gov/Documents/projects/data-plan/veh-miles/vmt2024-c.pdf [https://perma.cc/VU97-QDLJ].

b. An Urgent Need Exists for Prompt, Uniform Determination of an Issue That the Lower Courts Cannot Adequately Resolve.

This case requires a "prompt and authoritative" determination by this Court in the first instance." *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 362, 338 N.W.2d 684, 686 (1983). The rapid, unregulated expansion of ALPR surveillance has triggered significant public backlash across Wisconsin. In response, individual municipalities and law enforcement agencies have adopted an inconsistent array of ad hoc policies—from internal supervisory review tiers to informal moratoriums and vendor cancellation.

Notably, not one of these local measures resolves the underlying constitutional deficiency: that State agencies treat the retrospective search of stored ALPR data as discretionary administrative activity rather than a search under Article I, Section 11 of the Wisconsin Constitution. Without clear, definitive guidance from this Court, law enforcement entities across the state will continue to unilaterally determine the boundaries of their own surveillance power, denying Wisconsinites the fundamental protections guaranteed by our Constitution.

This issue cannot await the slow, piecemeal progression of ordinary litigation through the circuit courts. An action initiated in a single circuit court is fundamentally inadequate to resolve this statewide controversy for three reasons:

First, a circuit court judgment binds only the parties before it and lacks the jurisdictional reach to establish binding, statewide precedent. *See Petition of Heil*, 230 Wis. 428, 284 N.W. 42 (1938) (original

jurisdiction warranted where the lower court process is inadequate to protect the rights of the public at large). Because ALPR systems are inherently mobile and interconnected, tracking vehicles as they cross municipal and county lines, a decision addressing an ordinance or policy in one municipality would leave neighboring jurisdictions entirely unaffected, perpetuating the patchwork that threatens constitutional consistency.

Second, the standard multi-tiered appellate process would subject Wisconsin drivers to years of ongoing, irreparable privacy violations while a single case winds its way through trial proceedings, intermediate appellate review, and eventual certiorari before this Court. During that protracted delay, hundreds of millions of vehicle location records would be subject to collection, retention, and query without judicial oversight. Compounding this constitutional injury is the waste of public funds. While litigation languishes below, Wisconsin municipalities and counties will continue to commit millions of taxpayer dollars to multi-year procurement contracts, enterprise software subscriptions, and proprietary hardware leases for surveillance systems that may ultimately be declared unconstitutional.

Third, the current process would subject Wisconsinites to an untenable, geography-dependent regime of constitutional protection. A driver traveling in Wisconsin would be exposed to varying degrees of warrantless electronic tracking depending solely on which county or municipality they happen to drive through and what voluntary internal measures local officials chose to adopt. Fundamental constitutional rights cannot depend on municipal borders.

c. This Petition Presents a Pure Question of Constitutional Law Requiring No Further Factual Development.

Finally, this petition presents an issue exclusively of constitutional rights, making it ideally suited for this Court's original jurisdiction. This matter requires no evidentiary hearings, additional fact-finding, or discovery. The technical architecture, indiscriminate data collection methods, and cloud-based aggregation capabilities of automated license plate reader systems are established through public contracts, administrative policies, and published vendor operating specifications. There is no dispute regarding *how* these systems mechanically function: they continuously photograph, record, and geolocate every passing vehicle, compile those records into centralized databases, and permit law enforcement officials to retrospectively search and track vehicle movements across time and space without a warrant.

The sole inquiry presented to this Court is a clean, threshold issue of constitutional interpretation: Whether the government's retrospective querying of historical vehicular location data invades a reasonable expectation of privacy in an individual's aggregate physical movements, thereby constituting a "search" within the meaning of the Wisconsin Constitution. Because this controversy turns entirely on the constitutional characterization of an undisputed technological reality, remanding the issue to a circuit court would serve no adjudicative purpose other than to delay a necessary and inevitable determination by this Court.

CONCLUSION

This case demands prompt resolution and presents precisely the type of controversy that warrants this Court's original jurisdiction: an

urgent, pure question of constitutional law with no disputed facts. When the government can log and reconstruct the everyday movements of ordinary individuals—to their places of worship, their doctors' offices, their workplaces, and their political assemblies—unfettered by judicial oversight or the requirement of individualized suspicion, it wields a sweeping authority over private life that the Constitution forbids. This Court must assume jurisdiction and grant the petition.

Respectfully submitted this 14th day of October, 2026.

Electronically signed by Wesley E. Haslam.

Counsel for Petitioners,

WESLEY E. HASLAM
Wisconsin Bar No. 1121993
whaslam@aclu-wi.org
RYAN V. COX
Wisconsin Bar No. 1140899
rcox@aclu-wi.org
HANNAH R. SCHWARZ
Wisconsin Bar No. 1143527
hschwarz@aclu-wi.org

ACLU OF WISCONSIN
FOUNDATION, INC.
207 E. Buffalo Street, Suite 325
Milwaukee, WI 53202
(414) 272-4032

ELIZABETH FEMIA*
Pro hac vice forthcoming
lfemia@eff.org
ANDREW CROCKER*
Pro hac vice forthcoming
andrew@eff.org

ELECTRONIC FRONTIER
FOUNDATION, INC.
815 Eddy Street
San Francisco, CA 94109
(415) 436-9333

CERTIFICATE OF FORM AND LENGTH

I hereby certify that this petition conforms to the rules contained in Wis. Stat. 809.19 §§ (8)(b), (bm), and (c) for a petition produced with a proportional century schoolbook font. The length of this petition is 6,930 words.

Dated: October 14, 2026

Electronically signed by Wesley E. Haslam
Wesley E. Haslam
October 14, 2026
Counsel for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2026, a true and correct copy of the Petition for Leave to Commence an Original Action, Appendix, and accompanying documents will be served via U.S. Mail, postage prepaid, or personally served upon the following Respondents:

City of Milwaukee
Office of the City Attorney
200 E. Wells Street, Room 800
Milwaukee, WI 53202

City of Green Bay
Office of the City Attorney
100 N. Jefferson Street
Green Bay, WI 54301

City of Racine
Office of the City Attorney
730 Washington Avenue
Racine, WI 53403

City of Kenosha
Office of the City Attorney
625 52nd Street
Kenosha, WI 5314

Dated this 14th day of October, 2026.

Electronically signed by
Wesley E. Haslam
Wesley E. Haslam

Counsel for Petitioners