When the Algorithm Gets It Right:

Mass Surveillance, Reality Testing, and the Denial of Meaningful Access to Public Space

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Abstract

On June 10, 2026, the American Civil Liberties Union filed suit on behalf of Robert Dillon, arrested for an attempted child abduction in a Florida town he had never visited after police treated a facial recognition system's "93% match" on cellphone photographs of a surveillance monitor as an investigation. He is one of at least fifteen people known to have been wrongfully arrested on erroneous facial recognition results since 2019, and every one of those cases has been litigated as a misidentification case. The misidentification posture carries a structural concession: if the error is the injury, surveillance performed accurately is lawful. This Article addresses the population for whom accuracy is the injury. For people with schizophrenia spectrum conditions, delusional disorder with persecutory features, post-traumatic stress with hypervigilance, and related psychiatric disabilities, the foundational clinical intervention is reality testing, the ability of a clinician, a family member, or the patient's own checking behavior to disconfirm the belief that one is being watched. Announced mass surveillance, automatic license plate reader networks, and saturation camera deployment convert that belief into an accurate world model and convert reality testing into a confirmation engine. The result, for a definable protected class, is functional exclusion from public space. This Article argues that the exclusion is actionable now under existing law. Public sidewalks and rights of way are services, programs, and activities of a public entity under Title II of the Americans with Disabilities Act; the governing standard is meaningful access; and the claim pleads as a denial of reasonable modifications and as discriminatory methods of administration rather than as naked disparate impact. Deterrence doctrine establishes that the class member who stays home has already suffered the injury. The Article then sets out a plaintiff architecture, associational standing with sealed member declarations, protection and advocacy system standing, sovereign enforcement, and Rule 23(b)(2) certification, under which no individual with a persecutory spectrum condition ever needs to appear in a caption, sit for an adversarial mental examination, or carry the suit personally. The remedy sought is modification of the surveillance program, retention limits, publicity calibration, audit, and exemption mechanisms, never its abolition.

Keywords: ADA Title II; Section 504; mass surveillance; facial recognition; reality testing; persecutory delusions; meaningful access; deterrence standing; associational standing; Rule 23(b)(2).

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*The author discloses the use of speech-to-text software (Wispr Flow) and Anthropic's Claude as assistive technology for a diagnosed neurodevelopmental condition. All legal analysis, case synthesis, theoretical framing, doctrinal arguments, and conclusions are solely the author's own. Correspondence concerning this article should be addressed to Travis Gilly, Executive Director, Real Safety AI Foundation, Illinois, United States; `t.gilly@ai-literacy-labs.org`.

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I. Introduction

In November 2023, a man attempted to lure a child away from a McDonald's in Jacksonville Beach, Florida. The responding officer viewed the restaurant's surveillance footage but did not preserve a copy; he photographed the monitor with his cellphone. An investigator at the Jacksonville Sheriff's Office ran those photographs, low resolution, partially shadowed, off axis, through a facial recognition system and reported a "93% match" to Robert Dillon, a Fort Myers resident more than three hundred miles away who had never set foot in Jacksonville Beach.[1] Nine months later, in August 2024, Dillon was arrested at his home, jailed, and charged with one of the most stigmatizing offenses in the criminal code.[2] The charges were eventually dropped. On June 10, 2026, the ACLU and the ACLU of Florida filed suit on his behalf in the United States District Court for the Middle District of Florida against the City of Jacksonville Beach, two named officers, and the Sheriffs of Jacksonville and Pinellas County in their official capacities.[3] The ACLU counts Dillon among at least fifteen people known to have been wrongfully arrested in the United States since 2019 on the strength of an erroneous facial recognition result.[4]

The suit is necessary. The announcement accompanying it, however, frames the harm in terms that define the docket's outer limit. The ACLU's deputy director for its Speech, Privacy, and Technology Project framed the harm as the fear of losing one's freedom or of leaving one's house "because an algorithm got it wrong."[5] The qualifier is the theory of harm. Fifteen known wrongful arrests in seven years have generated a docket; the remedy that docket seeks is, in substance, a more careful algorithm and a more careful police department. Each misidentification case asks whether the machine looked at the right person. In asking only that question, the misidentification posture concedes the antecedent one: that the machine is entitled to look.

There is a population for whom that concession surrenders everything. For people with schizophrenia spectrum conditions, delusional disorder with persecutory features, post-traumatic stress disorder with hypervigilance, and related psychiatric disabilities, the belief that one is being watched, followed, and logged is the core symptom, and the foundational clinical intervention against that symptom is reality testing: the capacity of a clinician, a spouse, a friend, or the patient's own structured checking to return the answer that no one is, in fact, watching. Announced mass surveillance ends the availability of that answer. A municipality that saturates its rights of way with networked cameras and automatic license plate readers, and that advertises the saturation because advertisement is how deterrence works, has made the persecutory belief an accurate world model. The clinically honest response to "am I being watched every time I leave the house" is now yes. The treatment tool is gone, removed by public infrastructure that the affected population never consented to and cannot avoid, and the cost is paid at the threshold of the front door, every single time the person steps outside or declines to.

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[1] Press Release, ACLU, *Florida Man Sues Police Over Wrongful Arrest Due to False Facial Recognition Match* (June 10, 2026), https://www.aclu.org/press-releases/florida-man-sues-police-over-wrongful-arrest-due-to-false-facial-recognition-match; *see also* Alyssa Spady, *Florida Man Blames Wrongful Arrest on "Error-Prone" AI Facial Recognition*, CBS News (June 10, 2026), https://www.cbsnews.com/news/lawsuit-wrongful-arrest-ai-facial-recognition/ (describing the FACESNXT system, the cellphone photographs of the monitor, and Dillon's alibi).

[2] Press Release, ACLU, *supra* note 1 (stating that Dillon, who lives in Fort Myers with his wife and daughter, was arrested in August 2024 for the November 2023 incident).

[3] Complaint, *Dillon v. City of Jacksonville Beach*, No. 2:26-cv-01936 (M.D. Fla. filed June 10, 2026); Press Release, ACLU, *supra* note 1 (identifying co-counsel Hoguet Newman Regal & Kenney, LLP).

[4] *Id.*; *see also* Lauren Yu & Nathan Freed Wessler, *More Than a Dozen Wrongful Arrests Due to Police Reliance on Facial Recognition Technology*, ACLU (Apr. 14, 2026), https://www.aclu.org/news/privacy-technology/more-than-a-dozen-wrongful-arrests-due-to-police-reliance-on-facial-recognition-technology (collecting the known cases, beginning with Nijeer Parks in 2019).

[5] Press Release, ACLU, *supra* note 1 (statement of Nathan Freed Wessler).

This Article argues that the resulting exclusion is actionable today, under statutes enacted in 1973 and 1990, with no new law required. The argument proceeds in five steps. Part II establishes the mechanism: who the affected population is, why reality testing is load bearing for their access to the world, and why announced surveillance, as a matter of the technology's own design logic, destroys it. Part III establishes the doctrinal site: public sidewalks and rights of way are services, programs, and activities of a public entity within the meaning of Title II of the Americans with Disabilities Act, a proposition the curb cut litigation settled two decades ago. Part IV supplies the discrimination theory: the governing standard is meaningful access, and the claim is properly pleaded as a denial of reasonable modifications and as discriminatory methods of administration, a posture that survives the limits *Alexander v. Choate* places on freestanding disparate impact claims. Part V supplies the injury and the plaintiff architecture: deterrence doctrine establishes that the class member who stays home has already been injured, and a combination of associational standing, protection and advocacy system standing, sovereign enforcement, and Rule 23(b)(2) certification permits the entire case to proceed without any individual member of the class appearing in a caption or sitting for an adversarial examination. Part VI addresses the defendant architecture and the litigation exposure questions that counsel will reasonably ask. Part VII concludes.

II. The Mechanism: Announced Surveillance and the Destruction of Reality Testing

A. The Population

The class at the center of this Article is defined by symptom architecture rather than by a single diagnosis. Persecutory delusions, the belief that one is being conspired against, surveilled, followed, or harassed, are the most common delusional subtype across psychotic disorders.[6] They appear in schizophrenia and schizoaffective disorder, in delusional disorder of the persecutory type, and, in attenuated and non-delusional forms, in post-traumatic stress disorder presenting with hypervigilance, in paranoid personality disorder, and in traumatic brain injury with paranoid features. Each of these conditions is a disability within the meaning of the Americans with Disabilities Act when it substantially limits major life activities,[7] and the limitation at issue here, the capacity to move through and remain in public space, is among the most fundamental the statute protects.

B. Reality Testing as the Load Bearing Intervention

The clinical line between a delusion and an ordinary false belief is corrigibility. The DSM defines delusions as fixed beliefs "not amenable to change in light of conflicting evidence."[8] The entire architecture of treatment for persecutory ideation, from supportive psychotherapy through cognitive behavioral therapy for psychosis, is built on the availability of conflicting evidence. The clinician's work, and the family's work between sessions, is to hold the patient's belief up against a world that returns a disconfirming answer: we checked, no one followed you; we looked, there is no camera in the lamp post; you drove to the pharmacy and back and no record of the trip exists anywhere. Behavioral experiments of exactly this kind are a standard component of cognitive behavioral therapy for psychosis. The method presupposes a testable world. It is the patient's bridge back to public life, and for the attenuated conditions, hypervigilant post-traumatic stress most prominently, it is frequently the difference between functional avoidance and full agoraphobic withdrawal.

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[6] *See* Am. Psychiatric Ass'n, *Diagnostic and Statistical Manual of Mental Disorders* (5th ed., text rev. 2022) [hereinafter DSM-5-TR] (describing persecutory delusions as the most common delusion subtype and defining delusions generally).

[7] 42 U.S.C. § 12102(1)–(2). Brain function is itself an enumerated major bodily function, 42 U.S.C. § 12102(2)(B), and the ADA Amendments Act of 2008 directs that the definition be construed broadly. § 12102(4)(A).

[8] DSM-5-TR, *supra* note 5.

C. The Announcement Is the Product

Deterrence surveillance is the rare technology whose effectiveness depends on the target population knowing it exists. A hidden camera gathers evidence; an advertised camera network changes behavior, and changing behavior is what municipalities buy. The signage at the city limits, the press release announcing the new plate reader network, the visible pole mounted hardware, and the vendor's own marketing all perform the same function: they announce that the watching is general, continuous, and recorded. This is a design requirement, written into the procurement justification, never an accident of deployment.

For the general population the announcement is wallpaper. For the population described above, the announcement is a clinical event. It converts the core symptom into an accurate description of the environment, and it converts reality testing, the tool that gets the patient out the door, into a confirmation engine. The checking behavior that once disconfirmed now confirms: the camera in the lamp post is real, the record of the drive to the pharmacy exists and is queryable by thousands of agencies, and the honest clinician must say so. The clinician is placed in an impossible position, forced to choose between the therapeutic alliance and the truth, and the patient is placed in a worse one, because the delusion and the infrastructure now agree.[9] What follows clinically is avoidance, and what avoidance means concretely is that the person stops leaving the house. The injury is administered fresh at the threshold every morning, and it is administered by the public entity that owns the threshold's far side.

III. Public Space Is a Service, Program, or Activity

Title II of the ADA provides that no qualified individual with a disability shall, by reason of disability, "be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."[10] The Supreme Court has read the phrase broadly and refused to carve exceptions from it; if the statutory language reaches an activity, the activity is covered.[11]

The question whether the public right of way itself is such a service was asked and answered in the curb cut litigation. In *Barden v. City of Sacramento*, the Ninth Circuit held that maintaining public sidewalks is a service, program, or activity of the city, so that the city's failure to make them accessible to people with mobility and vision disabilities stated a Title II claim.[12] In *Frame v. City of Arlington*, the Fifth Circuit, sitting en banc, reached the same conclusion for the building and altering of sidewalks under both Title II and Section 504.[13] The city's network of streets, sidewalks, and rights of way is the city's program of public mobility, and the disabled resident's claim to use it stands on the same statutory ground as the disabled resident's claim to enter the courthouse.[14]

The defense that suggests itself, that the streets are formally open to everyone and no one is excluded by law, was the losing argument of the curb cut cases. A sidewalk without a curb ramp is formally open to a wheelchair user in exactly the sense that a camera saturated downtown is formally open to a person with persecutory schizophrenia: the law erects no barrier, and the environment erects a complete one. Title II measures access functionally. That is the

[9] The structural point, that an environment can be engineered into a state in which a persecutory belief is no longer falsifiable by any checking behavior available to the patient, is developed at length in Travis Gilly, *The Unfalsifiable Delusion* (Real Safety AI Found., working paper 2026). For the observation that the content of persecutory delusions tracks the surveillance technology actually present in the surrounding culture, see Ian Gold & Joel A. Gold, *The "Truman Show" Delusion: Psychosis in the Global Village*, 17 Cognitive Neuropsychiatry 455 (2012).

[10] 42 U.S.C. § 12132.

[11] *Pa. Dep't of Corrs. v. Yeskey*, 524 U.S. 206 (1998) (state prisons are covered; the statute admits of no exception).

[12] *Barden v. City of Sacramento*, 292 F.3d 1073 (9th Cir. 2002).

[13] *Frame v. City of Arlington*, 657 F.3d 215 (5th Cir. 2011) (en banc).

[14] *Cf. Tennessee v. Lane*, 541 U.S. 509 (2004) (Title II validly enforces the right of access to the courts).

entire teaching of the program access regulations, which require that a public entity's services, when viewed in their entirety, be readily accessible to and usable by individuals with disabilities,[15] and it is the teaching of the meaningful access standard to which Part IV now turns.

Two further notes complete the doctrinal site. First, where the surveillance equipment was purchased or operated with federal financial assistance, and a substantial share of municipal camera and plate reader deployments are grant funded through Department of Justice and Department of Homeland Security programs, Section 504 of the Rehabilitation Act supplies a parallel and substantively coextensive claim against the recipient.[16] Second, the public entity cannot launder the program through its vendor. Title II's regulations reach discrimination carried out "directly or through contractual, licensing, or other arrangements,"[17] and the structural fact of this claim, developed in Part VI, is that the same defendant owns the mobility program and signed the camera contract.

IV. Meaningful Access Without Naked Disparate Impact

A. The Choate Standard and Its Limit

Alexander v. Choate governs both halves of this claim, supplying the access standard and the principal limit on it. The Court held that Section 504 reaches at least some conduct that is neutral on its face but discriminatory in effect, and it identified the benchmark: the statute guarantees people with disabilities "meaningful access" to the benefit the grantee offers.[18] At the same time, *Choate* declined to read the statute as a freestanding disparate impact regime under which every neutral policy with uneven effects is presumptively unlawful. The consequence for pleading is precise: the claim should never be framed as bare statistical impact. It should be framed in the two regulatory vocabularies the Department of Justice has supplied, both of which *Choate* left fully intact and both of which fit this fact pattern without strain.

B. Reasonable Modifications

The first is the reasonable modification mandate. A public entity must make reasonable modifications in policies, practices, or procedures where necessary to avoid discrimination on the basis of disability, unless the modification would fundamentally alter the nature of the service.[19] Necessity is supplied by the clinical mechanism set out in Part II: without modification, the program of public mobility is unusable by the class. Reasonableness is supplied by the modesty of the menu. The modifications this claim seeks are operating parameters, never abolition: retention limits that convert a permanent location archive into a short rolling buffer; calibration of the publicity and signage that perform the announcement; audit and purge obligations; exemption or buffer zones around clinical facilities, supportive housing, and peer support centers; query logging and access restriction; and an opt out or exclusion list mechanism for adjudicated class members where technically feasible. Each item modifies how the network operates. None tears a camera down.

[15] 28 C.F.R. §§ 35.149–.150.

[16] 29 U.S.C. § 794. The corporate host and deployer recipient pathways, and the post-*Cummings* damages landscape, are developed in Travis Gilly, *Civil Rights Pathways for AI-Induced Psychosis: Section 504, Title III, and the Disability Discrimination Framework for Platform Harms* (Real Safety AI Found., working paper 2026). The present Article seeks injunctive relief, as to which the *Cummings* limitation on emotional distress damages is irrelevant.

[17] 28 C.F.R. § 35.130(b)(1).

[18] *Alexander v. Choate*, 469 U.S. 287 (1985).

[19] 28 C.F.R. § 35.130(b)(7)(i).

C. Methods of Administration

The second is the methods of administration regulation, which forbids a public entity to utilize criteria or methods of administration that have the effect of subjecting qualified individuals with disabilities to discrimination or that defeat or substantially impair accomplishment of the program's objectives for them.[20] Indefinite retention, regional network sharing, and saturation publicity are methods of administering the surveillance program, selected by the entity and changeable by it. Their effect, for the protected class, is to defeat the objective of the mobility program itself: the streets the class is entitled to use become streets the class clinically cannot use. The regulation was written for exactly this shape of claim, an administrative choice, neutral on its face, that closes a public program to a disability defined population.

D. The Fundamental Alteration Defense

The entity's principal defense will be that the requested modifications fundamentally alter the program or impose undue burdens. The defense fails on the asymmetry *Choate* itself permits. The program's stated objective is general deterrence and investigative support. A thirty day retention window deters and supports investigation; a permanent archive is a convenience, never the program. Buffer zones around a county's handful of clinical sites subtract a rounding error from coverage. Publicity calibration costs nothing. The remedy menu is engineered so that the general public keeps every benefit the program was sold on while the protected class regains the streets, which is the precise trade Title II's modification jurisprudence exists to compel.[21]

V. The Injury and the Plaintiff Architecture

A. Deterrence Is the Injury

Article III requires an injury in fact, and the reflexive objection to this claim is that a person who stays home has not yet encountered the cameras and therefore has not yet been injured. ADA standing doctrine disposed of that objection years ago. A plaintiff with actual knowledge of an access barrier who is deterred from using the facility has suffered the injury; the law does not require the futile gesture of presenting oneself at a barrier known to be impassable.[22] The doctrine maps onto this claim without modification, and in one respect more cleanly than onto its original facts: here the defendant has spent public money ensuring that the class has actual knowledge of the barrier, because the announcement is the deterrence mechanism. The class member who no longer leaves the house is the injury, ongoing, concrete, and particularized, and the imminence inquiry is trivial because the deprivation recurs daily. Redressability follows from the modification menu: recalibrate the announcement and the retention, and the barrier recedes.

[20] 28 C.F.R. § 35.130(b)(3).

[21] *Cf. Olmstead v. L.C. ex rel. Zimring*, 527 U.S. 581 (1999) (the modification obligation is real and judicially enforceable, bounded by fundamental alteration analysis on a developed record).

[22] *Pickern v. Holiday Quality Foods Inc.*, 293 F.3d 1133 (9th Cir. 2002); *accord Kreisler v. Second Ave. Diner Corp.*, 731 F.3d 184 (2d Cir. 2013) (per curiam); *Civil Rights Educ. & Enf't Ctr. v. Hospitality Props. Tr.*, 867 F.3d 1093 (9th Cir. 2017). Boilerplate does not carry the doctrine: conclusory professions of intent to return, without fact specific allegations making the threat of future injury plausible, fail. *Calcano v. Swarovski N. Am. Ltd.*, 36 F.4th 68 (2d Cir. 2022). The class here satisfies that requirement structurally, because its members live inside the network's announced footprint and the deprivation recurs on every departure from home.

B. Associational Standing with Sealed Members

What the claim does require is at least one actually injured person. The abstract proposition that meaningful access has been denied to a class, with no identified member, is the generalized grievance the standing cases reject.[23] The injured person, however, never has to appear in the caption.

The first vehicle is associational standing. An organization may sue on behalf of its members when at least one member would have standing individually, the interests at stake are germane to the organization's purpose, and neither the claim nor the relief requires individual members' participation.[24] The third prong is why the injunctive posture of this claim is load bearing twice over: claims for injunctive and declaratory relief characteristically satisfy it, while individualized damages claims characteristically do not. The constraint that matters is *Summers v. Earth Island Institute*: the organization must identify an actual member injured by the challenged conduct, and a statistical probability that some member somewhere is affected will not do.[25] Identification, though, runs to the court, never to the public. The member exists in a declaration, filed under seal or subject to a protective order, attesting that she carries a qualifying diagnosis, that she has actual knowledge of the network, and that she no longer uses the streets because of it. The caption reads as the organization against the city. Mental health membership organizations, most prominently the state and local affiliates of the National Alliance on Mental Illness, are structurally suited to the role.

C. Protection and Advocacy Systems

The second vehicle was purpose built by Congress. The Protection and Advocacy for Individuals with Mental Illness Act establishes in every state a protection and advocacy system with express statutory authority to pursue administrative, legal, and other appropriate remedies on behalf of individuals with mental illness.[26] The leading cases hold that these systems possess associational standing on behalf of their constituents even though constituents are never formal members, precisely because the population the systems serve frequently cannot litigate personally.[27] *Mink* involved detainees whose incapacity made personal litigation impossible; the fit with a population for whom litigation participation is itself clinically contraindicated is direct. Every state has such a system, federally funded and litigation capable, and the system is the natural lead plaintiff for this claim in any forum.

D. Sovereign Enforcers

The third vehicle requires no private plaintiff at all. The Attorney General of the United States enforces Title II,[28] and state attorneys general enforce state disability rights statutes, in Illinois the Human Rights Act,[29] on their own authority. A sovereign enforcement action proceeds on the state's interest in the integrity of its civil rights laws; no resident's psychiatric history enters the case at all. Where federal enforcement is uncertain, the state route is independently

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[23] *Cf. Lujan v. Defs. of Wildlife*, 504 U.S. 555 (1992).

[24] *Hunt v. Wash. State Apple Advert. Comm'n*, 432 U.S. 333 (1977).

[25] *Summers v. Earth Island Inst.*, 555 U.S. 488 (2009).

[26] 42 U.S.C. §§ 10801–10851; *see* § 10805(a)(1)(B)–(C).

[27] *Or. Advocacy Ctr. v. Mink*, 322 F.3d 1101 (9th Cir. 2003) (protection and advocacy system had standing on behalf of incapacitated detainees with mental illness); *Doe v. Stincer*, 175 F.3d 879 (11th Cir. 1999). The Seventh Circuit runs protection and advocacy constituent suits through the *Hunt* analysis directly, holds that the constituent on whose behalf suit is filed may remain unnamed, and dismisses where no injured constituent is identified at all. *Disability Rights Wis., Inc. v. Walworth Cnty. Bd. of Supervisors*, 522 F.3d 796 (7th Cir. 2008). Formulations vary across the remaining circuits; the indicia of membership reasoning in *Mink* and *Stincer* supplies the better reasoned answer to the membership prong.

[28] 42 U.S.C. § 12133; 28 C.F.R. pt. 35, subpt. F.

[29] 775 ILCS 5/1-101 *et seq.*

sufficient, and the procurement leverage that state governments hold over municipal surveillance purchasing supplies a settlement architecture that private litigation cannot.

E. The Limit on Organizational Standing

One route is closed. After *Food and Drug Administration v. Alliance for Hippocratic Medicine*, an advocacy organization cannot manufacture standing by diverting its own resources to oppose the challenged conduct; spending money on the fight is never an injury from the conduct.[30] An AI accountability nonprofit, a civil liberties organization, or a disability advocacy group cannot be the plaintiff merely because surveillance is its issue. What survives *Alliance for Hippocratic Medicine* is the narrow *Havens* core, and it survives in a form this claim can actually use: a community mental health provider, a clubhouse model program, a drop in center, a peer support organization, whose attendance and service delivery measurably decline because its clients will not traverse the camera mesh to reach it, has suffered direct impairment of its core activities. That organization sues in its own right, with attendance records as its injury evidence, and no client's name anywhere in the case.

F. Rule 23(b)(2) and the Invisible Class

The final layer is certification. A class seeking uniform injunctive relief against conduct generally applicable to the class is the paradigm Rule 23(b)(2) case, and surveillance infrastructure is the paradigm of conduct generally applicable: the network watches the class identically and the modification remedies the class identically. Two features of the (b)(2) posture complete the shielding architecture. First, only the named plaintiff's standing is tested; absent class members are never individually scrutinized.[31] Second, because no damages are sought, the individualized inquiries that fracture certification and invite intrusive discovery never enter the case. The combination answers the question every family of a potential class member will ask: under this architecture, a person with a persecutory spectrum condition can be protected by the judgment without ever being named in the case, deposed in the case, examined in the case, or aware of the case.

VI. The Defendant Architecture and the Exposure Questions

A. One Defendant, Both Roles

A recurring obstacle in technology accountability litigation is attribution: the harm sits with a platform, the contract sits with a vendor, and the duty sits with neither. This claim has no such seam. The public entity that owes the class meaningful access to the mobility program is the same public entity that procured, deployed, and publicized the surveillance network, and the regulations expressly reach what the entity does through its contractual arrangements.[32] The vendor's identity is evidence; it does not complicate the choice of defendant. Where the purchase ran through federal grant programs, the Section 504 overlay attaches to the same defendant in its capacity as recipient. The entity cannot point at the vendor, and the vendor's contract cannot immunize the entity, because the duty in suit was never the vendor's to hold.

[30] *FDA v. All. for Hippocratic Med.*, 602 U.S. 367 (2024) (cabining *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982), to direct interference with an organization's core activities).

[31] *Cf. TransUnion LLC v. Ramirez*, 594 U.S. 413 (2021) (individualized standing inquiries attach to class damages, which a (b)(2) injunctive class never seeks).

[32] 28 C.F.R. § 35.130(b)(1).

B. The Examination Question

Counsel evaluating this claim will ask whether prosecuting it exposes class representatives to adversarial mental examinations under Rule 35 and to discovery into decades of psychiatric records. The architecture above is the answer; the mechanics are these. Rule 35 requires that a party's mental condition be in controversy and that good cause support the examination,[33] a showing built for claims in which individualized causation and individualized damages are contested. In a (b)(2) injunctive access claim, the operative disputes run to the defendant's system, its announcement practices, its retention schedule, its network sharing, and to the clinical mechanism at the population level, which is expert terrain, never plaintiff terrain. The existence of class members' disabilities is documentary, frequently established by years of federal disability adjudication that predates the deployment, and where an organizational or sovereign plaintiff carries the caption, no individual party exists for Rule 35 to attach to at all. Doe pseudonymity for any individual who does appear is supported by the precise vulnerability the claim litigates, and protective orders under Rule 26(c) do the remaining work.

A final structural feature converts the claim's apparent fragility into evidence. A defendant that responds to the allegation "your watching disables this population" by investigating, examining, and watching the class harder is performing the mechanism in front of the court, and is doing so against the backdrop of the statute's interference provision, which independently forbids coercion, intimidation, and interference with the exercise of ADA rights.[34] The discovery posture, in other words, is self policing in a way few civil rights claims enjoy.

VII. Conclusion

The misidentification docket that produced *Dillon v. City of Jacksonville Beach* protects everyone, and it should grow. But its theory of harm has a ceiling, and the ceiling is visible in the announcement's own framing: no one should be scared to leave the house because the algorithm erred. Beneath that ceiling lives a protected class that is scared to leave the house because the algorithm, the network, and the announcement are all functioning exactly as procured. For that class the watching is the barrier, accuracy is the mechanism of exclusion, and the doctrines that govern, public rights of way as Title II programs, meaningful access, reasonable modification, methods of administration, deterrence injury, associational and protection and advocacy standing, sovereign enforcement, and (b)(2) certification, have been sitting on the shelf since 1973 and 1990, fully assembled and never aimed at this target.

Nothing in this Article asks a court to tear down a camera. It asks a court to do what Title II has compelled a thousand times: modify the operation of a public program so that the program's benefits reach the residents the entity forgot it had. The curb cut did not abolish the sidewalk. The retention limit, the publicity calibration, the clinical buffer zone, and the audit will not abolish the network. They will return the streets to people whose own government engineered an environment in which their treatment cannot work and their front door cannot open. The misidentification cases ask whether the machine looked at the right person. This Article asks the second question, whether the machine's right to look may be administered in a way that closes the public square to a protected class, and existing law answers it.

[33] Fed. R. Civ. P. 35(a); *Schlagenhauf v. Holder*, 379 U.S. 104 (1964).

[34] 42 U.S.C. § 12203(b).