



Flock Safety Systems, Law Enforcement, and Utah's Rights

Executive Overview:

'**Flock Safety Systems**' use various forms of technology to capture license plates using "Vehicle Fingerprint® Technology", to capture and in most (if not all) cases, upload this information to a nationwide surveillance or evidence-sharing system. This includes over 3000 law enforcement agencies participating and includes over 1 million photographed license plates per month. In addition to simple "Vehicle Fingerprint® Technology", these systems can automatically detect, and report alleged gunshots and have video and audio that is both live and recorded, depending on the products.

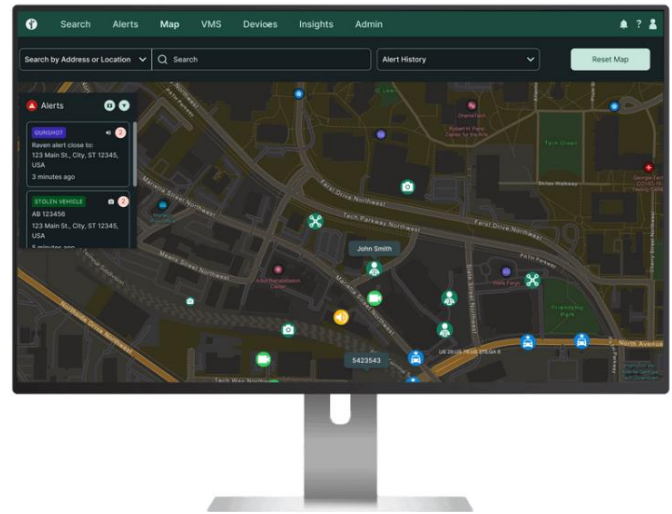
This is a violation of privacy rights and constitutes warrantless surveillance. Not only is this sort of surveillance inherently against the Fourth Amendment of the Constitution, but even the bare minimum technology violates Utah Code 77-23d-103, regarding the use of imaging surveillance.

Solving the problem can be done in various ways. One policy solution explored supports outlawing these specific systems, and other systems that have the same function. Another policy solution explored would decrease funding to law enforcement agencies if they continue to defy Utah State Law and use illegal warrantless surveillance technology. Another potential solution that was not explored could be legislating a path to lawsuits, either against the agencies or individuals, illegally surveilling Utahns.

Introduction

What are 'Flock Safety Systems'?

Flock Safety Systems are multi-functional yet varied security systems, aimed at providing a wide range of evidence to law enforcement. The technology within these various products is cohesive and has options for multiple add-ons. The base technology is license plate reading technology, which includes "Vehicle Fingerprint® Technology". In addition to this, added technology is available, including live and recorded video, and audio. This includes automatic detection of suspected gunshots and car crashes. This all provides fully integrated software that "detects, decodes, and delivers evidence...". Flock Safety says this data is encrypted and deleted after 30 days, however, there are also add-ons for nationwide collaboration and evidence sharing.¹



Screen Sample from Flock Safety's Website

Are 'Flock Safety Systems' being used in Utah?

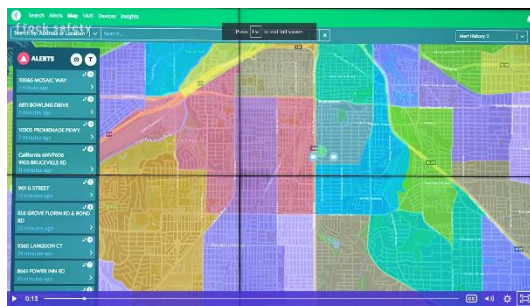
Multiple law enforcement agencies in Utah use flock safety systems, including: Lone Peak Police Department², Tooele Police Department³, Weber County Sheriff Office⁴, Provo Police Department⁵, and likely more.

In addition to usage in Utah, 'Flock Safety Systems' are used by thousands of law enforcement agencies, including over 3000 agencies using "FlockOS®" a system that allows for mass surveillance collaboration on a nationwide scale.¹

The Problem

Utah's Privacy and Warrantless Surveillance

These 'Flock Security Systems' prove a major threat to the privacy of Utahns. In public streets and areas where these systems are, photographs, audio, video, and other forms



Sample of "FlockOS®" screen from Flock Security's website

of documentation are uploaded to a national database. As of 2022, these surveillance systems were photographing over a billion vehicles per month!⁶ This brings on mass surveillance that was only hypothesized in dystopian novels. Jay Stanley of the ACLU has written about this stating that the tools allowing the sharing of this data are free to any Flock customer, building an interconnected web of extremely sophisticated surveillance systems.⁷

Also shared by the ACLU, Flock CEO Garrett Langley has stated that Flock works with the FBI to monitor hundreds of thousands of vehicles.⁷ Without imagining too much that could happen, this mass surveillance within itself proves to be an urgent concern, as it is inherently anti-Fourth Amendment.

Violation of Utah State Code

This type of surveillance directly violates Utah Code 77-23d-103, regarding the use of imaging surveillance. The code reads "Except as provided in Subsection (2), a government entity may not operate an imaging surveillance device without a search warrant issued upon probable cause"⁸.

There are exceptions in the code, but none of which apply to basic law enforcement duties. Even the most basic form of surveillance from these 'Flock Security Systems' violates this law, Flock Safety's website says, "this state-of-the-art license plate recognition (LPR) camera doesn't just capture license plates – it's redefining the entire landscape of public safety."



Photo Courtesy of KSL⁹

Solutions:

Two policy routes to provide a solution to this warrantless surveillance of innocent civilians could be taken:

Ban Law Enforcement Use of Flock Security Products:

Passing legislation that would ban the use of Flock Security products, and similar products that conduct warrantless surveillance and photographs of civilians, would provide a solution to this. This would protect the privacy rights of Utahns, preventing law enforcement from using methods of warrantless surveillance.

One of the possible issues with this solution is that this type of surveillance is already illegal in Utah. Passing this legislation would be a more specific way of making something illegal that is already illegal. This leads us to the second potential policy solution...

Reducing Law Enforcement Funding from the State:

Utah law enforcement agencies are not following existing law, which outlaws warrantless surveillance in such a manner. Legislation could be passed that would cut law enforcement budgets until they abide by Utah State Law. The State of Utah should seriously consider the financial relationship between itself and local law enforcement agencies when agencies are illegally surveilling Utahns. There are many ways this could function, perhaps the reduction in funding would be twice the amount of the combined cost of all surveillance tools of this nature. This number could increase over time if law enforcement agencies choose to continue to ignore Utah State Law. This could be taken in a lot of directions to ensure effectiveness and flexibility. It is important to note that these products from Flock Security are on lease. Canceling these leases as quickly as possible would be an important goal for this policy.

A combination of these policies or legislating a route for civil lawsuits against agencies or individuals are other potential solutions.

References:

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