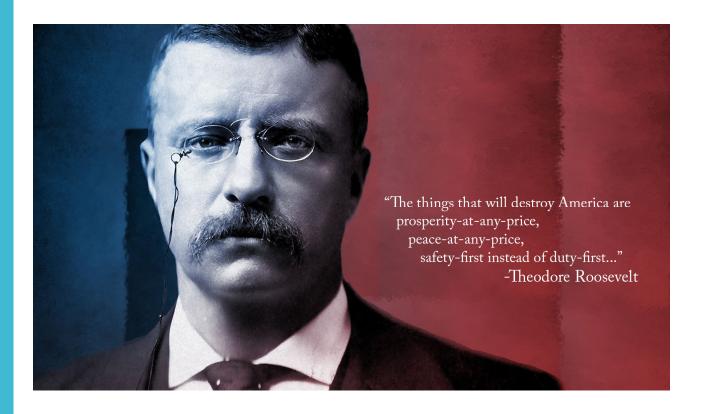
Surveillance Cameras and Warrantless Searches

Duty - First



John Locke 1689

Where-ever law ends, tyranny begins, if the law be transgressed to another's harm; and whosoever in authority exceeds the power given him by the law, and makes use of the force he has under his command, to compass that upon the subject, which the law allows not, ceases in that to be a magistrate; and, acting without authority, may be opposed, as any other man, who by force invades the right of another.

For the record.....

Oklahoma's Laws Governing License Plate Readers

- Senate Bill 359: Enacted in 2016 provided the framework to allow for the use of cameras to identify uninsured motorists who violate the compulsory insurance law.
- The law provided revenue to the District Attorney Council
- The intent is to reduce the number of uninsured vehicles on Oklahoma roads.
- Rekor Recognition Systems, Inc secured the contract from Oklahoma Management Enterprise Services (OMES) to supply the equipment to implement the program.
- Title 47 Section. 7-606.1 (C)(1) and (f), states "Data collected or retained through the use of an automated license plate reader system shall not be used by any individual or agency for purposes other than enforcement of the Compulsory Insurance Law or as otherwise permitted by law."

For the record.....

Oklahoma's Laws Governing License Plate Readers

SB1056: Enacted in 2016 which amended Title 47 Section 11- 1401.2 16(b) an investigation or prosecution for a criminal violation of the laws of the State of Oklahoma. Such records shall be available to a law enforcement officer or law enforcement agency for law enforcement purposes related to an investigation or prosecution of a criminal violation of the laws of the State of Oklahoma pursuant to a duly issued search warrant, subpoena, or order of the court requiring such disclosure to a law enforcement officer or agency.

The Oklahoma Turnpike Authority says there are three lawful ways to access the plate reader data from the OTA by the Department of Public Safety

- Through a duly issued search warrant
- Subpoena
- Order of the court

Oklahoma law restricts the collection of license plate data through the use of an automated license plate reader system to only enforce the compulsory insurance law or as otherwise permitted by law.

Proposed Legislation Last Session

SB 1620

Authorized the use of automated license plate reader systems on rights-of-way state highways. Automated license plate reader systems may be used to scan and identify

- vehicles and associated plates to identify stolen vehicles.
- vehicles involved in an active investigation.
- vehicles associated with missing or endangered persons.
- vehicles that register as a match within the National Crime Information Center or <u>any other</u> <u>relevant database.</u>

Law enforcement agencies must confirm the device meets all requirements outlined in the measure as well as adopt a policy governing the use of such a system.

<u>Agencies</u> must also obtain a permit from the Department of Transportation to use such a system.

The measure specifies that, prior to a law enforcement agent confirming the plate, a positive match by an automated license plate reader system shall not constitute reasonable suspicion as grounds for a traffic stop. Recorded vehicles shall be removed from the system within 30 days of being recorded unless the record is a part of an ongoing investigation. Any agency using such devices shall make available to the public a log of such system use updated on a monthly basis that displays the aggregate number of vehicles scanned as well as the policy for using the system.

SB1620 failed on the senate floor with 13 YEAS and 28 NAYS 7 Absent

The Face of Flock

"...and I envision an America where crime no longer exists"

"I envision a future with a Flock camera on every street corner...."

Garrett Langley

"It's been described as a form of mass surveillance unlike any seen before in American life." FOX6 News, Bryan Polcyn



The Flock Surveillance Network.... what it is

- Web of interconnected surveillance cameras and license plate scanners.
- The devices are located in nationwide retail outlets, private home-owners associations, public rights of way.
- The network scans more than 1 Billion vehicles per month.

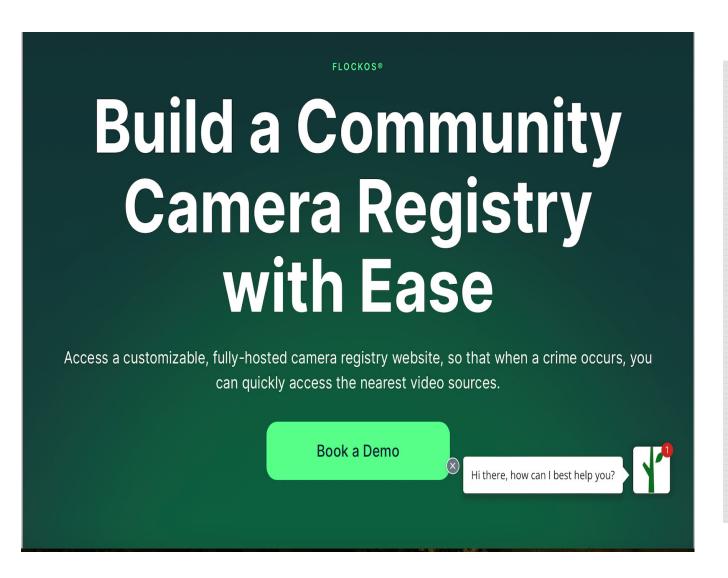


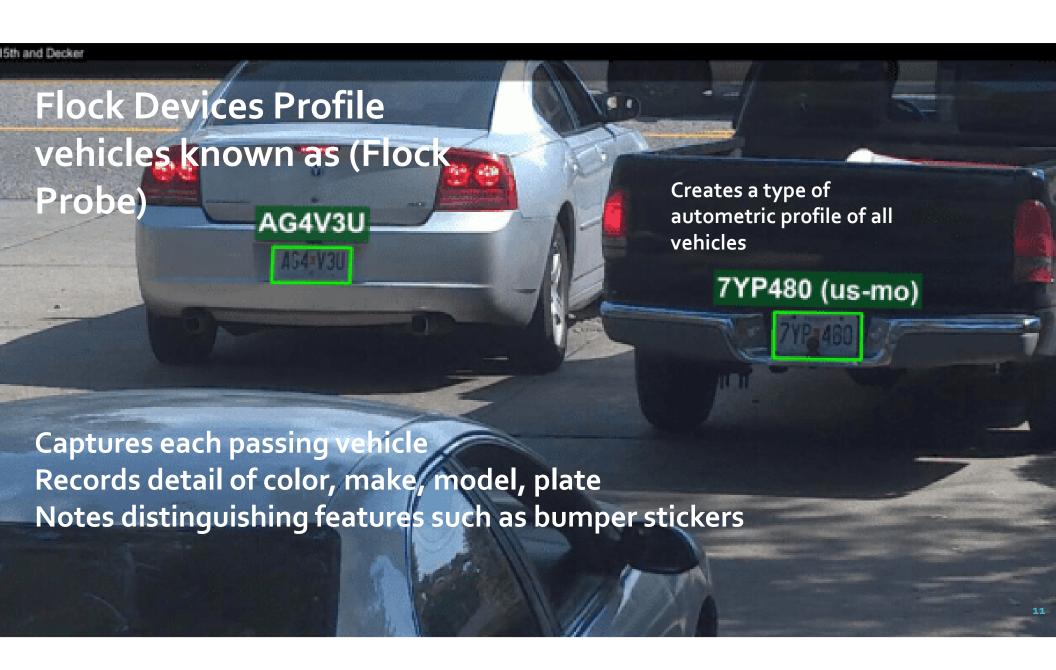
Mr. Langley's vision for America...

Virtual Perimeters



Additional Features of the Flock System.....





Information is shared among Flock users at numerous law enforcement agencies..... without a warrant.



Additional Features of the Flock System.....

Search against Amber Alert and the FBI NCIC Hotlists

Profiled against FBIs National Crime Information Center (NCIC) and Amber Lists

NCIC Database contains listings of Stolen Cars, Terror Watchlists Holds, and other matters of importance to the FBI

Without a Warrant

Additional Features of the Flock System....

Database Search of Past Travels

Most commonly used feature of the flock system

Users query the database with "Flock Probe Data" for past travel routes

NO WARRANT IS REQUIRED FOR THIS ACTION

Additional Features of the Flock System.....

Del City OK PD

Transparency Portal
Last Updated: Fri Mar 08 2024

External organizations with access

Abilene TX PD, Amarillo TX PD, Anna TX PD, Bethany OK PD, Bixby OK PD, Bristow OK PD, Broken Arrow OK PD, Bryan County OK SO, Burleson TX PD, Canadian County OK SO, Catoosa OK PD, Cleveland County OK SO, Creek County OK SO, Crowley TX PD, Edmond OK PD, El Reno OK PD, Enid OK PD, Fort Worth TX PD, Glenpool OK PD, Harrah OK PD - original, Houston TX PD, Kansas KBI, Lamar County TX SO, Lawton OK PD, Locust Grove OK PD, Lubbock County TX SO, Marshall County OK SO, McCurtain County OK SO, Midwest City OK PD, Moore OK PD, Muskogee OK PD, Mustang OK PD, Newcastle OK PD, Nichols Hills OK PD, Norman OK PD, North Richland Hills TX PD, Oklahoma Bureau of Narcotics, Oklahoma City Community College PD . Oklahoma City OK PD. Oklahoma County OK SO. Oklahoma State Bureau of Investigations, Oklahoma State University PD, Osage County OK SO, Owasso OK PD, Payne County OK SO, Perkins OK PD, Piedmont OK PD, Ponca City OK PD, Pryor Creek OK PD, Purcell OK PD, Rogers County OK SO, Sand Springs OK PD, Sunnyvale TX PD, Texas Financial Crimes Intelligence Center, The Village OK PD, Tulsa County OK SO, Tulsa OK PD, Tuttle OK PD, Union City OK PD, **US Postal Inspection Service**, UT Southwestern Medical Center TX,

Additional Features of the Flock System

Wichita KS PD

Transparency Portal
Last Updated: Sun Sep 22 2024

External organizations with access

Abilene KS PD, Allen County KS Communications Center, Allen County KS SO, Amarillo TX PD, Andover KS PD, Arkansas City KS PD, Augusta KS DPS, Avon IN PD, Ballwin MO PD, Barber County KS SO, Barton County KS SO, Bel Aire KS PD, Belle Plaine KS PD, Bentley KS PD, Benton KS PD, Brentwood MO PD, Bridgeton MO PD, Burrton KS PD, Butler County KS SO, Caldwell KS PD, Caney KS PD, Catoosa OK PD, Chanute KS PD, Chase County KS SO, Chautauqua County KS SO, Cherokee County KS SO, Cherryvale KS PD, Clayton MO PD, Clearwater KS PD, Cleveland Heights OH PD, Cloud County KS SO, Coffeyville KS PD, Colwich KS PD, Cowley County KS SO, Crawford County KS SO, Crestwood MO PD, Creve Coeur MO PD, Derby KS PD, Des Peres MO DPS, Eastborough KS PD, Edmond OK PD, El Dorado KS PD, Elk County KS SO, Ellinwood KS PD, Ellisville MO PD, Emporia KS PD, Enid OK PD, Eureka MO PD, Farmington MO PD, FBI [turned off], Festus MO PD, Flock Safety PD

Round Rock TX PD

Transparency Portal
Last Updated: Sun Sep 22 2024

Additional Features of the Flock System

External organizations with access

Abilene TX PD, Addison TX PD, Alabama Department of Revenue, Alabama-Coushatta TX PD, Aldine ISD PD TX, Alexandria VA PD, Allen TX PD, Altoona IA PD, Alvarado TX PD, Alvin ISD TX PD, Alvin TX PD, Amarillo TX PD, Amberley Village OH PD, Anderson CA PD, Angleton PD TX, Ankeny IA PD, Anna TX PD, Appleton WI PD, AR - Alma PD, AR - Pea Ridge PD, Aransas Pass TX PD, Argyle TX PD, Arlington TX PD, ATF Nashville TN, Aubrey TX PD, Austin County TX SO, Austin TX PD, Avon IN PD, AZ

Edmond, Oklahoma Limits Access

Edmond surveillance: License plate readers, alleged EPS camera access draw privacy concerns

By <u>Joe Tomlinson</u> - Monday, April 8, 2024

The article states OKC claims EPS has camera integration, district says otherwise

However, Flock Safety's transparency portals for the Edmond Police Department and the Tulsa Police Department do not disclose to which agencies their records are being shared. Perhaps owing to its larger footprint and the presence of Interstate 44, TPD's Flock Safety system registered 700 times as many "hotlist" hits over the past month compared to Edmond. With 105 cameras, TPD registered more than 1,500 hits, and officers made more than 1,900 searches.

Additional Features of the Flock System....

Interconnectivity Among Thousands of LEA Users

Allows searches from remote locations

LEAs can monitor the movement of a target even far removed from the surveilling officer

Custom Hotlist Monitoring by requesting notifications when a target vehicle passes by a scanner

Without a warrant

Features that are Restricted



- Immigration enforcement, traffic enforcement, harassment or intimidation, usage based solely on a protected class (i.e. race, sex, religion), or personal use.
- Wichita did not list Immigration
 Enforcement as a restriction







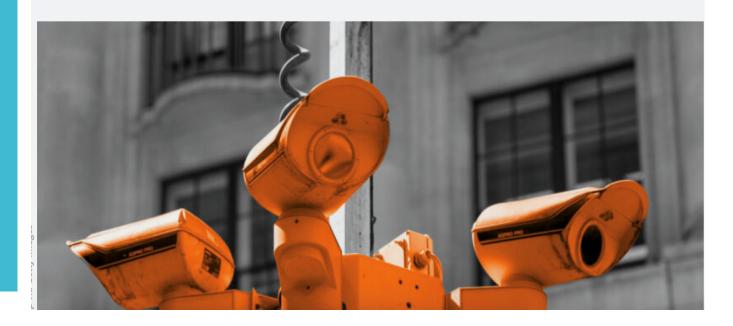
TALES FROM THE NEAR FUTURE —

Omnipresent AI cameras will ensure good behavior, says Larry Ellison

"We're going to have supervision," says billionaire Oracle co-founder Ellison.

BENJ EDWARDS - 9/16/2024, 10:22 AM





Where the law ends tyranny begins.....

John Locke 1689

Mission Creep

Lets take a look....

This video was obtained through a freedom of information act request by the driver of the vehicle. The driver is from Texas and the law enforcement officer is from Ardmore Police Department in Ardmore Oklahoma.

Clip one https://www.youtube.com/clip/Uqkx-9Y2iexb9esU4reHv2EqCr8w47eU_pGw?feature=shared

"how are you you cross the fog line just want to check and make sure you're not intoxicated OK sorry what yeah you crossed

I'm not writing you a ticket if that's where you're trying to get

I just wanna make sure you are not intoxicated"

"He just wants to make sure the driver was not intoxicated yet he did not

Where the law ends tyranny begins.....

Clip 2

Do you come up this way often? Never been in trouble never been arrested?

https://youtube.com/clip/Ugkxoj-IX9RzqiA4q1LTqHbxZtjmvPh7y8Jv?feature=shared

Do you come up this way often? Never been in trouble never been arrested?

Clip 3 Do you come to Oklahoma very often?
https://youtube.com/clip/Ugkxpoub2uc8BGrqiMWt-kBkkLVcnKD-jEAu?feature=shared

Clip 4 plate readers exceeding limit of being brief

https://youtube.com/clip/UgkxRfsOFrGeYB7OuSOLhxDn3TNc9428fKBg?feature=s hared

Clip 5 Nothing illegal in the car

https://youtube.com/clip/UgkxP7EQq3mSQeKm3_pe6oUVsEr_U1ODY6HJ?feature =shared

McClain County

A motion to suppress the unlawful use of Automated License Plate Readers (ALPR) has recently been filed in a case in McClain County.

Violates Title 47 O.S. 7-606.1 because APLRS are RESTRICTED to enforce the State's compulsory insurance law.

ALPRS track the patterns of motorists allowing for the performance of unwarranted searches.

Law Enforcement acted beyond the scope permitted by law and constitutes a a violation of the 4th Amendment rights of the individual.

ALPR's violate The Fourth Amendment

In last months Interim Study in the Senate, Senator Brooks asked former Tulsa Police Chief Windle Franklin about an "opt out" provision. Chief Franklin's response was, "Don't drive!"

In referring to Carpenter V. United States, 138 S. CT. 2206, 2220 (2018) the McClain County lawsuit stated "As with cell phones, cars have long been such a pervasive and insistent part of daily life, that for many individuals, owning and driving one is indispensable to participation in modern society"

In referring to United State vs. Yang, 958 F.3d 851 (9th Cir. 2020),
Brief for the EFF as Amicus Curiae, P.3.). The lawsuit states our vehicles take us to sensitive and private places like our homes, doctor's offices, and places of worship. And yet, for many years now with little to no oversight law enforcement agencies and private companies have been quietly scanning and recording the locations of billions of vehicles' license plates across the country.

ALPR's violate the Fourth Amendment

In referring to Commonwealth v. McCarthy, 142 N.E. 3rd 1090 (9th Cir. 2020), Brief for the EFF as Amicus Curiae, P.3.). ALPRs are only able to capture this wealth of information due to technological innovation; their computer-controlled camera systems automatically capture images of every license plate that comes into view. These systems collect and store data on every vehicle they encounter, regardless of whether individual drivers are suspected of criminal activity. This data includes not just the plate number but also a photograph of the vehicle and detailed time, data and location information that can place the vehicle to within feet of the original scan.

In 2016 and 2017, U.S. law enforcement scanned 2.5 billion license plates, 99.5% of which belonged to vehicles unassociated with criminal activity.1

BOTTOM LINE

ALPR data can be used not just to identify and locate a particular vehicle, but also when combined with other easily accessible data, to identify that vehicles owner and driver. And because ALPR data is stored for years, ALPR databases allow for retrospective searches that enable law enforcement to infer driving patterns, associations, and sensitive details about drivers lives. AT BOTTOM, searches of ALPR databases threaten to undermine the "degree of privacy against government that existed when the Fourth Amendment was adopted." McClain County Case

Because police have a capability unimaginable in the past- the ability to enter a virtual time machine and view suspects past movements. To prevent this capability from feeding "to permeating police surveillance", the Fourth Amendment's warrant requirement applies. United State vs. Yang, 958 F.3d 851 (9th Cir. 2020), Brief for the EFF as Amicus Curiae, P.3-4).

Without the policy safeguards protecting the Fourth Amendment rights of individuals puts in jeopardy potential prosecutions.

This body of case law has been building in recent years includes:

United States v. Jones (2012): The Court held that attaching a GPS device to a vehicle and using it to monitor the vehicle's movements constitutes a search under the Fourth Amendment and thus requires a warrant.

Riley v. California (2014): The Court ruled that the warrantless search and seizure of digital contents during an arrest is unconstitutional, emphasizing the need for a warrant due to the extensive amount of personal information contained in digital form.

Carpenter v. United States (2018): The Court determined that tracking a person's movements using cell phone location information without a warrant violates the Fourth Amendment. The precedent of Carpenter was extended by the Fourth Circuit in a case known as *Leaders v. Baltimore Police Department*, holding that the police cannot perform aerial surveillance with high-resolution cameras without first obtaining a warrant. This led to the suspension of the aerial surveillance program.

Courts have already started to rule against the Flock system, with a recent ruling from a Virginia District Court being one of the latest examples.[4] In this case, the district court suppressed Flock data due to Fourth Amendment issues and some of the federal case precedents described above.

Flock Camera Data is suppressed by the Commonwealth of Virginia

Norfolk judge rejects police Flock camera evidence without warrant Katie King June 15, 2024 at 3:15 p.m.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

COMMONWEALTH OF VIRGINIA,

JAYVON ANTONIO BELL

Defendant.

ORDER GRANTING DEFENDANT'S MOTION TO SUPPRESS

CASE NO: CR23001500-00; 01; 02

This matter comes before the Court on the Defendant's Motion to Suppress pursuant to the Fourth and Fourteenth Amendments of the United States Constitution; Article I, Section Eight, Ten and Eleven of the Constitution of Virginia; and §19.2-266.2 of the Code of Virginia. Specifically, the Defendant moves the Court to suppress the photographs of the vehicle the Defendant was driving from the FLOCK Automated License Plate Reader (ALPR) system as well as the Defendant's incriminating statement as fruit of the poisonous tree because the Norfolk Police Department (NPD) did not seek a warrant to obtain the license plate information from FLOCK. The Court finds that inherent in the Defendant's argument is a foundation objection as well. Both counsel for the Commonwealth and the Defendant acknowledge that this is a matter of first impression. For the reasons stated herein, the Defendant's Motion is GRANTED.

ALPRs are being litigated in other states

TECHNOLOGY

A class-action suit wants a company scanning and selling Californians' license plate data to pay up. Trial is scheduled for May in a case affecting millions of California drivers. The company says it did nothing wrong. By Stephen Council, Tech Reporter Feb 24, 2024

The company readily advertises the fact that it scans plates. On its website, DRN even calls itself "the leading expert in license plate recognition technology and analytics." The company's cameras scan 220 million plates a month, the website says, and customers can use plate data to "create comprehensive vehicle stories."

The case is still being litigated.

ALPRs are being litigated in other states.

Illinois sued over proliferation of license plate reading cameras

•By Greg Bishop | The Center Square May 31, 2024

"Every time you drive on one of these expressways, they are tracking every time you go past one of these cameras," he said. "They're feeding that into a national database which is shared by thousands of law enforcement agencies across the country."

While Stephens said, "the dragnet may help track a fleeing criminal suspect, it's capable of tracking much more."

"Every time you went to the doctor, every time you went to a political rally, a Trump rally, a Joe Biden rally, a Black Lives Matter rally, an NRA event," he said.

The lawsuit argues the system is a violation of Fourth Amendment rights against unwarranted search and seizure.

"The permanent tracking of every citizen and all of their travels and whereabouts is a bridge too far," he said.

ALPRs aren't just being used by the public sector, private parties like homeowners' associations, shopping malls and movie theaters are using them.

"The difference is the movie theater can't throw me in jail and that's the power that governments have and that's why we have more restrictions on governments' ability to track our whereabouts at all times," he said.

In last months Senate Interim study law enforcement was quoted saying, "it was as if the lights came on."

The license plate scanners systems are often touted as a magical tool, enabling police to solve crimes in a way that seems to good to be true. And, indeed, that's because from the perspective of the Constitution, it is.

As courts have already started to rule against the Flock system, as with the ruling in Virginia, that suppressed the Flock data due to the Fourth Amendment issues, eventually federal cases will be filed, putting all flock-tainted prosecutions at risk.

These legacy systems are now potentially in legal jeopardy, which is why law enforcement Is well-advised to tread cautiously in this area. Local officials should not rush forward with implementing these Flock technology that is likely to be held unconstitutional. Doing so could not only result in the release of individuals who have committed serious criminal offences but also endanger commonly used investigative techniques.

Guilt by Association

Flock user queries the system for "every red Ford Pickup" that passed near the scene of a crime, this method can sweep up numerous innocent individuals, turning them into suspects solely based upon their proximity to the crime scene while driving a red Ford pickup.

Mission Creep

When seeking approval for the surveillance system, local police chiefs often highlight critical use cases such as locating missing persons or recovering stolen vehicles. However, the omnipresence of the tool quickly tempts law enforcement to become complacent potentially abandoning best policing practices. Instead of thorough investigations, officers may rely heavily on the convenience of Flock for a wide range of use cases, extending beyond the original intent of the system. As we saw in the previous video clips.

Hacking Threats

While Flock's agreement may stipulate that local law enforcement retains technical Ownership of the data, the data is stored in Flock's cloud where security is outside the control of the local departments.

The National Surveillance Network

As local police departments seek approval for this system, they are likely to present The Flock network as a local-only system where local department owns the data. However, what they likely won't explain is the following:

- There are thousands of Flock users in many other jurisdictions,
- At all government levels,
- Who will potentially have access to conduct warrantless searches on the local surveillance data.

This potentially includes users from heavily politicized agencies like the FBI and ATF. When the local police department gives federal Flock users access to their scan data, local law enforcement essentially establish their city as another node on a nationwide surveillance network on behalf of federal agencies that have little to no accountability to local voters.

When these agencies act inappropriately and violate the constitutional rights of individuals, there is often little recourse available to the victims. This is because the officer is not subject to discipline by the local department where the target resides and exercises their rights as a voter and citizen.

The Nationwide Surveillance Network continued;

Surveillance Data operates on two levels: 1 Direct Sharing 2 Indirect sharing

1 Many local departments have authorized direct sharing with flock users from various other law enforcement agencies across the nation. This direct sharing allows users from other departments to query the travels of citizens form the host department.

In 2024, Del City, Oklahoma was found to be sharing its citizen data with out-of-state departments as exotic as the Kansas Bureau of Investigation, the Texas Financial Crimes Intelligence Center and the U.S. Postal Service while other departments were known to share with the FBI and ATF. In some cases departments are sharing data with heavily politicized agencies like the FBI and ATF, which have little to no accountability to the citizens of Oklahoma.

2 When an agency does not intend to share their data to be share with agencies Such as the FBI or ATF, it can still be potentially filtered through various intelligence desks, such as fusion centers. Oklahoma law enforcement agency that shares surveillance data with the Department of Public Safety, (DPS), as most likely do, may have that data filtered through DPS Fusion Center intelligence desk to federal or other government agencies. Agencies may state it does not share but in practice its laundered through a middleman party.

Selective Enforcement

Constitutional principals are undermined whenever there is selective enforcement when law enforcement uses technology to target one group of people but not others, or select certain crimes but not all, there is an issue of selective enforcement.

The selective enforcement of Flock technologies is now well-documented. Some Flock jurisdictions state that they do not use flock policies for immigration enforcement, creating the perception of a dual system of justice-one for citizens and another for illegal non-residents.

Hotlist Noise

Flock systems appear to be generating too many National Crime Information Center' (NCIC) hotlist hits to reasonably attempt to enforce.

Targeting the Innocent

Oklahoma departments have reportedly been entering a custom hotlist that triggers a notification whenever certain individual enters or leaves their city.

Not Authorized by Oklahoma State Law

The Senates defeat of SB1620 is consistent with Oklahoma's longstanding culture prohibiting automated law enforcement procedures. All the while Oklahoma has long recognized the importance of human police officers, who can adjudicate their duties through the lens of human common sense and good judgement and not through the uncaring eye of an automated enforcer.

Oklahoma law enforcement leadership suggest that the ultimate outcome of these devices could be the replacement of human officers, a consideration that deserves significant thought before Oklahoma law enforcement is handed over to automated intelligence.

Oklahoma Agencies Failure to Provide Transparency

Oklahoma agencies have failed to respond transparently to open records request, such as the Edmond Police Department arrogant refusal to provide NonDoc with a list of agencies with whom they share Edmond resident data.

Lack of Governance and Controls

With the proliferation of these systems, local-level police departments and local city attorneys are ill-prepared to develop, deploy, implement and enforce the complex control policies necessary to provide on going governance and to prevent abuse.

Gaming the System

Any APLR system fingerprinting vehicles as Flock does, while well designed to enhance security has an unintended consequence, it does not identify the individual operating the vehicle, which can lead to a stolen identity type situation and have innocent parties presumed to be guilty. Once criminals understand that their personally-owned vehicles can be traced back to them they will adapt by exploiting the systems vulnerabilities.

In Summary

Thank you for listening today and thank you to those who have participated in this Interim

Study on Surveillance Cameras and Warrantless Searches.

The State of Oklahoma is woefully behind the technological advancements with ALPRS and our statues authorizing and regulating their use is very narrow at this point.

It is my goal to work with members of both chambers to develop policy to regulate the use of the technology that threatens individual freedom.

First and for most is our duty to the Constitution of the United States and the State of Oklahoma.