

Concerns of the Coming Surveillance State The license plate scanner systems are often touted as a magical tool, enabling police to solve crimes in a way that seems almost too good to be true. And, indeed, that's because, from the perspective of the Constitution, it is. Recent Supreme Court decisions have held that an omnipresent surveillance network that tracks citizens without a warrant, even when they are in public spaces, is unconstitutional.

Guilt by Association or Proximity This practice can lead to wrongful suspicion and investigation of individuals whose only "offense" was being in the vicinity of the incident.

Mission Creep Officers may rely heavily on the convenience of Flock for a wide range of use cases, extending beyond the original intent of the system.

Hacking Threat Flock's agreement may stipulate that local law enforcement retains technical ownership of the data, the data is stored in Flock's cloud, where its security is outside the control of the local department.

Nationwide Surveillance Network There are thousands of Flock users in many other jurisdictions, at all levels of government, 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.

Direct/ Indirect Sharing: Many local departments have authorized direct sharing with flock users from various other law enforcement agencies across the nation. Del City, Oklahoma, was found to be sharing its citizens' 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. Even when an agency does not intend for their data to be shared with agencies such as the FBI or ATF, it can still be potentially filtered through various intelligence desks, such as fusion centers.

Selective Enforcement Constitutional principles are undermined whenever there is selective enforcement. Arguably, 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.

Hotlist Noise In some cases, the Flock systems appear to be generating too many 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 a certain individual enters or leaves their city.

Not Authorized by State law Oklahoma state law specifically authorizes but seems to limit the use of license plate scanners for the purpose of insurance verification only.

Oklahoma Agencies Failure to Provide Transparency Oklahoma agencies have failed to respond transparently to open record requests, such as the Edmond Police Department's arrogant refusal to provide NonDoc with a list of agencies with whom they share Edmond residents' data.

Gaming the System Flock system's fingerprinting of vehicles, while designed to enhance security, has an unintended consequence: it doesn't identify the individual operating the vehicle, which can lead to innocent parties being presumed guilty.

Lack of Governance and Controls Due to the almost instantaneous spread of these systems, small, local-level police departments and local city attorneys are ill-prepared to develop, deploy, implement and enforce the complex control policies essential to ongoing governance and to prevent abuse.