



128 Dorrance Street, Suite 400
Providence, RI 02903
Phone: (401) 831-7171
Fax: (401) 831-7175
www.riaclu.org
info@riaclu.org

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Members of the Cumberland Town Council
Cumberland Town Hall
45 Broad Street
Cumberland, RI 02864

VIA EMAIL

Dear Town Councilors:

We were apprised last week of the Town Council Ordinance Subcommittee's upcoming planned discussion and possible recommendation of approval for the installation of Flock Safety cameras in the town. While the ACLU of Rhode Island appreciates the importance of public safety, the approach to safer communities cannot and should not include the usage of technologies – like these cameras – which raise serious privacy issues, carry the clear potential for expanded surveillance, and have been implemented in other communities with no strong statutory safeguards in place. We urge you to reject the use of the cameras and to instead to consider adopting an ordinance that will set privacy-protective standards for the deployment of any future law enforcement surveillance technology.

We understand that a major rationale for considering purchase of these cameras is because neighboring communities also have installed them. But the fact that other municipalities have adopted this invasive technology is hardly a reason for any other city or town to do so.

While our organization has substantive concerns about the actual technology of these cameras, we are just as distressed by their implementation without the concurrent introduction of meaningful formal safeguards and limitations for their use. We wish to provide some context as to why the ACLU believes your municipality should reject the use of these cameras, and also why any future implementation of surveillance technology should not occur without clear and strict safeguards.

• **The cameras capture more than license plate numbers.** The use of other automated license plate reader systems – such as those utilized for tolling purposes or to monitor traffic patterns – in the state have generally been contained to capturing only the license plate on a vehicle, and only for a specific and narrow purpose. When the implementation of Flock Safety cameras in other municipalities began to occur, police representatives initially assured the average motorist that they need not be worried because police are alerted only if a car's license plate number matches information in a federal national criminal database, known as the NCIC, or Amber/Silver Alert systems.

But even leaving aside the well-known inaccuracies of the NCIC database and the problems that alone can cause, it is clear now that these systems are not as narrowly tailored as residents may expect or anticipate. Concerns about overreach are only compounded by the acknowledgement of the expansive surveillance properties contained in, and invasive measures allowed by, these technologies.

Investigators may input a wide variety of vehicle characteristics into the system which range far beyond license plates. The website of Flock Safety, the company responsible for the cameras, explains further what this means: its surveillance system allows police to search by “pinpointing vehicles by *make*, color, type, and unique characteristics like decals, *bumper stickers*, and accessories.”¹ (emphasis added) Such technological capabilities are incredibly invasive and far beyond what one conceives of when considering a technology often deceptively described as an “automated licensed plate reader.” Indeed, the company even touts its motion detection systems for capturing photos of *bicycles*.

Further, as the reference to “searches” suggests, the system does not merely operate passively. The police have the ability to input any license plate number – and presumably vehicle characteristics such as those noted above – and obtain information about a vehicle’s whereabouts, if captured by a camera, for the preceding 30 days. In addition, that search will encompass photos not only from Cumberland, but from any of the other municipalities in the state that are part of the system.

Based on the representation that the alert process is only triggered by motor vehicles associated with criminal activity and that innocent motorists thus have nothing to fear, one would assume that camera alerts would be few and far between. Yet, according to the “transparency portal” set up for the Cranston Police Department, to give just one example, those cameras have taken photographs of over *five-hundred thousand cars* within the last thirty days, further leading to almost 500 searches in that same time period.²

At the same time, the positing that these cameras operate solely based on the visual capturing of information is misleading. Flock Safety also highlights the ability to not only search by the aesthetic characteristics listed above but to also provide “audio detection capabilities.”

• **It is almost inevitable that the use of these cameras will expand over time to engage in more, and more intrusive, types of surveillance.** The history of surveillance technology in this country – from wiretaps to stingrays to cameras to drones – has been a history of ever-growing uses, and those expanded uses are then used to justify and normalize even greater intrusions on privacy. Indeed, just this argument has been made in attempting to dismiss privacy concerns associated with the installation of these cameras by noting the prevalence of camera surveillance in *other* contexts. This is how our expectations of privacy become minimized and more Orwellian.

Flock Safety’s cameras exemplify this “mission creep.” The company has touted the availability of “advanced search” features for its camera systems that will:

- Allow police to upload a picture of a vehicle from any source and then perform a search to see if any of the cameras have seen it;
- Allow police to enter a license plate number, and then search cameras to find vehicles that frequently travel with that vehicle, to “help identify accomplices to crimes”; and
- Give police the ability to search for vehicles that have recently been in multiple specified locations.³

¹ <https://www.flocksafety.com/articles/6-benefits-of-lpr-for-law-enforcement>

² <https://transparency.flocksafety.com/cranston-ri-pd>

³ <https://www.govtech.com/biz/flock-safety-gives-users-expanded-vehicle-location-abilities>

Even if not being used in these more expansive ways today, the potential capabilities of this program are not as narrow as simply identifying and cross-checking license plate numbers, and nothing prevents expanded uses in the future. The chilling effects of the ability to track individuals in all these manners cannot be understated.

• **In the absence of legislatively established limits on their use, the privacy rights of the public remain at the complete discretion of the police department and a private company, which can change their policies at any time.** No matter what assurances of privacy are given in policy – by either a police department or Flock Safety – there are no meaningful constraints on their ability to change the rules at any time. Today we may be told, for example, that all photos will be destroyed after 30 days, but nothing prevents the agencies or the company six months from now from extending it to 60 days, a year or a decade. The same is true for any other “safeguards” offered exclusively by police departmental policy or Flock Safety guidelines. Even as this subcommittee considers recommending purchase of these cameras, it is unclear to us whether any consideration at all has been given to first having in place any policies, much less an ordinance, establishing limits on their use.⁴

When police surveillance techniques like these are promoted, they often imply a false choice between public safety and privacy. But public safety is the result of community-based tools and systems that directly and tangibly support residents. It is not, and has never been, a consequence of indiscriminate 24/7 surveillance. To suggest that such surveillance technology is only a threat to those committing crimes is dismissive of the legitimate privacy concerns that all residents have, and particularly ignores how police surveillance over the decades has often targeted communities in a discriminatory manner.

While the above are detailed concerns directly related to Flock Safety’s cameras and the specific implementation of them in your municipality, we wish to emphasize that all surveillance technology has the capability to encourage, intentionally or not, more aggressive and unduly invasive policing and foster community distrust in policing systems. We urge the subcommittee to reject the proposal to implement Flock Safety cameras and to instead consider the adoption of an ordinance that promotes community engagement, oversight, and extensive transparency for any future potential law enforcement surveillance technology.

Thank you for your consideration of these concerns. If you have any questions about our views, please feel free to let us know.

Sincerely,



Steven Brown
Executive Director

cc: Mayor Jeffrey Mutter
Police Chief Matthew Benson

⁴ An ordinance/policy can be crafted by modeling it on legislation introduced in the R.I. General Assembly this year, which did not pass, seeking to establish statewide standards for use of this technology. See House Bill [24-H 7749](#).