



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

September 7, 2021

Members of the Pawtucket City Council  
137 Roosevelt Avenue  
Pawtucket, RI 02860

VIA EMAIL AND MAIL

Dear City Councilors:

We are writing to express our organization's deep concerns about the Pawtucket Police Department's surreptitious installation of automated license plate reader (ALPR) camera systems throughout the city, and the Department's acknowledgement of their participation in a 60 day pilot program of the system only after receiving media inquiries about the cameras. While the ACLU of Rhode Island certainly understands the importance of public safety, the approach to safer communities cannot and should not include the implementation of technologies, like these cameras, which raise serious privacy issues, carry the clear potential for expanded surveillance, and are implemented with absolutely no statutory safeguards in place and in the absence of any public input. We urge you to direct the police department to halt its use of the cameras and to adopt an ordinance that will set standards for the deployment of any future law enforcement surveillance technology.

While our organization has substantive concerns about the actual technology of these cameras, we are just as distressed by the police department's failure to solicit any public input prior to the pilot implementation of the program. As such, we wish to provide some context as to why the ACLU believes your municipality should reject the use of these cameras and take steps to ensure that any attempt at future implementation of surveillance technology cannot occur in this manner.

- **The cameras capture more than license plate numbers.** In an effort to downplay the obvious privacy concerns implicit in a surveillance system like this, police representatives have touted the cameras as being limited to capturing only the license plates of passing vehicles, and further assured the average motorist that they need not be worried because police are alerted only if the 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, these claims are extremely misleading.

As Cranston Police Chief Winquist noted last month at the news conference announcing the program, the cameras also send an alert if a vehicle appears to have no license plate – a situation that has nothing to do with NCIC-matching. In fact, as Chief Goncalves' letter to you acknowledges in passing, the cameras capture "still photographs of license plates *and vehicle characteristics*." The website of Flock Safety, the company responsible for the cameras, explains

what this means: its surveillance system allows police to “search by *vehicle make*, color, type, license plate, state of the license plate, missing plate, covered plate, paper plate, and unique vehicle details like roof racks, *bumper stickers*, and more.”<sup>1</sup> (emphasis added) Such technological capabilities are far beyond those communicated to the public, and far beyond what one conceives of when considering a technology often described as an “automated licensed plate reader.”

Further, as the reference to “searches” suggests and as Chief Winquist pointed out at the news conference, 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 Pawtucket, but also from any of the other municipalities – Cranston and Woonsocket, for now – 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. But in the short period of time that the Cranston surveillance cameras have been operational, there have thus far been, according to the “transparency portal” set up for the Department, over 1,100 “hits,” and police have conducted over 2,000 searches of the system. Further, those cameras have taken photographs of more than *two million vehicles* in that time, information that will be accessible for police searches for 30 days.<sup>2</sup>

• **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, Chief Winquist made just this argument 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.” Just this month, the company announced 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 been in multiple specified locations recently.<sup>3</sup>

Even if not being used in these more expansive ways today, the potential capabilities of this program are not as narrow as is being communicated by law enforcement, and nothing prevents

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<sup>1</sup> <https://www.flocksafety.com/lpr-vehicle-recognition/>

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

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

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.** At the news conference, Chief Winqvist noted that all participating departments would be adopting public policies governing usage of the surveillance cameras. But no matter what assurances of privacy are given in policy – by either the Department or Flock Safety – there are no meaningful constraints on their ability to change the rules at any time. Today we are 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 by police departmental policy or Flock Safety guidelines.

- **The secrecy in which the cameras were installed and the adoption of preliminary policies without public input both demonstrate the need for a comprehensive ordinance setting standards of public oversight for any future surveillance programs.** If the potentially discriminatory and far-reaching capabilities of these devices aren’t being accurately communicated now, at the very outset of the program, how can we expect transparency as their usage is expanded and refined? Indeed, it is worth noting that the deployment of the Flock Safety surveillance cameras has occurred in a manner directly contrary to the process promoted on Flock Safety’s own website, which emphasizes its support for “the direct involvement of the community in crafting policies and providing oversight on public safety technology including ALPR.”<sup>4</sup>

In fact, Flock Safety directly links to guidance from national civil liberties and civil rights organizations that calls for the *statutory* adoption of policies that promote community control over police surveillance (and are thus known by acronym as CCOPS laws).<sup>5</sup> The organizations’ model ordinance details the potential discriminatory and stigmatizing effects that the utilization of camera systems like these can pose, and versions of the ordinance have now been adopted in over 20 jurisdictions across the country. Its necessity here is only confirmed by the secretive way these cameras were installed.

When police surveillance techniques like these ALPRs 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

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<sup>4</sup> <https://www.flocksafety.com/ethics-center/>

<sup>5</sup> <https://www.aclu.org/issues/privacy-technology/surveillance-technologies/community-control-over-police-surveillance>

technology has the capability to encourage, intentionally or not, more aggressive and unduly invasive policing and foster community distrust in policing systems. We call upon the City Council to enact an ordinance that prohibits their use and instead promotes community engagement, oversight, and extensive transparency for any future law enforcement surveillance technology.

Thank you in advance for your attention to this important matter. If you have any questions about our views, please feel free to let us know.

Sincerely,



Steven Brown  
Executive Director



Hannah Stern  
Policy Associate

cc: Mayor Donald Grebien  
Chief Tina Goncalves