

# Flock Cameras: Best Practices to Protect Madeira Citizen Privacy Retroactively

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My name is Stephen Arthur. I am a **high-level software engineer for a major finance technology company and am both personally and professionally invested in how to use technology to improve everyday life, while being fiercely protective of individual rights and privacy.**

I live on Windridge Drive, in the southwest part of Madeira, bordering Columbia Township. A few weeks ago, I noticed a new Flock camera installed at the exit of my driveway, and I wanted to share my thoughts and concerns with you today.

- **First, I am here to express my concerns and disappointment with how little communication and transparency there was with Madeira citizens before these cameras were installed. This makes me believe that Madeira does not take the concern for privacy of its citizens seriously.**
- **Second, assuming that the existence of the camera outside of my house means a contract has already been signed with Flock, I would like to share best practices and examples from neighboring communities and the ACLU to improve the transparency of this intervention moving forward, some of which can be implemented immediately.**

Seeing a camera outside of my house came as a huge surprise. I reviewed the past several council meeting recordings to find out what was going on, and had a call with the Madeira police department as well.

A common sentiment I heard was (for example, by a council member during discussion):  
"chances are you are already on camera in one of our neighboring communities"

I do not live in those communities and do not accept other communities' decisions to invade the privacy of its citizens as appropriate justification for my residence and those of my neighbors to be monitored 24/7.

At this point, it's clear that the Police department has used the authority the council gave it to enter into a contract with Flock, since there are already cameras in operation.

Despite the contract being in place, here are some **things Madeira could have done differently** to respect the concerns of its citizens and provide adequate notification and protection of privacy:

- **Measure the opinions of residents** to find out what proportion of citizens even consent to continual mass surveillance without probable cause
- **Invite people who were concerned about privacy and surveillance to address the council** to represent alternative viewpoints, or at least attempt to give voice to what those viewpoints are in council deliberations
- **Conduct a pilot phase with a smaller number of cameras** before entering into a 2 year contract for 20 cameras to see if the cameras are even helpful
- **Provide advance notice to residents near proposed camera locations** via email, phone, mail, etc. with enough time and clear process to express concerns
- **Attempt to convince residents that the cameras will improve safety:** Are there studies where these cameras improve the crime rate in similar neighborhoods with similar crime profiles?
- **Justify the investment:** Is there enough of the right type of crime occurring in Madeira that we are able to realize a positive return on investment of our tax funds.

Not performing those actions before installing the cameras indicates to me that Madeira either does not understand the care that is needed in protecting the rights to privacy of its citizens, or else feels safe to disregard those rights in decision-making. If these things aren't true, the lack of communication and engagement with the citizenry makes it seem so.

Flock is a for-profit company that is motivated to increase its profits by expanding its network of surveillance. The more jurisdictions that install Flock cameras without an attempt to modify the contract to add protections back to its citizens, the more profitable Flock is. Liberal data sharing is in the best interest of Flock and its shareholders. It is up to us to represent the interests of Madeira citizens when entering a contract with Flock. In fact, it is up to you. There is no need for a law enforcement agency in Texas to know when I am leaving my house and returning every day.

We likely missed opportunities to insulate Madeira residents from unnecessary violations to their privacy if there were no amendments to Flock's standard contract. That being said, here are **some ideas that would improve the situation moving forward** and give Madeira the opportunity to protect the privacy of its citizens and repair trust:

1. **Follow the American Civil Liberties Union (ACLU) guidelines for Flock usage:** The ACLU actually recommends NOT TO INSTALL FLOCK and other similar surveillance camera systems in the first place. But since that ship has sailed, the ACLU has guidelines and examples from other municipalities for data retention, sharing, and database use:

- For **Data Retention**, as an example, New Hampshire's contract with Flock has an addendum to only retain data/images for 3 minutes, since it only takes a few seconds to run a plate against national watchlists, such as for Amber Alerts, stolen vehicles, and other common scenarios. Otherwise, Flock or Law Enforcement Agencies do not have a right or need to have a detailed log of every residents' comings and goings.
- **Data Sharing** - the best practice recommendation is to not share Flock data with any other Flock customer (other neighborhoods), or at the very least, have limited and strict circumstances as exceptions (Amber Alerts, investigations of violent felonies, etc.) or distance limits
- **Database Use** - the only databases that should be used by the Flock customer to check plates should be those that meet the standards of accuracy, relevance, timeliness, and completeness set forth in the 1974 US Privacy Act. This sounds like a no-brainer, however *the largest and most commonly used national watch list — the National Crime Information Center (NCIC) database — does not even comply* with those standards.
  - The risk of using outdated or inaccurate hotlists is the unjustified arrests or detention of citizens, which is particularly dangerous for vulnerable populations

<https://www.aclu.org/news/privacy-technology/how-to-pump-the-brakes-on-your-police-departments-use-of-flocks-mass-surveillance-license-plate-readers>

## 2. Look to (and open a dialog with) these neighboring communities to understand the way they deployed these cameras:

- Launch Flock transparency website ASAP if these cameras are installed and active:
  - Example: Loveland Ohio - <https://transparency.flocksafety.com/loveland-oh-pd>
  - Example: Miami Township Ohio- <https://transparency.flocksafety.com/miami-township-oh-pd-clermont>
- Create an informational website or brochure to easily provide public communications as questions are likely to continue:
  - Example: Loveland Ohio - <https://www.lovelandoh.gov/496/Flock-Safety-Technology>
- Provide clarification and the legal framework for use:
  - Published guidelines and requirements for use
    - Example: Dayton Ohio- <https://www.daytonohio.gov/1087/Automated-License-Plate-Readers>
  - Identify external third-party organizations with current access and scrutinize and limit the reasons for their use. Have a clearly defined external use policy and make those decisions transparent to the community.

- Example: Limit comprehensive data sharing to neighboring communities within X miles, defined exception process for felony investigations, etc.

3. If there are more cameras to install: **Provide advance notice and/or review period for camera installation site selection process**, I don't believe all cameras are installed as I don't see (at least a similar model) on the Kenwood road border with Columbia Township:

- Example: Every house within 1 block of a proposed camera installation site will receive a letter 2 weeks before the camera installation with notice and educational information.

**4. Enable effective citizen oversight and transparency:**

- Publish the contract with flock and make easily available to citizens
- Understand what new types of police records will be created and available to request through existing public records process for citizen access and their retention period
- Annual audit for compliance with new and existing policies
  - Example: Vermont-  
<https://auditor.vermont.gov/sites/auditor/files/documents/ALPR%20Final.pdf>
- Commit to publishing reports demonstrating how these cameras have enabled more effective policing in our community by comparing crime stats before and after they were introduced.
- Do not renew a contract with Flock if there is not statistically significant improvement in crime that justifies the expense to the City and impingement on citizen's rights to privacy.

My biggest concern is that none of this has been discussed, and since it wasn't discussed, my assumption would be that no one on council knew or cared to know about the downsides of mass surveillance, which is highly alarming.

If there was a venue where these discussions were had, that was not communicated effectively to me or other residents. Madeira needs to do better to show that they are working in the best interests of its citizenry and be more proactive and transparent in communications and more intentional in involving the input of residents.

I appreciate the opportunity to address the council, thank you for your consideration.