Memo of Dissent to CPOC Flock Vote
May 31, 2024

Why Flock Is Valuable and Enhances Oak Park Public Safety

On May 20, 2024, CPOC voted 4-3 to not renew the contract for Flock ALPRs. This memo will explain why 3 members voted yes to extend the contract. The undersigned strongly urge that the board extend the contract.

We additionally urge the board to direct further and ongoing evaluation of the technology in terms of the number of cameras, camera placement, the possible expansion of limits for alerts, the gathering and content/format of data reporting to enhance visibility and transparency such that we have a much truer understanding of the full value of this technology. Any new technology requires a) time, b) modification, and c) adjustment of parameters to fully understand; we have not done so to date. Our current interpretation of data and the use of Flock ALPRs is too new and a yes/no decision is premature. Much of the conversation surrounding Flock seems driven by imperfections, rather than solutions to adapt the technology to meet village public safety concerns. Ways we could evaluate Flock in a more thorough and thoughtful manner will be presented later in this memo.

Because Flock never receives or stores racial information, it is incapable of creating a racially biased or disproportionate result. Even those voting to remove Flock agree that this is so.

Flock does interact with a regional police database called LEADS. Access to both Flock and LEADS databases requires user ID's and passwords. System access to both is monitored by each department using them. Misuse of access to data, or falsely entering data into LEADS can lead to a department losing its access to LEADS. Departments, especially Oak Park's, are thus motivated to monitor usage to prevent losing access to this vital database. Misuse of LEADS can also lead to criminal prosecution and potential jail time. Checks and balances are in place for both Flock and LEADS to ensure proper usage and to address improper usage.

No database is perfect. Those voting against Flock claim "47%" of Flock stops were unnecessary and due to bad data. 47% sounds like a large defect, a large impact, but it refers to 12 people over a ten month period out of about 3 million scanned plates, which is statistically tiny. They also fail to note that 100% of the unnecessary stops were 100% the result of a significant crime as defined by the village board being associated with the plate on the car stopped. They observe that 9 of 10, or 10 of 10 such drivers pulled over were Black, failing to note that those 9 or 10 drivers had reported their car stolen or the plate was attached to an approved significant offense, and this was the system trying, imperfectly, to return their car to them. These stops have zero to do with race. They have everything to do with a car being reported stolen or attached to an approved significant offense, police efforts to recover the car and possibly arrest the thief. As we know, stolen cars are often used to commit other crimes.

Traffic stops prompted by Flock alerts are the result of the plate being attached to a significant offense as authorized by the village board; 1) violent felony level offenses, 2) stolen car/car involved in carjacking, 3) Amber alerts for missing persons. *In other words, the output of Flock directly correlates to the license plate associated with the reported crime. Race is not a factor in the alert.*

T**ip of the iceberg Flock statistics as noted in the CPOC semi-annual report for August 2022 – May 2023:**

- 8 cameras
- ~3 million plates scanned August 2022 – May 2023
- 42 attempted Flock stops due to alerts (NOTE: *it is unknown how many alerts were sent, these were the 42 the OPPD attempted – other alerts were not responded to due to staffing on the street at the time of the alert and/or by the current workload at the time of the alert*
- 28 successful stops, 14 cars failed to stop and exited the village
- 32 people involved in Flock stops; 25 Black, 4 White, 2 Unknown, 1 Asian
- 12 arrests
- 3 firearms confiscated
- 8 people released at the discretion of the lead policing agency
- 12 people released because of data not being updated in LEADS. ***NOTE: the OPPD crime report noted that 2 such stops were the result of car owners who got their cars back but failed to advise the department to which they reported it stolen that it was recovered
- About 1500 searches of Flock data by OPPD, of which *"CPOC has not noted any concerning search behavior in its review"*

If you consider there were about 1500 individual plate searches by OPPD, and that in the report it was noted that "no outside organizations have searched our Flock camera data date-to-date" and combine that with the 42 alerts that the OPPD was able to react to, we find that about 2,998,458 of about 3 million plates scanned were unseen by police and auto deleted from the Flock database in 30 days. *In other words, about 99.95% of plates scanned during the 10 months of the Flock report never received ANY police attention and were deleted with the police being unaware of them.*

Twelve people, out of about 3 million plates scanned, were pulled over by Flock stops and on-site investigation revealed that the stops were unnecessary because the LEADS database hadn't been updated. Some argue that these individuals were "harmed", but do not define "harm", nor did they interview these 12 individuals to confirm if they were "harmed". Is it possible some were relieved to see the police protecting their interest in recovering a stolen vehicle for them? Was this not the system at work to recover stolen cars on behalf of those 12 people? They were not pulled over for racial reasons, they were pulled over because they reported their car stolen, regrettably the database did not reflect their cars recovery. A couple of individuals told the

officer who pulled them over that they failed to let the department who took the initial report know that their car was recovered, thus it was driver omission of the self-reporting requirement that contributed to information that was not updated in LEADS, resulting in the stop. We do know that zero complaints from ANY Flock stop have been received. We can deduce based on what we have reviewed as a committee that the majority of the stops were handled properly. _Furthermore, now that OPPD officers are equipped with body worn cameras, we are able to document and review Flock stops. The board could require that all Flock stop videos are reviewed by OPPD and CPOC. This would provide clarity of what actually happens as opposed to the projection/assumption of "harm". It could also serve as a training and coaching tool for patrol officers._

Should we consider avoiding pulling someone over driving a vehicle with a license plate associated with a significant crime, because LEADS _may_ have not been updated, or should we act in good faith that we are attempting to reconcile the owner with their vehicle OR prevent someone else from being victimized?

Some argue these cameras do not stop or deter crime. How does one measure deterrence? The nature of deterrence is such that one can't always know or measure what didn't happen as the result of a security camera. But the deterrent value of Flock stops _inarguably_ includes:

- What was the deterrent value of the 12 Flock arrests?
- What was the deterrent value of the 3 firearms removed from the street?
- What might have happened in Oak Park or elsewhere previously or in the future without those arrests and firearms taken out?
- We can't measure what didn't happen because of the presence of a police officer, technology, or squad car

Some argue that Flock data is accessible nationally, including in states with abortion and immigration laws some oppose here in Oak Park and Illinois. This conflates unrelated issues. That aside, are we to prioritize a hypothetical situation with few chances of happening over real, measurable, and often harmful crime in Oak Park? What are the odds of a law enforcement agency in another state searching Flock data and finding a plate in Oak Park within the 30 days the plate is in the Flock database before being auto-deleted to track down an immigrant or someone seeking a medically assisted abortion? _Of note, Oak Park is a sanctuary village, Chicago is a sanctuary city, Cook County is a sanctuary County; none will cooperate with ICE and out of state agencies on the above concerns._

The iceberg below the tip not noted in the CPOC report:

- OPPD had requested 20 cameras, received approval for 8
- 8 cameras vs approximately 130 car access points into/out of Oak Park; cameras cover about 6.15% of car access points, leaving 93.85% of car access points uncovered. Cameras are easily bypassed by those looking to cause harm

- Approximately 3000 plates per month enter Oak Park that have some level of crime attached to them in LEADS i.e. retail theft, burglary, other, that fall below the threshold for alerts set by the village board. Are we not curious to know more about the scope of crime in or passing through Oak Park?
- Flock productivity is restricted by reduced number of cameras and further restricted by allowing alerts for just 3 categories of crimes; 1) violent felony level crimes, 2) stolen cars/cars involved in carjacking, 3) Amber alerts for missing persons
- Flock productivity would increase even with existing restrictions on alerts with more cameras, the investigative value alone would be helpful
- Flock productivity would increase by measured expansion of the threshold for alerts to include retail theft and burglary
- *Knowing the self-imposed restrictions on Flock (8 cameras, only 3 categories of crimes authorized for alerts), we cannot point to "low" productivity justifying removal. Again, how can 3 firearms confiscated be considered "low"?*

Retail theft is a real and growing crime category in Oak Park that affects small privately and/or locally owned businesses and poses a personal safety risk for employees, shoppers, and the community. Additionally, national brand retailers such as Target, CVS, and Walgreens have been significantly impacted, all of which do business in Oak Park. Should we not try to deter and solve more retail theft? Or are we accepting of it, rationalizing that "insurance will cover it", ignoring that rising theft leads to higher insurance costs, higher retail prices, and increasing employee turnover?

- Crime gravitates to and persists in areas that are target rich with minimal barriers to detection and low deterrence
- There are national Organized Retail Crime (ORC) networks that fund human and drug trafficking with the proceeds from retail theft. Additionally, these networks often exploit the housing challenged and those experiencing mental illness, frequently employing them to commit retail theft.
- Retail theft is not merely a nuisance, ORC is in the billions of dollars and affects whether businesses open up or remain open in some areas, it also affects business insurance costs, profits and prices
- Restricting alerts for retail crime inhibits OPPD's ability to investigate retail theft and cooperate with other departments to coordinate efforts to combat ORC locally, regionally, nationally and to minimize it in the village

- The department is understaffed by approximately 30%. Full staffing is approximately 118, actual staffing is approximately 81, with an additional retiree at the end of May and a projected 3-4 more by end of summer. These numbers affect investigative, deterrent and proactive efforts of all sorts including the effectiveness of Flock, and recently, morale
- An understaffed department needs technology to be more efficient and effective, Flock can serve, with other tools, as a force multiplier

- Over 100 local departments have Flock ALPRs. Removing Oak Park's would leave us as an island, and it would restrict the OPPD's ability to cooperate with local departments in solving crime in Oak Park. Flock utilizes a national database, removing it would inhibit OPPD's ability to interact with other departments for purposes of investigation and solving crime, benefitting Oak Park
- Additionally, Flock has attested they are CJIS, HIPAA, and FERPA compliant in accordance with the subscribing agency (CJIS = Criminal justice Information Services, HIPAA = Health Insurance Portability and Accountability ACT, FERPA = Family Educational Rights and Privacy ACT). For more information: https://trust.flocksafety.com/#compliance

We have not as a village done a proper evaluation of the Flock system. An honest, thorough, proper evaluation would include:

- Determining whether 8 cameras is too many, enough, not enough. Remember, we have currently cameras at about 6% of car access points into Oak Park, leaving about 94% not covered (even the original request for 20 would've left about 84% of street access points not covered)
- Using the data provided by the 8 cameras, we can benchmark productivity in the form of investigative searches, alerts, stops, results of stops
- Increasing the number of cameras to the original 20 requested by OPPD, or to another number to determine incremental productivity would be essential to furthering our understanding of the present and potential impact of these cameras
- Ongoing evaluation of camera placement to maximize productivity
- Another evaluation 1 year after an increase in the number of cameras to provide new benchmark for comparison with the past. Continuous quality improvement
- SOLUTIONS: yes, like any database, LEADS is not pristine, it requires system management to ensure it is as accurate as possible. We should be seeking solutions to concerns with LEADS, something not yet even attempted. How can we adapt Flock to meet Oak Park's needs while addressing concerns? Are there mitigations to minimize LEADS imperfections? Why would we not try them and measure the effects?

The elimination of Flock cameras from the village would be a rejection of the professional judgment of a highly trained, highly educated police chief who leads a competent, professional, low-key department that operates with integrity and exhibits Oak Park values and has for decades. Additionally, the Chief has indicated that she and members of the department have adopted the "10 Shared Principles" in collaboration with the NAACP as well as the "6 Pillars" outlined in former President Barack Obama's report of "The Task Force of 21st Century Policing". If it is the Chief's professional judgment that Flock APLRs (cameras) have racially unbiased and vital a) investigative, b) deterrent and c) proactive (the alerts) qualities that are effective in supporting public safety in Oak Park, especially for a severely understaffed department, then that recommendation should be our default position. Any discussion should not be "why should we accept this advice", it should instead be "why would we not".

Additionally, it sends a bad message to a depleted OPPD that struggles to retain and recruit staff due to a variety of factors, including:

- Department workspace in need of significant repair inhibits recruitment, retention, and morale, as noted by some current police personnel
- Defund/abolish narratives inhibit recruitment, retention, and morale, as noted by some current police personnel
- Departments perceived lack of moral, vocal and symbolic support from the village in general and the village board in particular combatting defund/abolish narrative, as noted by some current police personnel

How can CPOC improve it's role in evaluating and informing the board about Flock ALPRs?:

Reflecting on comments by those voting no to extend the contract, in retrospect, it is evident that CPOC must do a much more effective job of requesting, compiling, and formatting data across the three main aspects of Flock; a) investigative, b) deterrent, c) proactive. By enhancing the content and format of Flock data reporting, we can much better summarize and illuminate the full scope and impact of use of the Flock system in one cohesive report. For example:

- INVESTIGATIVE REPORT: we need a report that shows the daily/weekly/monthly number of investigative searches AND the category of crime being investigated from day one of Flock going back to July 2022 such that we have visibility to the scope of crime in Oak Park being dealt with by OPPD; ideally linked to any crimes solved, though usually it's a mix of tools that solve crimes and not one specific tool
- DETERRENT REPORT: number of arrests, resident or non-resident status, demographic breakdown of arrests, crime type causing arrest, number and type of firearms confiscated during Flock stops
- PROACTIVE REPORT: rather than reporting just the number of Flock stops, we need to report the number of Flock alerts sent, alerts actually addressed, alerts not addressed (ideally including a reason why not), and the results of stops made
- HOTLIST REPORT: CPOC should also report the daily/weekly/monthly annual number of plates hitting the "hotlist" (meaning ALL plates entering Oak Park having some type of crime attached to them). The vast majority of these plates do not trigger Flock alerts to OPPD because they don't meet the threshold of crime level permitted by the village board to send alerts to OPPD. Nonetheless, knowing the volume of crime and category type traversing and/or staying in Oak Park temporarily would be illuminating in ongoing evaluation of Flock. In particular it could influence whether additional crimes i.e. retail theft, home burglary merit Flock alerts once the volume is identified

The above would provide in one document the overall impact of Flock ALPRs. This report would address the complaint of some that we lack data and benchmarks that can be used to evaluate Flock.

Reflecting on comments by those voting no to extend the contract regarding the OPPD not addressing any Flock alerts during several measurement periods, we note that several CPOC members have publicly supported defunding/abolishing the police in Oak Park and cosigned a letter opposing Flock during initial discussions and prior to installation. It appears disingenuous of those who work hard to reduce the police force staffing and oppose Flock ALPRs, then protested the implementation of Flock leading to a scaled back implementation, to now blame an understaffed police department for not responding to alerts while also using "low" productivity to justify removal of the "ineffective" cameras.

Those voting to eliminate Flock point to all Flock stops due to inaccurate LEADS data note that most or all unnecessary stops were Black people. It is unclear what data they were using, however, it is an inarguable fact that the sole reason they were stopped was not because they were Black, but because they had reported the car they were driving as stolen or the vehicle was reported to have been used in a significant crime. This was the system working, albeit imperfectly, on their behalf to return their stolen car to them. As the chief noted, two drivers admitted during the stop that they failed to advise their local police department as the departments require/request, resulting in the stops.

Removing Flock ALPRs is not in the public interest. A true, comprehensive evaluation that includes modification to existing numbers of cameras, etc. and better data gathering and reporting as noted above is in the public's interest and of value to the community.

A depleted OPPD is not in the interest of Oak Park's public safety. We should not eliminate a technology they firmly believe in that helps them maximize limited resources on our behalf. The department needs Village and community support as much as we need theirs.

The only people for whom Flock ALPRs are detrimental are those looking to cause harm. Those benefiting are residents of all colors and backgrounds; residents of Oak Park are the people we should be focused on.

The residents and village government of Oak Park rightly require that our police department must be competent, professional, effective, unbiased, and operating in a low key way with integrity, honesty and transparency. We have civilian oversight in place via the village board, the village manager, and CPOC.

Because the OPPD has a long track record of operating consistent with Oak Park's expectations, they have earned the right to be evaluated with the honesty and fairness we require of them. To be treated not as adversaries, but as partners and collaborators, on a trust, but verify, basis. Since the Chief is telling us that it is her department's professional opinion that Flock APLRs benefit Oak Park's public safety, we should accept that recommendation based on the credibility of the Chief, of the department, comfortable in the knowledge of its track record and that we have oversight in place to ensure proper policing over time.

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