



MEMORANDUM

TO: Board of Trustees

FROM: Kevin Barnhart, Citizens Police Oversight Committee, Chair

FOR: Village President and Board of Trustees

DATE: May 29, 2024

SUBJECT: May 2024 Flock Analysis - Basis for the Majority Vote to Recommend the Cancellation of the Flock Safety Contract

Purpose:

The purpose of this memo is to provide additional insight into the rationale behind the CPOC majority vote recommending the cancellation of the Flock Safety contract. The following analysis provides a thorough examination of the problematic outcomes resulting from Oak Park's ALPR deployment over the past 21 months, along with further serious concerns regarding Flock Safety.

Background:

The Oak Park Police Department employs eight (8) Automatic License Plate Recognition (ALPR) cameras for conducting stops and investigations in four designated/approved categories: stolen vehicles, missing/endangered persons, violent crime, and special circumstances, as defined by the Oak Park Chief of Police. These ALPR cameras have been collecting data since August, 2022 with OPPD reporting all stops and investigative searches monthly to CPOC. The following results are updated to reflect stop data collected by CPOC during the **21-month period of August, 2022 through April, 2024.**

Overall Results:

Over 5 million license plates were scanned, resulting in 37 actual stops*. Thirty-two of these stops were for vehicles reported as stolen and 5 were due to other reported crimes. The full breakdown by approved category is as follows:

• Vehicles Reported Stolen in OP	8
• Vehicles Reported Stolen in Other Jurisdictions	24
Total	32

• Missing/Endangered Persons Reported in OP	0
• Missing/Endangered Persons Reported in Other Jurisdictions	0
Total	0

• Violent Crime Reported in OP (armed robbery)	1
• Violent Crime Reported in Other Jurisdictions (shots fired)	2
Total	3

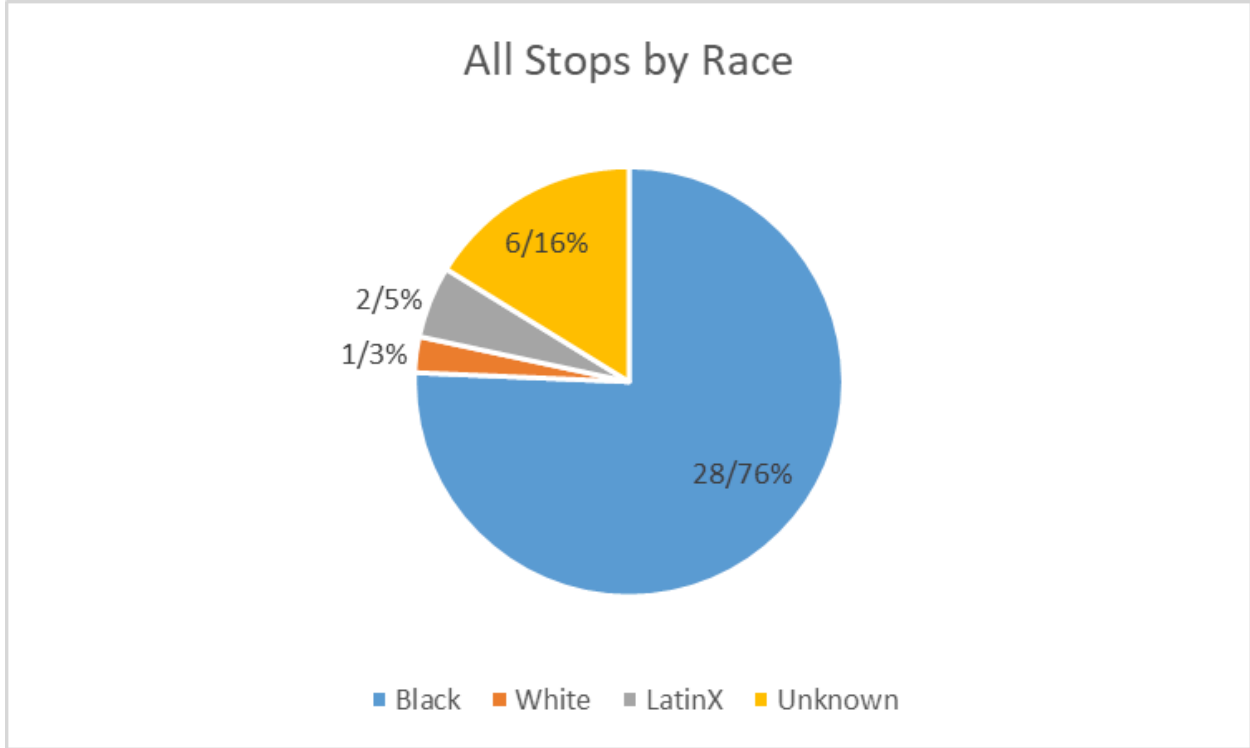
• Special Circumstances as Determined by the Chief	0
Total	0

The remaining 2 reported crimes, while Class 4 felonies in Illinois, did not specifically fall within an Oak Park approved category. They did, however, result in alerts that were reported to CPOC as "fleeing/eluding" out of Berwyn and Maywood, respectively.

It is also important to note that four guns were confiscated during the 37 stops reported. However, not all of these were related to the 'violent crime' category. In one instance, the driver was arrested for driving on a revoked license (by Lisle PD) which is neither a violent crime nor an Oak Park approved category.

** As reported to CPOC by OPPD; any other references by OPPD to actual stops, arrests, weapon recovery, etc., while perhaps true, either went unreported or was left unclear to CPOC, the committee tasked by the Village Board of Trustees with Flock use oversight.*

When considering all 37 confirmed stops reported to CPOC, the racial makeup looks like this:



Stolen Vehicle Results:

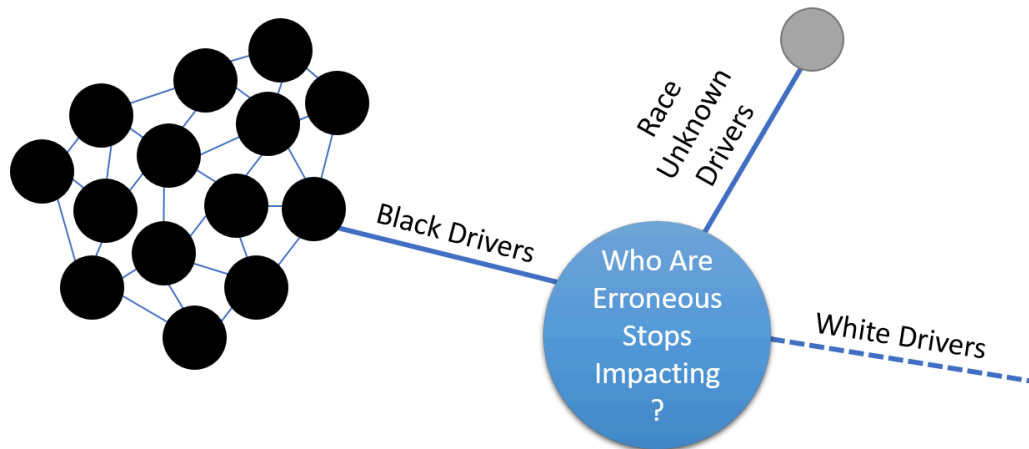
Since the majority of actual stops (87%) are for vehicles reported as stolen, we are compelled to look closer at this particular subset:

• Total Vehicles Reported as Stolen	32
• Errors Due to Inaccurate LEADS Data	15
Actual Vehicles That Should Have Alerted as Stolen	17

First, we cannot overemphasize the potential for harm resulting from the 15 erroneous stops that may not have happened if the Law Enforcement Agencies Data System ([LEADS](#)) were properly updated. Without proper analysis it is impossible to gauge how a stop of this nature

impacts the drivers/occupants that experience them – although it seems safe to say that it ranges from unpleasant to traumatic.

Secondly, it so happens that every driver and occupant of vehicles that were stopped in error have been Black, with one exception where race was reported to CPOC as unknown. It is well documented that Black people are already disproportionately policed, and stops like these serve only to exacerbate existing traumas associated with policing. While we have not received any specific complaints about the erroneous stops, it's imperative to emphasize that *the absence of complaints doesn't signify impeccable policing or suggest the interactions were harmless*. The majority of stopped drivers aren't Oak Park residents and are likely unaware of any complaint process. As well, [reports like this one from PBS](#) inform us that the scarcity of complaints most likely stems from a desire by marginalized communities to reduce police encounters.



These are not outcomes in search of biased statistics; they are in fact living/breathing/whole human beings experiencing unnecessary contact with armed law enforcement. Failure to recognize this truth or to minimize its impact is not only insulting to these Black individuals but should be profoundly concerning to this community that claims to value diversity and equity.

Even if ALPR cameras are bias-free, other systems routinely used by officers during traffic stops unfortunately **do introduce the potential for bias**. Links to systems such as the DMV are available from within patrol cars and are used to quickly provide additional insight about a vehicle and its owner prior to a stop. While we agree that the cameras themselves are not currently recording this kind of data, access to these supporting systems most certainly does correlate the license plate with additional demographic information about the vehicle owner. While this doesn't mean biases are always in play, it does significantly increase the potential.

Regardless, the facts remain that Black drivers have been subjected to these erroneous stops

~100% of the time and to all stops of every type 76% of the time. And since there is little that Oak Park PD can do to ensure accurate LEADS data when a vehicle has been recovered by another jurisdiction, the only appropriate remedy is to remove the ALPR cameras altogether. Otherwise, the Village is affirmatively agreeing that a 47% error rate that has impacted a single demographic (in this instance, Black drivers) is justifiable in its effort to recover stolen vehicles. **Regardless of the intention, this is the undeniable real-life outcome of ALPR stops in Oak Park.**

Illinois Law Restricts ALPR Data Sharing:

As you likely know, [HB3326](#) was signed by Governor Pritzker on August 11, 2023 and went into effect as [ILCS 5/2-130](#) on January 1, 2024. This State Law prohibits any Illinois agency from sharing, providing access to, or transferring ALPR information to any state or local jurisdiction without first having written affirmation from the receiving agency that it will not use the data to interfere with a person's right to choose or obtain reproductive health care services or to assist/permit the detention or investigation of a person based on immigration status. Specifically:

1. ALPR information cannot be sold, shared, or used to investigate or enforce laws that interfere with reproductive health care rights or target individuals based on immigration status.
2. All ALPR users in Illinois must obtain a written declaration from out-of-state agencies affirming compliance with these restrictions before sharing information.
3. Without this written affirmation, state law enforcement agencies are prohibited from sharing ALPR information with out-of-state agencies.
4. ALPR information must be held confidentially to the fullest extent permitted by law.

OPPD and the Village may well have these agreements in place; if so, this information has not been shared with CPOC. Although we have asked, CPOC is unaware of any ALPR sharing between OPPD and other agencies except as provided through general agency access to the Flock nationwide database (which has been estimated to include ~1,500 agencies). To be clear, *we are not suggesting that any agency has used their access to Oak Park ALPR information in a way that violates ILCS 5/2-130 or any protected category under OPPD's own [GO 4.68](#)*, except as noted above regarding stops outside of Oak Park approved categories. However, as demonstrated in other communities and reported by NPR, [states with abortion bans are laying the groundwork to criminally prosecute women who obtain an abortion](#) (including anyone who has aided a person seeking those services) *for wrongful death*, even if the abortion occurs out of state. Despite claims that this could never involve local community members, we can no longer deny that a serious threat does exist.

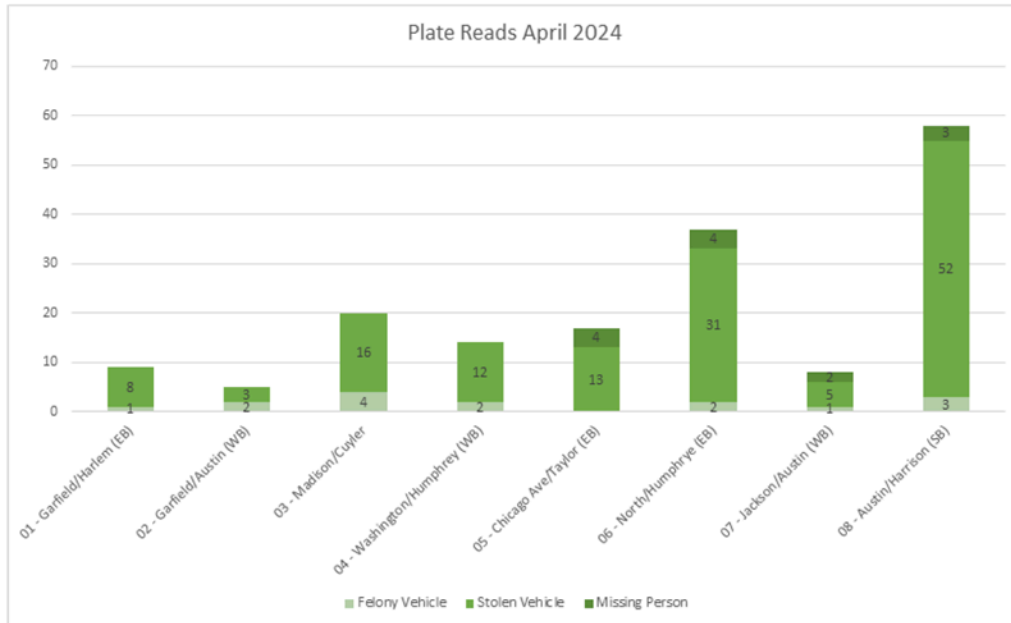
Even if we close access to Oak Park data through the national Flock network, Flock Safety has retained the right to use its customers' camera footage "as required or permitted by law" (described in Section 5.3 of [Flock Safety's Terms and Conditions](#)). Simply put, Oak Park cannot ensure that Flock Safety won't provide our data to organizations that contradict IL law or Oak Park values. The data will always be under Flock Safety's control, not ours.

Additional Considerations:

OPPD's past assertion that vehicles eluding a stop equates to "additional crimes not committed" is purely speculative, lacks support from objective data, and seems designed to purposely strike fear within the community. What should be more concerning to citizens and the police is using a combination of systems (Flock, LEADS, DMV, etc.) that can result in inaccurate data and the potential for human biases to create harmful outcomes. Moreover, by Flock Safety's own admission **there is no empirical evidence whatsoever** that supports the use of this tool to either prevent or solve crime. These recent articles from the [ACLU](#) and [IPVM](#) underscore this fact and cast significant doubt on Flock Safety's claim of undergoing academic review. If this is not alarming enough, also consider that Flock is involved in legal actions taken by agencies and individuals in several states due to its ALPR errors or the company's questionable behaviors. This collective body of evidence begs the question: why are we so committed to using this unproven, error-prone system here in Oak Park?

Additionally, OPPD has reported to CPOC that there have been **zero stops** conducted in any of the first 4 months of 2024 (Jan through April). This underscores the ineffectiveness of the ALPR cameras to help prevent or solve crime via road stops. Especially disconcerting is the data provided by OPPD during the recent State of Policing discussion before the Village Board where slide 21 reflects **13 missing persons and 15 felony vehicles** in addition to 140 stolen cars, without a single stop conducted by OPPD in response to these Flock alerts. The claim that OPPD's officer shortage is responsible for the total lack of Flock alert-driven stops over a period of 119 days is unsettling to say the least. We are especially concerned that "missing persons" doesn't rise to the top of the list for every police department.

AUTOMATIC LICENSE PLATE READER UPDATE



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Camera alerts for the month of April as provided to the Board by OPPD; even so, zero stops were reported to CPOC during this same timeframe

We also want to note that although OPPD does use the ALPR cameras for investigative purposes as well as for stops, CPOC has received no reported stops, arrests, or outcomes of any sort resulting from OPPD's investigative searches over the past 21 months. We are concerned that the ongoing use of the Flock Safety system even for investigative purposes, poses significant risk to civil liberties and public safety for folks traveling through the Village. Some of the most troubling concerns regarding the use of ALPRs as described [in this Independent.org article on ALPR use](#) include:

1. **High Error Rate:** ALPR cameras misread 1 in 10 license plates.
2. **Potential for Abuse:** Officers in at least seven states have been found to misuse ALPR data. Every agency reported that policies were in force and that their officers were of the highest caliber.
3. **Lack of Independent Oversight:** Despite having policies in place, an audit in one state found a lack of independent auditing and ALPR oversight in every agency reviewed..

4. **Privacy Concerns:** Collecting extensive location data via ALPRs [may require a warrant](#) under the Fourth Amendment as reported by the Brennan Center for Justice.

And finally, the **absence of measurable success metrics** over the past two years is inexcusable, especially given that CPOC made these recommendations in writing before the Flock system was implemented. [Our communication to the Chief and the Village Manager dated June 1, 2022](#), highlighted numerous concerns and documented specific and reasonable measures and metrics that would apply to the use of any ALPR system. Despite our repeated efforts to discuss these concerns and emphasize the need for metrics, our suggestions were not meaningfully acknowledged or given the courtesy of follow-up. Instead, the Village proceeded to implement this surveillance technology without addressing our valid issues and requests. To suggest that collaboration is now top-of-mind is both frustrating and insulting. What's more, the past two years of Flock ALPR use has provided all the evidence we need to recommend its removal.

Conclusion:

At its best, Oak Park's ALPR implementation has proven inefficient and ineffective in and for our community. In 21 months of operation, only 37 stops were made, with almost half of those in error. The potential for harm is high - due to reliance on fallible systems, the potential introduction of biases, and the very real possibility that our ALPR data will be used to intercept folks seeking to immigrate or gain access to reproductive/abortion services. These combined circumstances along with all other concerns noted herein, pose a genuine risk to many people driving past an ALPR camera, further undermining public trust in policing.

We advocate for the immediate termination of the Flock contract and the removal of all ALPR cameras in Oak Park. Simply changing the authorized crime categories or the way in which the Flock system is used is insufficient in light of the information and evidence provided. What's more, we believe that the potential benefits of a [Community Control Over Police Surveillance \(CCOPS\) ordinance](#), as currently drafted, do not outweigh the real harms people have already experienced and are likely to continue experiencing if this system remains in place. While we support the safeguards intended by CCOPS, we believe that OPPD has neither the on-staff expertise nor the proper operational systems to undertake and oversee the strict standards called for by CCOPS. As underscored in [this article from the Electronic Frontier Foundation](#) (EFF), the Village should entrust an independent reviewing body to build upon the core CCOPS safeguards. This reviewing body should be well-versed in surveillance system technologies, issues of privacy, and rights to civil liberties, and it should include community members most impacted by policing. Until these protections are in place, simply passing a CCOPS ordinance is insufficient to ensure effective, fair, and equitable use of such systems. As cautioned by EFF, it is imperative for communities to delay use of surveillance technology unless they are fully

prepared to incorporate these standards into a comprehensive and actionable CCOPS ordinance.

For all these reasons, we stand against the continued use of the Flock Safety system. Minor tweaks and assumptions won't mitigate the risks without a thorough analysis of the actual crime prevention capabilities of these systems. It is crucial to establish and discuss clear success metrics and more rigorous oversight with the community before deploying any surveillance technology, particularly given the inefficiencies, unproven effectiveness, notable flaws, and real-world harms associated with the Flock system.

Thank you for your service and your consideration on this important matter. I stand ready to discuss this in more detail at your convenience; feel free to contact me via email at kevbarnhart@gmail.com or by phone at 708-846-0262 with any questions.

CPOC Signatures

Kevin Barnhart, Chair
Justin Johnson, Member
Camile Lindsay Kumi, Member
Sue Humphreys, Member

cc: Christina M. Waters, Village Clerk

Resources:

Law Enforcement Agencies Data System (LEADS) Illinois Reference Manual:

<https://isp.illinois.gov/LawEnforcement/GetFile/f8b433b9-0ae5-4013-91c4-43c500c634e5>

Two-thirds of black Americans don't trust the police to treat them equally. Most white Americans do:

<https://www.pbs.org/newshour/politics/two-thirds-of-black-americans-dont-trust-the-police-to-treat-them-equally-most-white-americans-do>

Illinois General Assembly HB3326:

<https://www.ilga.gov/legislation/BillStatus.asp?DocNum=3326&GAID=17&DocTypeID=HB&LegId=148488&SessionID=112&GA=103>

Illinois General Assembly Compiled Statute 5/2-130:

<https://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=062500050K2-130>

Oak Park Police Department General Order 4.68:

https://www.oak-park.us/sites/default/files/police/ALPR/alpr_g.o._signed.pdf

Interstate travel becomes a target for the anti-abortion movement with Texas filing:

<https://one.npr.org/?sharedMediaId=1252218618:1252233190>

Flock Safety Terms and Conditions: <https://www.flocksafety.com/terms-and-conditions>

Communities Should Reject Surveillance Products Whose Makers Won't Allow Them to be Independently Evaluated:

<https://www.aclu.org/news/privacy-technology/communities-should-reject-surveillance-products-whose-makers-wont-allow-them-to-be-independently-evaluated>

Flock Exploiting the Use of Academics in Study:

<https://ipvm.com/discussions/flock-exploiting-the-use-of-academics-in-study-reports-404-media>

The Pitfalls of Law Enforcement License Plate Readers in California and Safeguards to Protect the Public: <https://www.independent.org/publications/article.asp?id=14254>

Automatic License Plate Readers: Legal Status and Policy Recommendations for Law Enforcement Use:

<https://www.brennancenter.org/our-work/research-reports/automatic-license-plate-readers-legal-status-and-policy-recommendations>

2022 Response to the Village of Oak Park and Oak Park Police Department RE: Proposed General Order Regulating the Use of Automated License Plate Reader System(s) and Data:
<https://drive.google.com/file/d/1r18McNEG3fOshRysHYE8yLkfNXeRAwDo/view?usp=sharing>

Oak Park IL Community Control Over Police Surveillance Ordinance (Draft):
https://www.oak-park.us/sites/default/files/village-manager/2023-memos/2023-02-24-recommendation_of_aclu_community_control_over_police_surveillance_model.pdf

Community Control of Police Spy Tech:
<https://www.eff.org/deeplinks/2021/05/community-control-police-spy-tech>