



## LAUBER MUNICIPAL LAW

*Serving those who serve the public*

To: Mari Macomber, City Manager

From: James Klahr, City Attorney

Re: Analysis Re: Use of Flock Cameras as Law Enforcement Investigative Tool

Date: November 24, 2025

In light of a citizen concern raised at the Council's November 17, 2025 meeting, you requested a review of any legal issues regarding the use of Flock cameras by the Kirksville Police Department.

Mr. Dan Aronson appeared at the November 17, 2025 council meeting and provided a hand-out detailing his concerns about the use of Flock cameras by law enforcement.<sup>1</sup> Mr. Aronson raises one legal issue and three policy issues. This memo only addresses his concern about the use of Flock cameras as "mass surveillance" and that their use would violate the 4<sup>th</sup> Amendment to the U.S. Constitution that prohibits unreasonable searches and seizures.

I have researched this concern. While Flock cameras have the potential to develop into a tool that may trigger potential violations of the 4<sup>th</sup> Amendment, the initial court decisions have rejected arguments that these cameras violate the 4<sup>th</sup> Amendment because the driver has no expectation of privacy when driving a vehicle on a public street.

*Case Example - United States v. Jackson, 2025 U.S. Dist. LEXIS 101960 (Kansas).*

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<sup>1</sup> While I use the term "Flock camera" in this memo, these cameras are License Plate Recognition (LPR) cameras that, according to Flock Safety, ". . . can be placed almost anywhere to capture detailed data about license plates and vehicles used to commit crimes, enabling quick and efficient action."  
<https://www.flocksafety.com/ebooks/license-plate-reader-cameras-overview>

This decision from May 29, 2025 provides a good overview of the Court's analysis of the use of Flock cameras to identify a particular vehicle that officers had probable cause to believe was involved in drug activity.

A DEA officer from Nebraska provided a tip to a DEA officer in Wichita about a particular vehicle that was registered to a particular individual and that the vehicle would be in Wichita to pick up methamphetamine. Ultimately, the tip was passed along to local law enforcement who, through the use of Flock cameras and the vehicle registration information of the suspect, was able to locate the vehicle and, upon searching the vehicle, found methamphetamine in the trunk.

The defendant, who was a passenger in the vehicle, sought to suppress the evidence obtained, claiming that the use of the Flock cameras amounted to a warrantless search.

The Court rejected the defendant's claim. First, the Court determined that there was no reasonable expectation of privacy for a vehicle travelling on public streets through Wichita. The Court cites to a number of cases upholding law enforcement's use of license plate readers.

The Court also found that the use of the Flock cameras in this case was not the type of continuous tracking of the defendant's movements that the Court has held to be in violation of the 4<sup>th</sup> Amendment. In this case, the Flock cameras identified the target vehicle on 9 different occasions over the course of one day. The Court contrasted these facts with the 2018 United State Supreme Court case of *Carpenter v. United States* where the police used "historical cell-site location information obtained from a cell phone service provider to track the movements of a defendant over 127 days." *U.S. v. Jackson*, p. 20. In *Carpenter*, the Court held that "individuals have a reasonable expectation of privacy in the whole of their physical movements." *U.S. v. Jackson*, p. 20. The Court found that the type of surveillance that violated the 4<sup>th</sup> Amendment in *Carpenter* was not present in this case.

At the end of the decision, the Court includes some caution about the potential of Flock cameras being used for broader surveillance that could violate the 4<sup>th</sup> Amendment. But the targeted use of the Flock cameras in the Wichita case did not amount to this type of surveillance and the Court ruled against the defendant's Motion to Suppress the evidence obtained by police.

For the Kirksville Police Department, it will be important to follow the policy guidance on the use of these cameras, including the ability to audit how they are used.

If you have any questions, please let me know.