



STATEMENT OF
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For a Hearing on
“ALWAYS WATCHING: FLOCK’S NATIONWIDE AI SURVEILLANCE NETWORK”

Before the
UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIME AND COUNTERTERRORISM

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Chairman Hawley, Ranking Member Durbin, and Members of the Senate Judiciary Subcommittee on Crime and Counterterrorism, on behalf of the American Civil Liberties Union (ACLU)¹, I want to thank you for the privilege of testifying before you today.

My name is Chad Marlow and for the past 12 years I have served as a Senior Policy Counsel at the ACLU where my work focuses on surveillance, privacy, and technology issues.² In this role, I lead the ACLU's policy and advocacy work on automatic license plate readers (ALPRs), including the ACLU's "Get The Flock Out" campaign.³

I want to begin my testimony by answering the question on the minds of every member of this committee and the American public. It is a question that reflects a concern shared by virtually every American, regardless of political party or philosophy. That question is simply, "How did a country founded on principles of liberty, personal freedom, and inalienable rights, including the right to privacy, find its people's vehicular locations and movements being tracked by governments at the local, state, and federal level even though virtually none of us are suspected of committing a crime?" Put more succinctly, "How did we get here?"

As you may already know, ALPRs are not new technology. They have been in use in the United States since the late 1990s.⁴ So why then in the last several years have we seen an explosion in the use of ALPRs and their tracking of innocent people? The answer is two-fold. The first is the entry of venture capital funding into the mass surveillance industry, including through ALPR companies like Flock Safety.⁵ Let me be clear: the injection of massive investment into the ALPR industry doesn't reflect a rise in venture capitalist interest in public safety. Rather, it reflects a view that ALPR use, if massively scaled up, could produce the type of windfall profits venture capitalists seek from their investments. But to achieve such returns, the ALPR industry needed to go bigger. Much bigger. And that means more ALPR deployment, more ALPR tracking, more ALPR data retention, more ALPR data sharing, and ultimately more ALPR company profits. In short, mass

¹ For 106 years, the ACLU has been our nation's guardian of liberty, working in courts, legislatures, and communities to defend, preserve, and extend the individual rights and liberties that the Constitution and laws of the United States guarantee to everyone in this country. With millions of members, activists, and supporters nationwide, the ACLU is an organization that fights tirelessly in all 50 states, Puerto Rico and Washington, D.C. to preserve American democracy and an open government for all its people.

² Chad Marlow, ACLU, <https://www.aclu.org/bios/chad-marlow>.

³ *Fight Creepy ALPR Cameras: Get the Flock Out!*, ACLU, <https://www.aclu.org/campaigns-initiatives/get-the-flock-out>.

⁴ Law Enforcement and Technology: Use of Automated License Plate Readers (2026), <https://www.congress.gov/crs-product/R48160>

⁵ See, e.g., *Accelerating Innovation: Flock Secures \$275 Million to Advance Crime-Solving Technology*, Flock Safety: Blog (Mar. 13, 2025), <https://www.flocksafety.com/blog/flock-safety-secures-major-funding>.

surveillance companies, like Flock and ALPR companies, trade our privacy for their profits, and the more they trade away, the richer they get.

The second cause of the spike in ALPR use is the advent of artificial intelligence (AI).⁶ While the massive deployment of ALPRs we are seeing in this country allows for the collection of an unimageable amount of private, personal vehicle location data, at some point, you create a data haystack so big, it becomes impossible to find the needle within it. Even an army of human data processors and reviewers could not get through the tens of billions of license plate scans our nation's ALPR companies produce every month. But with the advent of AI, going through such data and using it to identify drivers' intimate patterns of life has become light work. Identifying what doctors' offices, religious institutions, political meetings, or businesses a person frequents, and drawing conclusions about a person's private, personal behaviors from that data – or even using AI to generate flimsy criminal suspicion – went from being an impossible task to an easy, routine one.⁷ Want to formulate a strong guess as to whether a person is an immigrant or gun owner? No problem. Want to generate enough suspicion to justify going after a targeted person or group? Just ask the AI to identify something like the top ten vehicles that drove to a political event for Sen. Josh Hawley or Sen. Dick Durbin and who the AI thinks are the most likely to otherwise engage in some form of suspicious or disfavored activity, and bingo, the AI will gladly oblige. And because these ALPR products are most commonly sold to local police departments one at a time,⁸ funded by our taxpayer dollars, a nationwide mass surveillance ALPR network crept up on us slowly and silently until it finally became too big to not notice. In early 2022, the ACLU became the first organization to sound the alarm about this new, heightened risk, as embodied by Flock's ALPRs-on-steroids business model.⁹ The rest of America caught up a few years later, and now, here we are.

Today, the largest and most problematic ALPR vendor is that company, Flock, who by its own admission collects more than 20 billion license plate scans per month.¹⁰ That's about 57 scans per person in America every month, and that is just Flock – it is certainly billions more when you account for the other ALPR

⁶ Chris Hart & Ariel Chen, *Eyes on the Road: AI, Privacy, and Automated License Plate Readers*, 70 Boston B.J., Winter 2026, <https://bostonbar.org/journal/eyes-on-the-road-ai-privacy-and-automated-license-plate-readers/>.

⁷ Dhruv Mehrotra & Joseph Cox, *Hackers Got Inside a Flock Camera. Its Data Shows How the System Really Works*, Wired (Sept. 16, 2026), <https://www.wired.com/story/hackers-flock-camera-data-shows-how-system-works/>.

⁸ Henley Wing Chiu, *Companies That Use Flock Safety*, Bloomberg (last updated Jan. 25, 2026), <https://bloomberg.com/data/flock-safety/>.

⁹ Jay Stanley, *Fast-Growing Company flock is Building a New AI-Driven Mass-Surveillance System*, ACLU (March 3, 2022), https://www.aclu.org/wp-content/uploads/publications/flock_1.pdf

¹⁰ *License Plate Cameras Scan 20 Billion Vehicles Monthly – Cities Are Canceling Contracts*, Gadget Rev. (June 30, 2026), <https://www.gadgetreview.com/license-plate-cameras-scan-20-billion-vehicles-monthly-cities-are-canceling-contracts>.

companies, which are nearly as bad as Flock and in some respects are worse.¹¹ These include ALPR companies like Axon and Motorola/Vigilant. If you think this all sounds like an Orwellian nightmare, you'd be right.

Beyond revealing people's intimate patterns of life and making it easy for government agencies to generate suspicion about persons and groups they wish to target or investigate¹² – including a system user's own love interests¹³ – the most concerning adverse impact of ALPR mass surveillance is that it can chill the exercise of people's rights and freedoms. This is why authoritarians love surveillance: in places like East Germany during the Cold War, and modern-day China and North Korea, the main benefit of mass surveillance isn't catching the few people who break the law, but rather is putting all their people in fear of stepping out of line with the government's interests in any way.¹⁴ That is the chilling effect.

And the argument that “if you're doing nothing wrong, you have nothing to fear” is baseless. Let me give you an example. Let's say a person is struggling with alcoholism and that person decides they want to go to an Alcoholics Anonymous meeting. Now, I think we can all agree that going to an AA meeting is not remotely wrong; in fact, it is very beneficial both for that person and for society as a whole. But if that person knows their local government uses ALPRs and that if they go to the local AA meeting, which is hosted by their local church every Tuesday night at 8 p.m., that the ALPR will track their car, identify their Tuesday evening driving location pattern, and be able to figure out – with the help of AI – that they are attending that nearby regular AA meeting and, therefore, are an alcoholic, then the person may not decide to go. They may not go because they do not want the government or anyone else figuring out they suffer from alcoholism. They may not want to risk their life insurance company, or auto insurance company, or health insurance company finding out and raising their rates. And so they do not go to AA, and that regretful but understandable decision hurts us all.

Now as everyone in this room well knows, in 2026, there is a well-worn narrative going around that America is so divided that we cannot agree on anything. Well, I beg to differ. On August 26, 2026, the two biggest anti-Flock,

¹¹ Jay Stanley, *Beware of Other License Plate Surveillance Companies Besides Flock*, ACLU (Aug. 26, 2026), <https://www.aclu.org/news/privacy-technology/tracking-alpr-cameras/other-alpr-vendors>.

¹² Christopher Ingraham, *The IJ Database of ALPR Abuse*, Inst. for Just. (Aug. 12, 2026), <https://ij.org/the-ij-database-of-alpr-abuse/>.

¹³ Christopher Ingraham, *Police Have Reportedly Used License Plate Readers to Stalk Romantic Interests Dozens of Times in Recent Years*, Inst. for Just. (last updated Sept. 3, 2026), <https://ij.org/police-have-reportedly-used-license-plate-readers-to-stalk-romantic-interests-at-least-14-times-in-recent-years/>.

¹⁴ Lior Volinz, *Authoritarian Surveillance: An Introduction*, 23 Surveillance & Soc'y 112 (2025), <https://doi.org/10.24908/ss.v23i1.18975>.

anti-ALPR statements in the nation came from Florida Governor Ron DeSantis and Vermont Senator Bernie Sanders. Now I wouldn't say this is a sign that we have entered a post-partisan political nirvana, but that sure is something. In fact, Americans across the political spectrum have risen up against Flock, ALPRs, and mass surveillance with a passion and unity that is breathtaking.¹⁵

To be sure, their underlying motivations are not necessarily the same.¹⁶ Libertarians oppose ALPRs and mass surveillance because for them, standing against government intrusion into people's private lives is a bedrock principle. For MAGA adherents, mass government surveillance represents the worst of the Deep State. For more traditional conservative Republicans, mass surveillance flies in the face of their commitment to small government. Progressives oppose ALPRs and mass surveillance because they know that surveillance has always been disproportionately deployed against vulnerable and politically disfavored communities. And for centrists and the politically non-engaged, the idea of being tracked everywhere they go, even though they are not suspected of doing anything wrong, is highly offensive. But regardless of where their opposition stems from, all of these people are strongly united against Flock, ALPRs, and mass surveillance.

These united Americans have gone arm-in-arm to their local city councils and state legislatures to demand an end to ALPR-driven mass surveillance with incredible effectiveness: More than 200 localities have discontinued their relationships with Flock in the past 18 months,¹⁷ and in August 2026, Flock terminations reached a staggering rate of more than three per day.¹⁸

The false message Flock, Axon, Motorola and other mass surveillance companies like Ring and Palantir use to promote their products is that they are needed to keep Americans safe.¹⁹ That is a false narrative. As today's hearing is specifically about ALPRs, I will focus on the false public safety claims around that product in particular.

¹⁵ Laura J. Nelson & Kris Maher, *Red and Blue America Have Found Something to Agree on: Flock Cameras Must Go*, Wall St. J. (Sept. 18, 2026), <https://www.wsj.com/us-news/red-and-blue-america-have-found-something-to-agree-on-flock-cameras-must-go-765cd0b2>.

¹⁶ Adam Gramegna, *Americans of All Political Ideologies Unite for Privacy Against Flock Surveillance Cameras*, Military.com (July 24, 2026), <https://www.military.com/americans-political-ideologies-unite-privacy-against-flock-surveillance-cameras>.

¹⁷ Dan King, *Institute for Justice Unveils New Database Tracking Cancellations of License Plate Reader Contracts*, Inst. for Just. (Aug. 26, 2026), <https://ij.org/institute-for-justice-unveils-new-database-tracking-cancellations-of-license-plate-reader-contracts/>.

¹⁸ Cyrus Farivar, *Cities Terminate Flock Contracts at Record Pace in August*, Ars Technica (Aug. 29, 2026), <https://arstechnica.com/tech-policy/2026/08/cities-terminate-flock-contracts-at-record-pace-in-august/>.

¹⁹ E.g., Jacques Peretti, *Palantir: The "Special Ops" Tech Giant That Wields as Much Real-World Power as Google*, Guardian (July 30, 2017), <https://www.theguardian.com/world/2017/jul/30/palantir-peter-thiel-cia-data-crime-police>.

ALPR companies like Flock and Axon frequently claim that their products deter crime and help to catch criminals that would otherwise escape justice. . There is considerable evidence, however, to the contrary. The inability of surveillance to deter crime has been studied and reported on extensively.²⁰ In fact, the only situations in which surveillance has been found to deter crime is with respect to car thefts in public parking lots and, to a lesser degree, on public transportation.²¹ On some level, all of you all already know this. You know all those videos you see of people committing crimes online and on television? Well, if being watched deterred crime, those videos wouldn't be nearly as commonplace, would they?²² In fact, as we have learned from the many recent stories of people defacing and destroying Flock cameras around the country, surveillance technologies seemingly cannot even protect themselves.²³

As for the ability of ALPRs to help police close cases, a recent examination of FBI crime data for the City of Atlanta, Georgia showed that after the city rolled out the dual mass surveillance technologies of Ring doorbells and over 5,000 Flock ALPRs, there was no change in case closure rates.²⁴ Does that mean Flock ALPRs never find a stolen car or wanted person? No. What it means is that they would have been found anyway. So we are essentially trading away our privacy for nothing, other than to make Flock's wealthy investors even richer.

One prominent example of Flock falsely spinning a misleading suspect apprehension narrative to promote its product's efficacy comes from the tragic school shooting at Brown University and murder of an MIT professor in December 2025.²⁵ After Flock publicly claimed that its ALPRs helped identify the car of the shooter, Flock's Chief Legal Officer Dan Haley told NBC's Boston affiliate, "This is a tragic situation, and it's a perfect use case for the value of the technology."²⁶ But the

²⁰ See, e.g., Noam Biale, ACLU, Expert Findings on Surveillance Cameras: What Criminologists and Others Studying Cameras Have Found (2008), https://www.aclu.org/sites/default/files/images/asset_upload_file708_35775.pdf.

²¹ *Does Video Surveillance Deter Crime?*, Evidence-Based Living: Blog (Oct. 3, 2014), <https://evidencebasedliving.human.comell.edu/blog/does-video-surveillance-deter-crime/>.

²² Flock has recently tried to assert that ALPR use reduces vehicle thefts and increase police effectiveness based on a faulty, non-peer reviewed "working paper," the claims of which have been cast into significant doubt by the Institute for Justice in their paper titled "ALPRs and Vehicle Theft:

An Explainer of 'Working Paper: Automated License Plate Readers, Vehicle Theft, and Clearance.'" See Matthew West, Inst. for Just., ALPRs and Vehicle Theft: An Explainer of "Working Paper: Automated License Plate Readers, Vehicle Theft, and Clearance" (2026), <https://ij.org/wp-content/uploads/2026/09/ALPR-and-crime-study-external-explainer-V7.pdf>.

²³ Meg Anderson, *Amid Intense Backlash, People Are Vandalizing Flock Surveillance Cameras*, NPR (Aug. 21, 2026), <https://www.npr.org/2026/08/21/nx-s1-5931849/amid-intense-backlash-people-are-vandalizing-flock-surveillance-cameras>.

²⁴ Joe Wilkins, *Flock Surveillance Cameras Are Actually Horrible for Fighting Crime, FBI Data Shows*, Futurism (Aug. 1, 2026), <https://futurism.com/future-society/flock-surveillance-atlanta-fbi-data-crime-case-solve>.

²⁵ Francesca Regalado, *What We Know About the Shootings at Brown and M.I.T.*, N.Y. Times (Dec. 19, 2025), <https://www.nytimes.com/2025/12/19/us/brown-mit-shootings-what-we-know.html>.

²⁶ Briana Borghi, *How AI Played a Role in the Investigation into Shootings at Brown, MIT*, NBC Bos. (Dec. 19, 2025), <https://www.nbcboston.com/news/local/ai-brown-university-mit-investigation/3865328/>.

truth is that, shortly after the shootings occurred, the perpetrator was found dead in a New Hampshire storage unit of a self-inflicted gunshot wound.²⁷ This is Flock's modus operandi: it claims credit for results that would have been otherwise achieved without Flock's ALPRs and without undermining Americans' privacy.

In the end, what this shows is that while ALPRs may save police investigators a little time and effort, it does not help them close more cases. Americans across the nation have been very clear on this point: if it takes a little more time and effort to find a missing car or locate a suspect, but that means getting to keep our privacy, then so be it.

Flock, other ALPR mass surveillance companies, and their law enforcement proxies regularly promote ALPR use by stoking Americans' fears by presenting hypotheticals about law enforcement not being able to catch the most egregious criminals without their mass surveillance technology, but the American people are not fooled. We know that ALPRs and mass surveillance are not a public safety solution; they are a public safety threat.

Unfortunately, for those of you who might be interested in reviewing the fully independent audits of Flock's and other ALPR companies' efficacy claims, or of their claims that their internal security measures prevent the misuse of their systems and data, you won't find any, because Flock and the other ALPR companies do not permit such audits. While these companies do not care at all about protecting our personal data, they sure do a great job of protecting their own.

And just to quickly touch on a recent hot topic around ALPRs, while I fully acknowledge that the growing number of stories about police officer misuse of Flock are deeply disturbing, they should not become a distraction from the even larger issue; namely, that the greatest threat that comes from a mass surveillance ALPR system is not when it is misused, but when it is used as designed. The AI-empowered mass surveillance of every single American isn't an ALPR product defect – it is its most prominent and intended feature.

So just as I started this testimony with the question “how did we get here?”, I would like to conclude it by asking the question “where should we be going?”

But let's start with explaining where we should not be going.

²⁷ Kimberlee Kruesi et al., *Suspect in Brown University Shooting and MIT Professor's Killing Found Dead, Officials Say*, AP News (Dec. 18, 2025), <https://apnews.com/article/brown-university-shooting-investigation-5b0b254442dd77d9056111bad902de33>.

The ALPR companies will likely suggest, as most big technology industries do, that they should be permitted to self-regulate, or that loose guardrails that preserve their massive profit and growth models are sufficient to protect Americans' privacy, but we know that won't work. Recent operational changes rolled out by Flock are simply retreads of easily circumventable security measures that had previously failed, and a reduced default data retention period that can will gladly be circumvented upon request.²⁸ In the end, Flock views legitimate privacy concerns as mere PR problems and has sought to mislead the public to get around them. They repeatedly mislead²⁹ to the public and to journalists. They mislead to their own potential customers, be they city councils, state legislatures, or police departments. They even lied about partnering with the ACLU to pass legislation and help design their ALPR system, which I assure you couldn't be further from the truth. Flock's competition, like Axon and Motorola/Vigilant, have adopted the tactic of staying quiet in public, letting Flock fall on its own sword, perhaps hoping after Flock goes out of business, they will sweep up its contracts and profits.³⁰ These companies have done nothing to earn the public's or the U.S. Senate's trust or confidence.

The ALPR companies may also argue that we should just let the courts solve this issue, and they will claim – as they have repeatedly in the past – that where courts have previously weighed in, many held that ALPR use does not violate the Constitution. But this claim is based on outdated case law. In June 2026, the U.S. Supreme Court handed down a decision in *Chatrpie v. US*³¹ that raised the very real possibility that mass ALPR surveillance of people's locations without a warrant violates the Fourth Amendment, because even small amounts of location data can reveal very private, personal details about a person's life.

Courts may take years to reach a final decision on this issue, and the U.S. Congress has no obligation to wait for them to do so when all Americans' privacy is a stake. Just as the Constitution creates a rights floor, legislatures, like the U.S. Congress, can raise that floor to establish even greater protections. That is

²⁸ Chad Marlow, *Despite "New" Updates, Flock's Creepy Cameras Remain Major Civil Liberties Threat*, ACLU (Aug. 13, 2026), <https://www.aclu.org/news/privacy-technology/tracking-alpr-cameras/despite-new-updates-flocks-creepy-cameras-remain-major-civil-liberties-threat>.

²⁹ Chad Marlow & Jay Stanley, *Flock Safety Credibility Lost as It Repeatedly Lies to City Councils, Police Departments, and Public Across the Country*, ACLU (July 2, 2026), <https://www.aclu.org/news/privacy-technology/tracking-alpr-cameras/flock-safety-credibility-lost-as-it-repeatedly-lies-to-city-councils-police-departments-and-public-across-the-country>.

³⁰ Al Landes, *Cities Ditching Flock Safety Cameras*, Yahoo News (Sept. 18, 2026), <https://www.yahoo.com/news/us/articles/cities-ditching-flock-safety-cameras-172924943.html>.

³¹ 609 U.S. ____ (2026).

precisely what many local and state legislatures have done, and what the Congress should do.

It is well past time Congress tells Flock to Get The Flock Out of our communities. But Congress needs to do more than just take on Flock. This national movement is not just about Flock and never has been. It's about all ALPRs.³² Regretfully, this point has been missed by some cities like Denver, Colorado, where the city cancelled its Flock ALPR contract and immediately signed a contract with Axon. Residents shouldn't be relieved by this change. They should be outraged, and many of them are.

The time has come for Congress to ban any law enforcement entity who receives federal funding from using ALPRs. And this prohibition should be without exceptions. As I suspect this Subcommittee already knows that, when it comes to protecting core American civil rights and civil liberties, if you make one exception, you invite others, and that is a slippery slope we must avoid at all costs. Some states are already showing us the way. Florida has banned the use of ALPRs on all state highways. Texas halted all funding for ALPRs and paused the installation of ALPRs statewide. And Vermont, effective July 1, 2027, will be the first state to ban the use of ALPRs altogether. This is the way. It's time for Congress to use its power of the purse to prohibit the government use of ALPRs in America.

I want to leave you all with one final thought. The ACLU and the American people are deeply grateful for the work of this subcommittee, and for the bipartisan leadership of its Chair and Ranking Member. We are counting on all of you to say no to Flock and to all privacy-undermining ALPRs, regardless of the company that sells or operates them. But your work must not stop there. Americans' objection to ALPRs is, at its core, an objection to mass surveillance. If governments stop tracking our cars with ALPRs and start tracking all of our faces using surveillance cameras and facial recognition technology, things will be even worse, not better. We will have accomplished nothing. That means that this body, when it finishes its immediate work on ALPRs, must turn to combatting the surveillance industrial complex that is threatening the freedom and liberty of every American every day. That means taking action to prohibit government entities from circumventing the Fourth Amendment by buying personal data from data brokers, to prohibit them from using dragnet reverse warrants, which can identify unlimited numbers of people without criminal suspicion based on their location or the words they type into internet search engines, to stand up to EdTech Surveillance companies that rob

³² And, indeed, all government mass surveillance.

our schools of their limited financial resources by falsely claiming they need to spy on our children to keep them safe, and to rein in the corporations that sell facial recognition technology, cell site simulators, AI empowered surveillance cameras, as well as companies like Palantir that seek to generate, collect, and combine our personal data so they can enable their customers to track all of us and make dangerous predictions about who among us presents a threat – an ironic goal given that it is these companies, themselves, that are the actual threat.

So I implore you, members of the U.S. Senate, to be brave and unrelenting in responding to these mass surveillance threats; and please know, with absolute confidence, that the ACLU and the American people stand with you.

Thank you again for the opportunity to testify today. I look forward to answering your questions.