Jeffrey C. McKay
Chairman

COMMONWEALTH OF VIRGINIA
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Board Matter

Review of the Fairfax County Police Department's use of Flock Safety's Automated License Plate Readers

September 15, 2026

Over the course of the last several weeks, our offices have received hundreds of emails from residents regarding the Fairfax County Police Department's (FCPD) use of Flock Safety's Automated License Plate Readers (Flock ALPRs). This is occurring as part of a nationwide conversation where the utilization of Flock Safety technology for public safety objectives intersects with privacy concerns. Public safety and public trust go hand in hand, and as such, Fairfax County must join this broader conversation as well.

To be clear, FCPD has taken steps to ensure that the 84 licensed stationary Flock ALPRs in its program are utilized in a transparent manner, abides by all state and county codes, are only utilized for legitimate law-enforcement purposes, and subject to a 100% audit for searches entered. FCPD also requires those who have access to this technology to undergo training to ensure they are following all applicable laws and doing so ethically. It is important to note that per FCPD policy, FCPD does not share any of its data with federal law enforcement agencies, unless required by law. Sharing data with other Virginia law enforcement agencies is permissible but only if there is a legitimate law enforcement need to do so. In an effort to remain transparent FCPD also launched a public facing website that shares information on when this technology is used, cumulative data of public safety outcomes, frequently asked questions, and more.

These guardrails are vital to ensure appropriate application of the technology and maintain trust with Fairfax County residents. To date, there have been no identified instances of misuse of this technology by FCPD. To be clear, this technology has

demonstrated a clear public safety benefit. From November 2022 through September 4, 2026, FCPD's Flock ALPR program has resulted in helping to solve over 1600 cases including locating 57 missing persons, 66 firearms recovered, 2,633 arrest charges and 555 stolen vehicles recovered with an estimated value of $9.2 million.

That being said, while the Board of Supervisors and FCPD have taken action to try to ensure that this technology is used transparently and responsibly, the concerns raised by residents are clearly legitimate and understandable. Examples from around the nation where individuals or law enforcement agencies have deployed this technology for non-law-enforcement purposes are concerning. Additional issues highlighted report the potential for unauthorized access of data gathered by these cameras that raise valid civil liberty concerns.

While data captured by FCPD's Flock ALPRs is stored on Fairfax County's Department of Information Technology servers and deleted permanently after 21 days – reporting from around the country and concerns from residents necessitate a broader conversation. These concerns also require assurances from Flock Safety that they cannot and do not have access to data collected from FCPDs Flock ALPR program.

I also recognize that private entities such as homeowners' associations and commercial property owners utilize this technology on their private property without County approval. Additional information could be helpful informing decisions as it relates to the use of Flock ALPRs by private citizens and businesses.

Therefore, I move that the Board of Supervisors direct FCPD to pause the installation of any new stationary Flock ALPRs until the Board of Supervisors is able to discuss this matter at a Safety and Security Committee meeting on October 20, 2026, at 1:30pm. FCPD should evaluate other options and report back in the committee meeting. I further move that the Board of Supervisors send a letter to Flock Safety's Chief Executive Officer to request responses to the questions posed that is substantially in the form of the letter attached to this Board Matter.

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September 15, 2026

Garrett Langley, Chief Executive Officer
Flock Safety
1160 Howell Mill Road NW, Suite 210
Atlanta, Georgia 30318

Mr. Langley,

The Fairfax County Board of Supervisors are conducting a review of the use of Flock Safety technology in Fairfax County, Virginia, with particular attention to data privacy, data security, inter-jurisdictional access, retention, auditing, misuse prevention, and the extent to which Flock's current and forthcoming safeguards can be independently verified and enforced.

This inquiry is not based on the assumption that Flock technology is inherently inappropriate or that the Fairfax County Police Department has acted improperly. Fairfax County has reported substantial public-safety benefits from its license plate reader program and has established its own policies governing searches, retention, auditing, and access.

At the same time, recent events in Virginia and elsewhere have raised legitimate questions about the broader Flock network, including cross-jurisdictional searches, unauthorized use, data sharing, retention, AI-assisted searches, and the adequacy of technical safeguards.

Our objective is therefore straightforward:

> *Before Fairfax County continues its use of Flock technology, we believe Flock should demonstrate—not merely assert—that Fairfax County data is protected against unauthorized access, inappropriate sharing, misuse, excessive retention, and uses inconsistent with Virginia law, Fairfax County policy, and reasonable community expectations.*

We respectfully request written answers to the following questions, together with the supporting documentation identified below.

1. **Who owns, controls, and can access Fairfax County data?**
   Flock States that customers own and control their data, but what does that mean in practice? For instance, in one documented case in Kansas[1], officials were caught using Flock to stalk their exes, including one police chief who used Flock 228 times over four months to track his ex-girlfriend and her new boyfriend's vehicles.

[1] https://www.kansas.com/news/politics-government/article291059560.html

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- Can Flock employees, contractors, or subcontractors access Fairfax County data?
- Can Flock copy, aggregate, analyze, transfer, or use it for product improvement, Artificial Intelligence (AI) development, training, or evaluation?
    - Can you confirm that Fairfax County Data is not being used for the development of broader AI tools that Fairfax County might not wish to subscribe to or endorse?[2]
- Can Flock make material changes affecting Fairfax County data, retention, search, AI, or sharing without Fairfax County's approval?

Please provide: The controlling contract, data-processing/privacy terms, and any provisions governing Flock access or secondary use.

2. Can anyone outside Fairfax County access Fairfax County data?

Can an officer or agency outside Fairfax County query Flock and receive results from Fairfax County cameras, without informing Fairfax County? The Los Angeles Police Department[3] paused use of Flock cameras earlier this year over data use concerns. This decision follows Mountain View, California[4] discontinuing the cameras due to federal and state law enforcement agencies having access to city data against city policy.

- If yes, who can do so, under what authorization, and must Fairfax County approve or be notified?
- Can federal agencies, including Immigration and Customs Enforcement or the Department of Homeland Security, access Fairfax County data directly or indirectly through another Flock customer?
- If no, what technical barrier prevents access, and has it been independently tested?

Please provide: The Fairfax County data-sharing architecture and list of agencies technically capable of accessing Fairfax County data.

3. How are interstate legal conflicts prevented?

What prevents an outside agency from using Fairfax County data to investigate conduct that is legal in Virginia, protected by Virginia law, or prohibited by Fairfax County policy? In California[5], several police departments violated California law by sharing data from their license plate reader database with other departments across the country.

- Does Flock technically enforce Virginia law, Fairfax County restrictions, or data-sharing agreement limits?
- Can Fairfax County block particular jurisdictions or categories of searches, including immigration-related or other legally sensitive searches?

Please provide: Technical filtering specifications and documentation showing which restrictions are mandatory and technically enforced.

4. What can Flock's AI and advanced searches actually do?

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[2] *See, e.g.* the discussion of "OS Investigate" found at https://www.wired.com/story/flock-safety-os-investigate/

[3] https://www.latimes.com/california/story/2026-07-11/lapd-suspends-use-of-flock-surveillance-cameras-over-privacy-issues

[4] https://abc7news.com/post/mountain-view-suspends-license-plate-readers-federal-agencies-accessed-flock-safety-camera-data-permission/18536718/

[5] https://www.sacbee.com/news/politics-government/capitol-alert/article288926148.html

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Please identify which capabilities are enabled in Fairfax County, including natural-language/FreeForm searches, image searches, vehicle characteristics, association/pattern searches, watchlists, and cross-camera or broader-jurisdiction searches. According to some news articles,[6] Flock is now able to track vehicles by movement patterns, and new AI tools now can tie searches to individuals not just license plates.

- Can these tools search for vehicles associated with protests, political or religious activity, reproductive healthcare, immigration, journalists, attorneys, or particular neighborhoods?
- What technical controls prevent such fishing expeditions, and can those controls be overridden?

Please provide: Current Fairfax County AI/search feature configuration and applicable safeguards.

Requested Standard for Continued Use

Continued use should depend on evidence establishing that:

- Technical safeguards prevent or meaningfully restrict unauthorized access, sharing, and prohibited searches.
- Those safeguards are contractually enforceable.
- Fairfax County can independently see who accessed its data, how, and why.
- Flock's representations can be independently verified through records, testing, and audits.
- There are meaningful consequences when safeguards fail or are violated.

Fundamental question: *What technical, contractual, and independently verifiable safeguards prevent Fairfax County's Flock data from being used in ways Fairfax County has not authorized—even when another Flock customer, Flock employee, administrator, or other entity has an incentive or legal basis under its own jurisdiction to access it?*

We are not asking Flock to demonstrate that misuse is impossible. We are asking Flock to demonstrate that the risks are known, bounded, technically controlled, independently auditable, contractually enforceable, and consistent with Virginia law and Fairfax County standards. If Flock can provide that evidence, it will inform the evaluation of continued use; if it cannot, that limitation is itself relevant to whether Fairfax County should continue participating in the Flock network.

The Fairfax County Board of Supervisors and our residents look forward to your response.

Sincerely,

Jeffrey C. McKay
Chairman
Fairfax County Board of Supervisors

[6] See, e.g., https://www.wired.com/story/the-cop-who-took-on-flock/.

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