

Automated License Plate Readers

Is 24/7 Surveillance Constitutional?

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Is monitoring public affairs at its core Constitutional?

The Automated License Plate Reader (ALPR) Flock cameras have become as ubiquitous with 24/7 surveillance as Tupperware for food storage and Kleenex for tissues. Nationwide, ALPRs are credited for faster criminal apprehensions, recovering stolen items, and locating missing persons.

On the other hand, there are frequent reports where ALPRs have enabled stalkers,¹ accidentally misidentified vehicles,² and were accessed for immigration enforcement purposes³ or third-parties such as the federal government and other agencies.⁴

Since the rollout of ALPRs, multiple lawsuits have been filed regarding invasion of privacy under the Fourth Amendment, many brought by Flock Safety Lawsuit 2026⁵ and the Institute of Justice⁶. However, plaintiffs have repeatedly lost in court. *Scholl et al v Illinois State Police* (2025) found ALPRs too dissimilar to “ankle monitors” on the argument of tracking movement.⁷ The court ruled in *Schmidt et al v City of Norfolk* (2026) that ALPR recordings are too vague to constitute a Fourth Amendment infringement.⁸

¹ <https://www.nytimes.com/2026/08/12/us/georgia-sheriffs-flock-cameras-stalking.html>

² <https://ij.org/dozens-of-innocent-motorists-have-been-pulled-over-detained-at-gunpoint-or-jailed-due-to-ai-license-plate-camera-errors/>

³ <https://www.whro.org/virginia-center-for-investigative-journalism/2025-09-24/vcij-flock-surveillance-ice-immigration-enforcement>

⁴ <https://www.techtimes.com/articles/319317/20260629/flock-safety-crosses-100000-cameras-53-cities-cancel-over-unauthorized-federal-data-access.htm>

⁵ <https://lawfold.com/flock-camera-lawsuit/>

⁶ <https://ij.org/the-ij-database-of-alpr-abuse/>

⁷ <https://law.justia.com/cases/federal/district-courts/illinois/ilndce/1:2024cv04435/459495/41/>

⁸ <https://law.justia.com/cases/federal/district-courts/virginia/vaedce/2:2024cv00621/562101/191/>

If not by court of law, do ALPRs dismiss the Fourth Amendment's intent? While the Framers of the US Declaration and Constitution lacked modern marvels such as searchable databases and instant communication, it is clear Americans of the 1700s valued their privacy.

In 1761, American lawyer James Otis Jr spoke in court against writs of assistance, documents authorities wielded to investigate the colonists' private homes and persons without warrants or cause. Otis asserted that writs made judges, sheriffs, and officers tyrants. "Every man," he argued, "prompted by revenge, ill humor, or wantonness, to inspect the inside of his neighbor's house, may get a writ of assistance."⁹ John Adams likened writs to a haughty nation holding its people in contempt¹⁰ and further attributed writs' use and twice connected Otis's court testimony to the start of the Revolutionary War, once in a letter to his wife Abigail¹¹ and the other to an associate.¹² Benjamin Franklin believed those who can give up their liberty for safety deserve neither.¹³

While the constitutionality of ALPR surveillance is under question, in June 2026, the Supreme Court held in *United States v. Chatree* that geofencing, or the mass accumulation of all cell phone data in a specific radius, constituted as an infringement of Americans' Fourth Amendment because geofencing included cells phones whose owners were not related to the search at all; thus being investigated without a warrant. "Accordingly, a cell-phone user is not to be viewed as sharing private information with third parties—which then can be freely passed on to the government — just by doing the ordinary things cell-phone users do."¹⁴

If the above is true about geofencing, then people driving a car or walking the neighborhood with no intention to share their license plate or body with ALPR third parties is also true.

So, how would ALPRs better align with the Constitution? Although active surveillance of public areas has repeatedly been ruled by courts as reasonable invasions of privacy, the access of

⁹ <https://oll.libertyfund.org/titles/collected-political-writings>

¹⁰ <https://founders.archives.gov/documents/Adams/99-02-02-5195>

¹¹ <https://founders.archives.gov/documents/Adams/04-02-02-0015>

¹² <https://founders.archives.gov/documents/Adams/99-02-02-6735>

¹³ <https://founders.archives.gov/documents/Franklin/01-21-02-0269>

¹⁴ https://www.supremecourt.gov/opinions/25pdf/25-112_0am4.pdf

visual and audio ALPR data with or without suspicion of criminal activity touches upon warrantless searches, which does fall under the Fourth Amendment.

On August 13, 2026, a representative from Flock appeared before the Tennessee Sullivan County Commissioners. He denied infringement of the Fourth Amendment, drawing a distinction between active tracking and logging of a single vehicle and an authorized user compiling a sequence of times when a single vehicle passed in front of cameras in multiple locations. He did relate an instance when ALPR was used to find not a suspicious van but use stored data and “convoy analysis” to track and identify vehicles near the van that may be suspicious.¹⁵ However, the Flock representative confirmed that Flock systems require authorized users and automatic query audits, not warrants.

Have our federal, state, and local elected officials, under mandate to uphold and defend the Constitution and Bill of Rights, addressed this issue?

To date, the United States Congress has not yet made laws remedying warrantless ALPR. Montana,¹⁶ Minnesota,¹⁷ and Utah¹⁸ state laws require a warrant (in varying degrees) on ALPR data. In North Carolina, the state does not require warrants under G.S. Chapter 20 Article 3D regarding preservation of data and permitted use by law enforcement,¹⁹ nor the NC State Budget signed into law by Governor Stein on July 7, 2026 permits the NC Department of Transportation to partner with the state Bureau of Investigation in installing more ALPRs across department-owned lands and right-of-ways.²⁰

On, June 16, 2026, the Town of Wake Forest Commissioners unanimously approved the 2026-27 Budget, which included the lease renewal with Flock.²¹

In stark contract, other local governments in North Carolina are not waiting for legislative action to address their constituents’ Fourth Amendment concerns:

¹⁵ <https://youtu.be/JxGdOwtafoo?t=6488>

¹⁶ https://mca.legmt.gov/bills/mca/title_0460/chapter_0050/part_0010/section_0170/0460-0050-0010-0170.html

¹⁷ <https://www.revisor.mn.gov/statutes/cite/13.824>

¹⁸ https://le.utah.gov/xcode/Title41/Chapter6A/C41-6a-P20_1800010118000101.pdf

¹⁹ https://ncleg.gov/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_20/Article_3D.html

²⁰ <https://webservices.ncleg.gov/ViewNewsFile/117/S257-CCSNExr-2%20v78>

²¹ https://www.wakeforestnc.gov/sites/default/files/uploads/meeting-summary/6-16-26_meetingnotes.pdf

The Town of Hillsborough Commissioners, after consulting with the Town Attorney and Police Chief, voted to end their contract with Flock and remove the cameras. They cited data privacy concerns.²²

In the Town of Pittsboro, the Commissioners voted to cease funding the town's ALPR system, let the contract expire, and eventually completely remove all equipment.²³ They reasoned that while the ALPR technology assisted law enforcement with crime, residents were concerned about constant monitoring.

Chatham County Commissioners, after discussing data sharing and privacy, voted to discontinue using Flock equipment.²⁴

The Town of Boone created a Flock transparency portal within the Boone Police Department and will not add more cameras to the network.²⁵

The Apex Town Council voted to refer the matter to the town's Public Safety Committee before the contract renews.²⁶

Citizens who exercise their First Amendment right to petition their elected officials see results, proving that a local government can address Fourth Amendment violations without waiting for a mandate by law.

Wake Forest residents can also reach out to their state and federal representatives to petition them to address warrantless ALPR data storage searches.

To contact the Town of Wake Forest Commissioners, see here.²⁷

To contact your representatives in the North Carolina General Assembly, see here.²⁸

To contact your US Representative, see here.²⁹

²² <https://www.hillsboroughnc.gov/Home/Components/News/News/856/14>

²³ https://pittsboronc.gov/AgendaCenter/ViewFile/Minutes/_05112026-479

²⁴ https://chathamnc.granicus.com/player/clip/553?view_id=2&meta_id=76829&redirect=true

²⁵ <https://d3n9y02raazwpg.cloudfront.net/townofboone/c6ab99e2-db8e-11f0-bb28-005056a89546-3ea1217a-db39-4088-a97c-403c8412f875-1778516271.pdf>

²⁶ https://youtu.be/xCnCityD3_WY?t=835

²⁷ <https://www.wakeforestnc.gov/board-commissioners/mayor-board-members>

²⁸ <https://ncleg.gov/FindYourLegislators>

²⁹ <https://www.house.gov/representatives#state-north-carolina>

To contact your US Senator, see here.³⁰

As we enter the midterms, Wake Forest residents must ask their candidates where they stand on ALPR data storage and what actions they would take on warrantless ALPR searches.

³⁰ <https://www.senate.gov/senators/senators-contact.htm>