



INSTITUTE FOR JUSTICE

July 17, 2025

Via Email

Greers Ferry City Council

c/o Blake Spears
Greers Ferry City Attorney
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c/o Treva James
Greers Ferry City Clerk
tjames.gfcity@yahoo.com

Dear Councilmembers,

I write on behalf of the Institute for Justice (IJ), a nonprofit law firm that litigates in defense of Fourth Amendment rights nationwide, regarding the City of Greers Ferry's placement of a Flock license plate reader camera just across the street from the home of Cleburne County residents Charlie and Angie Wolf. Specifically, this letter requests that the City (1) immediately remove the camera to ensure it no longer captures photos of any portion of the Wolfs' property, and (2) within 30 days of this letter, confirm in writing that the City will not renew its contract with Flock when that contract's initial term expires.

Institute for Justice

IJ is a national nonprofit law firm that has defended constitutional rights in court for 35 years. Four years ago, IJ launched its Project on the Fourth Amendment, which aims to bolster all Americans' right to be secure against unreasonable searches. As part of that work, IJ currently represents two individuals in a Fourth Amendment lawsuit challenging the City of Norfolk's use of Flock license plate reader cameras to record citizens' public movements without a warrant. Earlier this year, a federal district court [denied](#) Norfolk's motion to dismiss the lawsuit because the plaintiffs had plausibly alleged "an injury caused by [Norfolk's] installation and operation of the Flock cameras" and "that a violation of [their] Fourth Amendment rights occurred." *Schmidt v. City of Norfolk*, No. 2:24CV621, 2025 WL 410080, at *8 (E.D. Va. Feb. 5, 2025).

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Factual Background

Flock Group, Inc. (“Flock”) is a company that markets itself as “bring[ing] together hardware, software and machine learning to help eliminate crime.”¹ One type of tool that Flock offers is called a license plate reader (LPR). According to Flock, its “LPRs are built to capture vehicle details” and to “provide searchable data” on the vehicles they capture.² Flock claims its LPR cameras are currently being used in over 6,000 communities and that those LPRs make “billions of monthly [license] plate reads.”³

Last year, the City of Greers Ferry (“City”) entered into a contract with Flock for the installation of five LPRs. An exhibit to that contract, which the City recently produced in response to a public records request, describes those LPRs as the “Flock Safety Falcon” model. According to Flock, the Falcon LPR photographs cars that drive by and captures their plate numbers, vehicle features, and how often they visit.⁴ The City signed its contract with Flock on September 23, 2024, and an exhibit to that contract lists an “Initial Term” of “12 Months.”

Charlie and Angie Wolf are a retired married couple who live in Cleburne County, Arkansas. In May 2025, per the City’s contract with Flock, a Falcon LPR was installed on Lone Pine Road South across the street from the Wolfs’ house. The next day, Charlie met with the Greers Ferry chief of police, expressed concern about the fact that the camera was pointed at his property, and asked that the camera be repositioned or moved so that it would not capture his property. The police chief replied: “It’s not moving.”

In June, the Wolfs sent a letter to the Greers Ferry City Council that raised Fourth Amendment objections to the camera and formally requested that the camera be relocated so that it would no longer photograph their property and no longer record their comings and goings from their home. Then, on July 8, Charlie appeared before the City Council to reiterate his concerns and request. At that publicly recorded [meeting](#), City Attorney Blake Spears replied: “If you want the camera moved, my suggestion would be to get a court order.” The police chief, who was present, added: “We have no plans to move the camera.”

As of the date of this letter, the Flock camera remains installed on Lone Pine Road South and remains pointed at the Wolfs’ property. The City’s response to a public records request states that the other four Flock cameras are installed on Highway 16 at Edgemont Bridge, Highway 16 at Narrows Bridge, Highway 92 at Lone Pine, and Crossroads Bridge. These cameras raise grave Fourth Amendment concerns—concerns that are particularly acute for families, like the Wolfs, who happen to live directly in front of a camera.

¹ <https://www.flocksafety.com/careers> (accessed July 16, 2025).

² <https://www.flocksafety.com/products/lpr-cameras> (accessed July 16, 2025).

³ *Id.*

⁴ <https://www.youtube.com/watch?v=5zPOhuzUrOs> (accessed July 16, 2025).

Constitutional Concerns

Background Principles

The Fourth Amendment protects the people’s right “to be secure in their persons, houses, papers, and effects, against unreasonable searches.”⁵ As the Supreme Court has explained, the Fourth Amendment exists “to secure the privacies of life against arbitrary power” and “to place obstacles in the way of a too permeating police surveillance.”⁶ The Amendment achieves that goal, in part, by forbidding the government from invading any person’s reasonable privacy expectation without a warrant.⁷

“A person does not surrender all Fourth Amendment protection by venturing into the public sphere.”⁸ Ultimately, the Amendment must preserve at least as much privacy as Americans would have enjoyed when it was adopted.⁹ At that time, police lacked the means to create a historical record of people’s physical movements—they simply did not have the manpower or the technology to do so.¹⁰

Accordingly, in a recent case, the Supreme Court held that the government violated a reasonable privacy expectation when it accessed seven days of a party’s historical cell site location data.¹¹ “With just the click of a button,” the Court explained, “the Government can access . . . [a] deep repository of historical location information at practically no expense.”¹² Reasonable people, the Court concluded, would expect privacy from that kind of location surveillance.

Camera Surveillance

Likewise, courts are increasingly recognizing that the placement of a surveillance camera in front of a home may violate a reasonable privacy expectation. For example, one federal court within the Eighth Circuit (the circuit that covers Arkansas) recently noted that “[t]he use of continuous video surveillance [of a home] without a warrant appears to be on tenuous constitutional grounds.”¹³

⁵ U.S. Const. amend. IV.

⁶ *Carpenter v. United States*, 585 U.S. 296, 305 (2018) (cleaned up).

⁷ *Id.* at 304.

⁸ *Id.* at 310.

⁹ *Id.* at 305.

¹⁰ *Id.* at 310.

¹¹ *Id.* at 310 & n.3.

¹² *Id.* at 311.

¹³ *United States v. Mayo*, 615 F. Supp. 3d 914, 923 (S.D. Iowa 2022), *aff’d on other grounds*, 97 F.4th 552 (8th Cir. 2024).

Two state supreme courts, likewise, recently held that pointing a video camera at a home for multiple months without a warrant violates the Fourth Amendment.¹⁴ Both courts stressed that long-term camera surveillance can reveal residents’ and guests’ aggregated “comings and goings,” and held that people reasonably expect those kinds of routines—routines like when they are typically home and when they are not—will be kept private from prying eyes.¹⁵

Finally, even setting aside cameras placed in front of a home, a local government’s decision to lay Flock cameras across a discrete geographic area may nevertheless violate a reasonable expectation of privacy. In *Schmidt*, the first lawsuit to challenge a city’s use of Flock cameras in a prospective civil suit (rather than in the narrower context of a criminal suppression motion), a federal district court denied the City of Norfolk’s motion to dismiss and analogized citywide LPR surveillance to the privacy violation in *Carpenter*:

[T]he complaint alleges facts notably similar to those in *Carpenter* that the Supreme Court found to clearly violate society’s expectation of privacy: law enforcement secretly monitoring and cataloguing the whole of tens of thousands of individual[s’] movements over an extended period. In short, the Court finds that considering existing precedent, the well-pled facts plausibly allege a violation of an objectively reasonable expectation of privacy.¹⁶

More simply, the problem in *Schmidt* was that “Plaintiffs allege that citizens of Norfolk live under the watch of a web of ‘unblinking eyes,’” and reasonable people do not expect to be spied on in that manner as they go about their daily lives.¹⁷

Greers Ferry Cameras

The principles above raise two Fourth Amendment concerns with the City of Greers Ferry’s current use of the Flock cameras.

First, the Flock camera placed across the street from the Wolfs’ home resembles the surveillance that was recently struck down by the Colorado and South Dakota Supreme Courts. Like the cameras in those cases, the Flock camera across the street from the Wolfs’ home captures part of their property (specifically, a driveway entrance and part of their front yard). Like the cameras in those cases, the Flock camera here records the Wolfs’ “comings and goings” every time they enter or leave their property (specifically, by using a Flock LPR designed to capture every car that drives by). And, *worse* than the cameras in those cases, the Flock camera here will surveil the Wolfs *indefinitely*.

¹⁴ *People v. Tafoya*, 494 P.3d 613, 614–15 (Colo. 2021); *State v. Jones*, 903 N.W.2d 101, 103–04 (S.D. 2017).

¹⁵ *Jones*, 903 N.W.2d at 110–13; *see also Tafoya*, 494 P.2d at 622–23 (similar language).

¹⁶ *Schmidt v. City of Norfolk*, No. 2:24CV621, 2025 WL 410080, at *7 (E.D. Va. Feb. 5, 2025).

¹⁷ *Id.* at *1, *7.

Second, the Flock cameras installed around Greers Ferry resemble the network of cameras that the *Schmidt* court held may violate the Fourth Amendment. Although Greers Ferry currently uses fewer Flock cameras than Norfolk (172 versus five), Greers Ferry is a far smaller city (53 square land miles versus 7). Further, a review of Google Maps suggests that Greers Ferry has far fewer public roads that people can use to get from place to place, which suggests that Greers Ferry would not need nearly as many Flock cameras per square land mile to achieve the historical location tracking that the *Schmidt* court held may violate the Fourth Amendment in Norfolk.


Requested Action

IJ requests that the City take two steps to remedy the Fourth Amendment concerns noted above. First, the City should immediately remove the Flock camera located on Lone Pine Road South across the street from the Wolfs' house. Second, the City should elect not to renew its contract with Flock when the contract's "Initial Term" of "12 Months" expires.

Conclusion

The City's placement of Flock cameras across the street from the Wolfs' home, and around town more generally, presents grave Fourth Amendment concerns. Those concerns threaten citizens' basic constitutional rights and may expose the City to litigation. Taking both actions requested above would eliminate these problems. Should the City Council have questions or need guidance on how to proceed, IJ stands ready and willing to discuss these matters further.

Sincerely,



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