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## Appeal of Public Record Request Denial

1 message

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To: DAOoffice@lanecountyor.gov

Wed, Aug 6, 2025 at 4:07 PM

### SENT VIA EMAIL

August 6, 2025

Lane County District Attorney  
125 E 8th Ave #400  
Eugene, OR 97405

District Attorney Parosa,

I write to appeal the City of Eugene's response to the public records requests submitted to the City of Eugene on June 12, 2025, numbered EPD-2025-2738, pertaining to the use of Flock Safety ALPR (automatic license plate reader) cameras by the Eugene Police Department. The public records requests and responses by the City of Eugene are attached in this email for your reference. This appeal is animated by the strong public interest in law enforcement disclosure of information about the use of Flock systems.

Flock Safety cameras present a significant risk to privacy. Data collected by Flock cameras are stored and shared in a centralized, nationally-accessible database. Flock cameras allow police to potentially sit on every street corner with unblinking eyes 24/7. The data collected can reveal very intimate and private details of a person's life, including where they worship, where they work, and who they associate with. Such government intrusions into our private lives raise serious constitutional concerns. *See, e.g., United States v. Carpenter*, 138 S. Ct. 2206 (2018) (Fourth Amendment reasonable expectation of privacy in cell site location data held by a third party requiring a warrant); *accord Leaders of a Beautiful Struggle v. Baltimore Police Department*, 2 F.4th 330 (2021) (Baltimore 12-hour/day aerial surveillance program implicated the warrant requirement under the Fourth Amendment); *State v. Campbell*, 306 Or. 157 (1988) (police use of radio transmitter to locate defendant's car was a search implicating the warrant requirements of Article I, section 9 of the Oregon Constitution).

Flock also threatens to undermine Oregonians' statutory protections as well. The wide availability of Flock's ALPR data has predictably already led to abuses. For example, we have seen Immigration and Customs Enforcement using Flock as a back door into sanctuary states<sup>(1)</sup>. We have also seen Flock used by Texas law enforcement to look for a woman seeking an abortion in states with shield laws<sup>(2)</sup>. The ACLU of Oregon is also aware that local police in Southern Oregon are casually collaborating with federal law enforcement officials like ICE and the FBI, through the use of

surveillance tools like Flock Safety, despite Oregon being a sanctuary state. Oregonians have expressed serious concerns about the dangers of Flock cameras, and the concerns are only growing (3). These sentiments have recently been covered by local media outlets, including OPB Think Out Loud (4) and Jefferson Public Radio (5), highlighting the anxiety that Oregonians have about this type of police surveillance technology in their neighborhoods.

Indeed, the public outcry both locally and nationally about the pervasive and invasive use of Flock cameras was the backdrop for Senator Ron Wyden's recent agreement with Flock (6) to further limit access to Flock data in Oregon.

Flock's systems present a significant threat to privacy, as long-term vehicular location data can reveal very private details about a person's life, including what meetings a person attends, what doctors' offices and religious institutions they visit, and even where they sleep at night(7) . In our letter, we requested, among other records, information related to the location of Flock Safety cameras currently utilized by the Eugene Police Department. The aforementioned request was denied.

The response from the City of Eugene to my public records requests was unlawful for the reasons stated below.

**It is improper to withhold the requested records under ORS 192.345(23).**

In our letter to the City of Eugene, we requested, "A list of all locations within the City of Eugene where Flock Safety automated license plate reader (ALPR) cameras are currently installed or have been installed in the past". The requests for documents pertaining to the location of Flock cameras were denied, claiming that the information is exempt from disclosure under ORS 192.345(23). The withholding of records under ORS 192.345(23) is improper for two reasons: (a) the exemption does not apply, and (b) even if the exemption applies, the public interest in disclosure outweighs the public body's interest in confidentiality.

**a. ORS 192.345(23) does not apply.**

ORS 192.345(23) states that information may be exempt if, "records or information would reveal or otherwise identify security measures, or weaknesses or potential weaknesses in security measures..." However, the County must make an individualized determination as to each record; blanket withholdings are impermissible. *See, e.g., Mail Tribune v. Winters*, 236 Or. App. 91, 97-98 (2010) (sheriff's failure to produce evidence as to whether individual concealed carry licenses met security measure exception requirements "undermine[d] the sheriff's blanket reliance on the security measures exemption). Here, too, there is a blanket approach that fails to meet the public body's burden.

The records sought should not trigger the security exemption, as the public has the right and ability to discover the exact location of the ALPR cameras by visiting and driving through Eugene. In April 2025, the Attorney General granted an Oregonian reporter their appeal of ORS 192.345(23) after finding that information originally redacted by Oregon State Police was actually made public by law enforcement on other platforms (8). The Attorney General writes:

*“We are not persuaded that disclosure of the redacted information would “reveal or otherwise identify” any security measures because the equipment and tactics discussed in the email are commonplace and widely known. In fact, most of the redacted information has been publicly disseminated by OSP and other law enforcement agencies operating SWAT teams... Additionally, reports previously released by OSP and other agencies to The Oregonian disclose many of these same tactics, including tactics employed in some of the specific instances redacted from the email. For these reasons, we conclude that OSP has failed to sustain its burden to demonstrate that release of the redacted information would “reveal or otherwise identify” any security measures taken by OSP.”*

Moreover, through a similar public records request to Springfield Oregon, we learned that Springfield was willing to share records pertaining to the location and positioning of Flock Safety cameras used by the Springfield Police Department. The City of Eugene on the other hand, cited ORS 192.345(23) as a reason to exempt the location of Eugene Police Department Flock cameras. The inconsistency in interpreting ORS 192.345(23) between law enforcement presents a lack of shared understanding in what is considered to be exempt, therefore causing confusion to the public especially when requesting records from multiple government offices.

- a. Even if ORS 192.345(23) did apply, the public body failed to consider that the public interest outweighs any need for confidentiality in the records.

The exemptions in ORS 192.345 are conditional, meaning that they apply “unless the public interest requires disclosure.” As discussed above, there is a very strong public interest in transparency about law enforcement’s use of a mass surveillance tool like Flock. *See ACLU of Oregon v. City of Eugene*, 360 Or. 269 (2016) (for conditional exemptions, the presumption weighs in favor of disclosure). The countervailing interest in confidentiality has not been described nor is it evident, and the burden is on the public body to sustain the exemption. *Id.* at 281-282. In fact, any argument against disclosure is undermined by the very nature of Flock itself. Flock data sharing is not limited to law enforcement. Private entities are also able to join the Flock network and access Flock data(9).

Additionally, Medford and Woodburn police departments have recently shared documents that disclose the location of their Flock Safety cameras with the public through public records requests. Considering that these records have been disclosed without reference to ORS 192.345(23), the argument that security would be undermined quickly crumbles.

### **Conclusion**

Information about police use of Flock Safety should not be obscured by government entities relying on public records exemptions and fees. The public has a right to know about systems that may violate their constitutional and statutory rights. For all the reasons stated above, I request that the District Attorney order the City of Eugene to promptly produce responsive documents.

Sincerely,

Seth [REDACTED]  
Eugene, Oregon

Also sent via mail

- 1 Jason Koebler, *Emails Reveal the Casual Surveillance Alliance Between ICE and Local Police* (June 16, 2025 at 11:10am)  
<https://www.404media.co/emails-reveal-the-casual-surveillance-alliance-between-ice-and-local-police/>
- 2 Rindala Alajaji, *She Got An Abortion. So a Texas Cop Used 83,000 Cameras to Track Her Down.* (May 30, 2025)  
<https://www.eff.org/deeplinks/2025/05/she-got-abortion-so-texas-cop-used-83000-cameras-track-her-down>
3. Tiffany Lewis, *Residents Protest Flock Cameras, Demand Transparency on Eugene Surveillance Policies* (July 15, 2025 at 7:49 PT),  
<https://nbc16.com/news/local/residents-protest-flock-cameras-demand-transparency-on-eugene-surveillance-policies>
- 4 Elizabeth Castillo, *Concerns Over Privacy and Police Surveillance Arise in Southern Oregon* (June 26, 2025 at 11:49am PT)  
<https://www.opb.org/article/2025/06/26/think-out-loud-medford-police-surveillance-southern-oregon-ice/>
- 5 Justin Higginbottom, *Privacy Advocates Raise Alarm over Southern Oregon Surveillance Tactics* (June 18, 2025 at 6:27am PT)  
<https://www.ijpr.org/law-and-justice/2025-06-18/privacy-advocates-raise-alarm-over-southern-oregon-surveillance-tactics>
- 6 Senator Ron Wyden, *Wyden Announces Agreement by License Plate Surveillance Tech Company to Protect Oregonians' Data from Immigration and Abortion-Related Abuses* (July 25, 2025)  
<https://www.wyden.senate.gov/news/press-releases/wyden-announces-agreement-by-license-plate-surveillance-tech-company-to-protect-oregonians-data-from-immigration-and-abortion-related-abuses>
- 7 Electronic Frontier Foundation, "Street Level Surveillance" (last visited July 31, 2025),  
<https://sfs.eff.org/technologies/automated-license-plate-readers-alprs>.
- 8 State of Oregon Law Library, *Oregon Attorney General Public Records Orders* (April 25, 2025)  
<https://cdm17027.contentdm.oclc.org/digital/collection/p17027coll2/id/2680/rec/4>
- 9 Flock Safety, "Customer Stories" (last visited August 1, 2025)  
<https://www.flocksafety.com/customers>

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## 2 attachments



**Request EPD-2025-2738.pdf**  
1472K



**Response EPD-2025-2738.pdf**  
359K