



LRO SNAPSHOT

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Birds of a Feather: Flock Cameras and the Statutory Framework

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KEY TAKEAWAYS

- Automated license plate readers (ALPRs), including systems marketed under the Flock Safety brand, photograph plates, timestamps, and vehicle features on public roads.
- Most federal and state courts have held that warrantless ALPR use does not violate the Fourth Amendment, reasoning that license plates are exposed to public view and that ALPR data is far more limited than the comprehensive location tracking addressed in *Carpenter v. United States* (2018).
- A federal court upheld Norfolk, Virginia's 176-camera network in *Schmidt v. City of Norfolk* (2026), but that ruling is on appeal, and the U.S. Supreme Court's decision in *Chatrie v. United States* (2026), holding that acquiring cell-phone location data is a Fourth Amendment search, has renewed debate over how far this reasoning extends.
- Nebraska's sole case on point, *United States v. Jiles* (2024), follows the majority approach; Nebraska separately regulates ALPR use through its Automatic License Plate Reader Privacy Act (Neb. Rev. Stat. §§ 60-3201 to 60-3209).
- No Nebraska appellate court and no U.S. Supreme Court decision has yet addressed ALPR constitutionality directly.

Introduction

Public debate over Flock and similar automated license plate reader (ALPR) systems has intensified alongside a wave of reported misuse by the officers who operate them.

A Washington Post investigation, "How Rogue Officers Turned a Nationwide Camera Network Into a Tool for Stalking," published August 2, 2026, identified at least 50 law enforcement officers nationwide who were charged with or accused of using ALPR systems for unauthorized personal purposes, most often to track current or former romantic partners, with documented cases leading to resignations, firings, and criminal charges in departments from Milwaukee, Wisconsin, to Jefferson, Georgia (Washington Post, 2026). Flock Safety announced new safeguards later that month, including shorter default data retention and mandatory case-number logging for searches, in response to the reporting (NBC News, 2026).

Civil liberties organizations and residents in numerous communities, including Valley County, Nebraska, point to these misuse reports, alongside the broader scale of ALPR networks generally, as evidence that warrantless access invites abuse and creates the kind of pervasive government tracking the Fourth Amendment was designed to prevent. That tension, between documented misuse and courts' general willingness to uphold ALPR use without a warrant, runs through the legal and statutory landscape described below.

What ALPRs Do

Automated license plate readers use fixed or vehicle-mounted cameras paired with computer algorithms to convert a license plate into searchable data. Systems such as Flock Safety also capture vehicle color, make, and distinguishing features (e.g., roof racks, bumper stickers), building what the company calls a "Vehicle Fingerprint." Officers can then query the resulting database by plate number or by descriptive characteristics alone. The technology does not identify who is driving or riding in a captured vehicle.

The Constitutional Question

The Fourth Amendment analysis turns on the *Katz* test, which asks (1) whether a person has shown an actual, subjective expectation of privacy, and (2) whether that expectation is one society recognizes as objectively reasonable; only government conduct that intrudes on such an expectation counts as a "search."

Courts have long held that a vehicle traveling on public roads, and the plate attached to it, is knowingly exposed to public view (*Katz v. United States*, 389 U.S. 347 (1967); *United States v. Knotts*, 460 U.S. 276 (1983)). The Supreme Court's decision in *Carpenter v. United States*, 585 U.S. 296 (2018), required a warrant for historical cell-site records because they created an "all-encompassing record" of a person's movements over time, but the Court expressly called its holding "narrow" and declined to question "conventional surveillance techniques and tools, such as security cameras."



Image Credit: Oliver Peric via iStock

How Courts Have Ruled Nationally

The overwhelming majority of courts to consider the question (more than two dozen federal decisions and a growing number of state courts) have held that fixed-location ALPR use without a warrant does not violate the Fourth Amendment, distinguishing ALPR data from the continuous, individualized tracking at issue in *Carpenter*. The most closely watched case, *Schmidt v. City of Norfolk*, No. 2:24CV621, 2026 WL 207513 (E.D. Va. Jan. 27, 2026), upheld a 176-camera citywide network on this reasoning; the plaintiffs have appealed to the Fourth Circuit. One Virginia trial court, *Commonwealth v. Bell*, 113 Va. Cir. 316 (2024), reached the opposite conclusion, but a Virginia appellate court later rejected that reasoning in a related case. Most recently, in a 6-3 decision issued June 29, 2026, the U.S. Supreme Court held in *Chatrie v. United States*, 609 U.S. ___, No. 25-112 (June 29, 2026), that police conducted a Fourth Amendment search when they obtained Chatrie's cell-phone location data, because an individual has a reasonable expectation of privacy in that information; the Court vacated the judgment and remanded to the Fourth Circuit to decide whether the warrant obtained actually authorized a reasonable search. The decision did not address ALPR technology directly, but commentators and litigants are now citing it on both sides of the ALPR debate.

Nebraska's Case Law and Statute

Nebraska's only judicial decision on point, *United States v. Jiles*, No. 8:23-CR-98, 2024 WL 891956 (D. Neb. Feb. 29, 2024), denied a motion to suppress ALPR evidence, following the national majority approach. No Nebraska Court of Appeals or Nebraska Supreme Court decision has addressed ALPR constitutionality.

Separately, Nebraska's Automatic License Plate Reader Privacy Act (Neb. Rev. Stat. §§ 60-3201 to 60-3209) regulates governmental ALPR use directly: it permits use only for specified purposes (e.g., locating stolen vehicles, missing persons, or vehicles tied to an ongoing investigation), generally limits data retention to 180 days (Neb. Rev. Stat. § 60-3204(1)), and requires documentation of manual queries. That 180-day default is roughly eight times longer than the 21-day window at issue in *Schmidt v. City of Norfolk*, where the short, capped period helped distinguish Norfolk's network from the comprehensive tracking addressed in *Carpenter*, a distinction a longer retention period could make harder to draw. Agencies must also post use and privacy policies, on their website or, absent one, in their main office, and report annually to the Nebraska Commission on Law Enforcement and Criminal Justice, with that report also made public. That reporting is self-administered, not independently audited, and plate data is not a public record. By law, the data may be excluded from proceedings if disclosure would violate the Act (Neb. Rev. Stat. § 60-3207), but the Act's only remedy for misuse is civil, not criminal: an injured person may sue for damages, with no criminal penalty specified.

BY THE NUMBERS

ALPR data retention windows

21
DAYS

Norfolk, Virginia's 176-camera network, upheld in *Schmidt v. City of Norfolk* (2026)

180
DAYS

Nebraska's default limit under state law (Neb. Rev. Stat. § 60-3204(1))

Source: Plaintiffs' summary judgment briefing in *Schmidt*.

What Remains Unsettled

Nebraska's constitutional posture rests on a single, pre-*Chatrie* federal decision. No court, in Nebraska or nationally, has yet ruled on what effect, if any, *Chatrie* has on ALPR analysis. The Fourth Circuit's pending review of *Schmidt v. City of Norfolk* is likely to be the next significant data point. Locally, after Ord voted 5-0 in August 2026 to remove its two Flock cameras, becoming the first Nebraska city to do so, Valley County agreed to remove those two but voted at an August 24 hearing to retain the seven cameras elsewhere in the county (Gentry, Flatwater Free Press, August 28, 2026). Furnas County ended a planned 60-day Flock trial early that same month amid similar pushback (D. Ocampo & A. Collins, KOLN, August 14, 2026). As of this writing, no Nebraska lawsuit over ALPR use has been filed; the debate remains political rather than judicial.