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Summary of testimony by David Perry, Jan. 28, 2026
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I am a practicing litigator working in Boston. I'm licensed to practice law in Rhode Island and Massachusetts and I'm one of the neighbors here who have coordinated here to state our opposition to the installation of Flock Cameras in town. I wish to give (mostly) a professional perspective on the risks to our town of Flock cameras. I am not here in any sort of representative capacity. These opinions are my own.

A personal story about police surveillance and stalking:

My sister was stalked for over a year by a deputy-sheriff ex-boyfriend from the Palm Beach County Sheriff's Department. She was buying new tires one day and the attendant swapping out her tires found one of the Sheriff's Department's tracking devices bolted into the chassis of her car in its wheel well. She presumes that this was done by the ex-boyfriend or at his direction. Her ex-boyfriend was eventually imprisoned for drug possession and possession of illegal weapons. With the Flock system, the ex-boyfriend could have tracked her movements without leaving his desk; he wouldn't even have to sneak under her car. He could also track her family's movements and anyone else's with the same ease; no multiple transponders. This stalking has already been done by a police chief in Sedgwick, KS, outside of Wichita; and Kechi, KS, also outside of Wichita.

Litigation risk to the town from Flock use and the MOU

There have already been lawsuits around the country that have cost municipalities millions. Aurora, Colorado, paid a \$1.9 million settlement to a family arrested for driving in their car; a license plate reader had told the police their car was stolen.¹ Contra Costa County, California, paid almost \$50,000 to a man and his brother who were stopped and held at gunpoint because a license plate reader incorrectly flagged their car.² Towns have settled because they were afraid of larger litigation judgments.

¹ <https://www.9news.com/article/news/local/aurora-police-chief-says-she-is-deeply-troubled-after-her-officers-detained-and-handcuffed-kids-while-mistaking-a-car-for-stolen/73-bb653e17-a208-4f21-a972-c5d0f0889bfc>

² <https://www.ktvu.com/news/sheriff-pays-east-bay-privacy-advocate-nearly-50k-in-license-plate-reader-case>



I believe that the MOU that I have seen presents serious risks in a tort lawsuit. The chief, catch-all claim in most tort lawsuits is negligence. Negligence has a very broad definition available to plaintiff-side litigators. In Rhode Island, there are 4 elements:

“It is well settled that to prevail on a claim of negligence a plaintiff must establish a **legally cognizable duty owed by a defendant to a plaintiff, a breach of that duty, proximate causation** between the conduct and the resulting injury, and the **actual loss or damage.**”³

At least one of these elements is satisfied by the MOU, the establishment of a legally cognizable duty. Where is the town’s “**legally cognizable duty**” when it comes to using Flock cameras and sharing the data? I’d say it comes from the MOU. This is a document that will be signed by a town official under some authority, and I think that authority binds the town to a duty. A duty can’t be found elsewhere: I think the ACLU’s and other presentations have pointed out that there are no statutes or legally accepted standards that exist otherwise. The MOU tells the town at page 1:

The Outside Agency shall not share, disseminate, forward, or otherwise provide access to any data, images, or alerts obtained from Rhode Island State Police FLOCK ALPR system to any third party, including but not limited to:

Other municipal or state agencies that have not entered into a substantially similar MOU with the Rhode Island State Police;

U.S. Immigration and Customs Enforcement or any external agency when the purpose of that agency or request is the enforcement of potential violations of federal civil immigration law; and

Any private organizations or entities.

The MOU will either already be available to any Plaintiff’s lawyer as a public document, or it could easily be acquired in discovery.

Then, we can see how easily Bristol could “**breach that duty,**” the second element of a negligence claim. If a Bristol employee or official violates these terms of the MOU, even by accident, that could be a breach of duty. If someone gets arrested, stalked or harmed, then that victim could sue Bristol for negligence and point to the MOU as the

³ *Wray v. Green*, 126 A.3d 476, 479 (R.I. 2015).

standard for Bristol's behavior. So Bristol's data mistakes would very likely help a plaintiff's attorney prove negligence and would expose Bristol to liability.

Contractual issues:

There are no federal or RI laws or town ordinances directing our use of the Flock technology. There are only MOUs, and a contract between Flock and the RISP no one has ever seen.

Bristol does not control the RISP and Flock's contract; the only thing over which our town has any say over is the MOU. Meanwhile, the contract can change at any time. Flock can, and I think will, do whatever they want with the data. RISP can change its policies without consulting this council. Bristol would just be along for the ride.

Not also that the MOU imposes requirements on Bristol alone; it imposes no requirements on the RISP or on Flock.

Warrantless mass surveillance

A real issue is the effect of installation of cameras on law and the world our children grow up in. The Fourth Amendment to U.S. Const. says in part that "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated."

What makes a search reasonable or unreasonable? I think that, as a matter of law, decisions made in Bristol have something to do with whether or not the use of Flock cameras, Flock drones, and artificial intelligence to record our whereabouts, appearances, and who knows what else, are one day found reasonable by courts. **If we tolerate it now, we'll be forced to tolerate it in the future.**

The US Supreme Court has held that it's really citizens' expectation of the presence of technology that decides whether a search or surveillance is reasonable. They've said it's reasonable that the police can look in your backyard by flying an airplane over it,⁴ or by flying a helicopter over it.⁵ The reasoning of the Court in the helicopter case is especially telling: Because helicopter flights "were not unheard of" in the citizen's county, the justices thought he was forced to accept helicopter flights over his home as reasonable searches.

Once we accept Flock cameras, they are no longer "not unheard of" in Bristol. They become part of the technology we accept every day. If we accept Flock's cameras being

⁴ *California v. Ciraolo*, 476 U. S. 207 (1986).

⁵ *Florida v. Riley*, 488 U.S. 445 (1989)

installed in our town, then we're signaling to the courts and the world that we accept license plate reading and artificial intelligence as reasonable and we don't expect any constitutional protection against them.

If we take a stand now against them, we're signaling to everyone that Bristol values our privacy and our Fourth Amendment protections from unreasonable search and seizure. This will matter going forward, as more cameras, drones and robots start showing up in every town in America.