

In the District Court  
of  
Sedgwick County, Kansas

**Mason Grimmett,**

Plaintiff,

v.

**City of Wichita, Kansas.**

Defendant.

Civil Action No.

Petition for Declaratory Judgment; Ex. 1-17.

Petition Pursuant to K.S.A. Ch. 60.

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**Petition for Declaratory Judgment**

Mason Grimmett files this lawsuit against the City of Wichita, Kansas, for non-monetary, prospective relief.

**Introduction**

1. This lawsuit challenges the government's indiscriminate and warrantless dragnet surveillance of anyone, and everyone, driving in the City of Wichita. Through its vast and pervasive network of automated license plate readers, Wichita is continuously tracking, surveilling, monitoring, and compiling a searchable database on *law-abiding Kansans*—without a warrant, without probable cause, without reasonable suspicion—without even so much as a hunch—and it's all done without *any* judicial oversight whatsoever.

2. Wichita has blanketed the city with nearly 200 automated license plate readers (ALPRs), and its police officers are expected to use license plate reader-equipped vehicles as often as possible. Mason Grimmett and Wichitans like him are, in short, surrounded by automated license plate readers and government officials who use them. And Wichita's automated license plate readers do *far more* than their name suggests.

3. Wichita almost exclusively uses the Flock Safety, Inc., Falcon®, a sophisticated camera that automatically captures images of every vehicle that passes it, including its time and geographic location. The cameras can be installed anywhere and will capture an unlimited number

of vehicles per day.<sup>1</sup> And these cameras track travelers twenty-four hours a day, seven days a week. Using artificial intelligence, the camera chooses the best photo and uploads it to the cloud in as little as twenty seconds, where it is warehoused.<sup>2</sup>

4. Wichita also utilizes Flock Safety's Vehicle Fingerprint™ technology, which is software that allows its police officers to search the warehoused data by a vehicle's make, color, state registration, whether there are missing or covered license plates, bumper stickers, decals, roof racks, and back racks.<sup>3</sup>

5. The technology also allows Wichita's police officers to search its surveillance database by a vehicle's body type, such as whether it's a coupe, hatchback, convertible, sedan, wagon, SUV, pickup truck, minivan or work van, semi-truck, bus, motorcycle, golfcart, trailer, or bicycle,<sup>4</sup> and it allows the police to search for things such as broken taillights or after-market wheels.<sup>5</sup>

6. And the technology allows Wichita police officers to conduct location-based searches<sup>6</sup> and time-based searches,<sup>7</sup> which means officers can see where a person has gone, and when.

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<sup>1</sup> U.S. Trademark Reg. No. 7,243,541 (Dec. 12, 2023). Available at <https://tsdr.uspto.gov/documentviewer?caseId=sn97026252&docId=APP20210917090958#docIndex=23&page=32>

<sup>2</sup> See U.S. Trademark Reg. No. 7,243,541 (Dec. 12, 2023). Available at <https://tsdr.uspto.gov/documentviewer?caseId=sn97026252&docId=APP20210917090958#docIndex=23&page=32>. See also, Exhibit 1, Flock FAQ at 17, 49. Available at <https://www.flocksafety.com/faq#crime> ("Flock uses Amazon Web Services cloud storage").

<sup>3</sup> U.S. Trademark Reg. No. 7,243,541 (Dec. 12, 2023). Available at <https://tsdr.uspto.gov/documentviewer?caseId=sn97026252&docId=APP20210917090958#docIndex=23&page=55>. See also U.S. Trademark Reg. No. 5,849,820 (Sep. 3, 2019). Available at <https://tsdr.uspto.gov/documentviewer?caseId=sn88286843&docId=SPE20250915220409#docIndex=1&page=1>

<sup>4</sup> Exhibit 1, Flock FAQ at 30. Available at <https://www.flocksafety.com/faq#crime>

<sup>5</sup> Exhibit 1, Flock FAQ at 71. Available at <https://www.flocksafety.com/faq#crime>

<sup>6</sup> U.S. Trademark Reg. No. 7,243,541 (Dec. 12, 2023). Available at <https://tsdr.uspto.gov/documentviewer?caseId=sn97026252&docId=APP20210917090958#docIndex=7&page=2>. See also U.S. Trademark Reg. No. 5,849,820 (Sep. 3, 2019). Available at <https://tsdr.uspto.gov/documentviewer?caseId=sn88286843&docId=RFA20190206070539#docIndex=1&page=1>

<sup>7</sup> Exhibit 1, Flock FAQ at 63. Available at <https://www.flocksafety.com/faq#crime>

7. Virtually every police officer in Wichita can access its surveillance database from a computer,<sup>8</sup> or using a mobile app which can be downloaded on any Android or iOS device,<sup>9</sup> which “deliver[s] LPR [license plate reader] and audio insights to [an officer’s] mobile phone and smartwatch” including “real-time hot list alerts,” and “clear images of vehicles and their plates.”<sup>10</sup>

8. In Wichita, the ability to track, surveil, and monitor anyone and everyone driving there is “like searching Google,”<sup>11</sup> and as easy as “shop[ping] online,”<sup>12</sup> or searching “popular online retails sites,”<sup>13</sup> or even as easy as “glanc[ing] at your wrist.”<sup>14</sup>

9. Making matters worse, Wichita shares access to its surveillance database with hundreds of other law enforcement agencies.<sup>15</sup> For instance, Wichita provides access to its surveillance database to Junction City, Kansas.

10. Like Wichita, Junction City shares access to *its* database with hundreds of other government agencies such as the F.B.I., U.S. Postal Inspection Service, Wright Patterson Air Force Base, a district attorney’s office in Texas, and the Alabama Department of Corrections.<sup>16</sup>

11. On information or good faith belief, Wichita would not know whether Junction City was providing information from Wichita’s surveillance database to Junction City’s partner-agencies, or any other agency, for that matter.

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<sup>8</sup> U.S. Trademark Reg. No. 7,243,541 (Dec. 12, 2023). Available at <https://tsdr.uspto.gov/documentviewer?caseId=sn97026252&docId=APP20210917090958#docIndex=7&page=2>. See also U.S. Trademark Reg. No. 5,849,820 (Sep. 3, 2019). Available at <https://tsdr.uspto.gov/documentviewer?caseId=sn88286843&docId=RFA20190206070539#docIndex=1&page=1>

<sup>9</sup> Exhibit 2, ALPR Background at 7. Available at <https://www.flocksafety.com/products/license-plate-readers>

<sup>10</sup> Exhibit 3, Flock Safety promotional mail to Wichita (Oct. 18, 2023).

<sup>11</sup> Exhibit 1, Flock FAQ at 88. Available at <https://www.flocksafety.com/faq#crime>

<sup>12</sup> Exhibit 1, Flock FAQ at 63. Available at <https://www.flocksafety.com/faq#crime>

<sup>13</sup> Exhibit 1, Flock FAQ at 39. Available at <https://www.flocksafety.com/faq#crime>

<sup>14</sup> Exhibit 3, Flock Safety promotional mail to Wichita (Oct. 18, 2023).

<sup>15</sup> Exhibit 4, Wichita Flock Transparency Portal (last accessed 7/27/26). Available at <https://transparency.flocksafety.com/wichita-ks-pd>

<sup>16</sup> See Junction City Flock Transparency Portal (last accessed 7/27/26). Available at <https://transparency.flocksafety.com/junction-city-ks-pd>

12. Some Wichita police officers are also deputized as federal Task Force Officers and assigned to federal agencies. As a result, these Task Force Officers have access to the Wichita ALPR surveillance system and, on information or good faith belief, provide Wichita's data to the federal law enforcement agencies for which they are deputized, even if Wichita does not formally share its Flock data with those federal agencies.

13. And because Wichita shares its data with other state law enforcement departments, who *also* deputize their officers as federal Task Force Officers, the data can be shared with federal agencies without any involvement or permission from any Wichita official.

14. In other words, Wichita shares its ALPR surveillance data with law enforcement agencies throughout the country, and those agencies can then pass that information on as they see fit.

15. Mason Grimmatt is a law-abiding Wichitan trapped in Wichita's warrantless ALPR dragnet surveillance program. Nearly every day, Mr. Grimmatt drives past Wichita's ALPR cameras. Whether he is going to work, the YMCA, a union meeting, a gun range, visiting a family member in a nursing home, his doctor's office, attending meetings with lawyers, City Council meetings, or Sunflower Privacy Alliance meetings—of which he is a member—he is being surveilled, tracked, cataloged, and databased. And given the constant surveillance and highly sophisticated technology deployed in Wichita, the City's warrantless ALPR dragnet surveillance program easily reveals the totality of Mr. Grimmatt's movements.

16. Wichita's warrantless ALPR dragnet surveillance program violates Section 15 and 20 of the Kansas Constitution Bill of Rights. And because the City of Wichita's warrantless ALPR dragnet surveillance program is unconstitutional, Mr. Grimmatt files this Petition for Declaratory Judgment seeking prospective, non-monetary relief from it, as well as injunctive relief.

### **Parties**

17. Plaintiff Mason Grimmatt is a resident of the City of Wichita.

18. Mr. Grimmatt is a citizen of the United States and the state of Kansas.

19. Defendant City of Wichita, Kansas ("City" or "Wichita") is a municipal corporation organized under the laws of the State of Kansas, and is sued for non-monetary, prospective relief, and is capable of being sued as such. K.S.A. § 12-101.

20. The City of Wichita is the entity responsible for the warrantless ALPR dragnet surveillance program at issue in this case.

21. The City of Wichita is the entity that entered into contracts with Flock Safety, Inc. and created the ALPR dragnet surveillance system.

22. The Wichita Police Department is a sub-unit of the City of Wichita, created and established under Wichita City Code § 2.08.120(4).

23. The City of Wichita has supervision over and responsibility for the Wichita Police Department.

24. The Wichita City Manager is responsible for appointing, removing, and disciplining the Chief of Police. Wichita City Code § 2.08.090 & 2.08.100.

25. The City of Wichita may be served with process by serving the city clerk or the mayor. K.S.A. § 60-304(d)(3).

26. The Attorney General will also be served with a copy of the proceedings.

### **Jurisdiction and Venue**

27. Mr. Grimmiett seeks to vindicate his rights under Sections 15 and 20 of Kansas Constitution Bill of Rights, under the Kansas Declaratory Judgment Act, K.S.A. § 60-1701, *et seq.*, the Kansas Injunctive Relief Act, K.S.A. § 60-901, *et seq.*, and K.S.A. § 60-257.

28. Mr. Grimmiett is not seeking money. Instead, he seeks prospective declaratory and injunctive relief from Wichita's warrantless ALPR dragnet surveillance program. As more fully developed below and throughout this lawsuit, Mr. Grimmiett seeks a declaratory judgment that Wichita's warrantless ALPR dragnet surveillance program violates Sections 15 and 20 of the Kansas Constitution Bill of Rights.

29. These constitutional violations are ongoing and continuous.

30. This Court has jurisdiction pursuant to K.S.A. § 60-1701, *et seq.*, K.S.A. § 60-901 *et seq.*, Sections 15 and 20 of the Kansas Constitution Bill of Rights, K.S.A. § 20-301, and K.S.A. § 60-257.

31. Mr. Grimmiett is a resident of the City of Wichita where the Defendant is conducting its warrantless ALPR dragnet surveillance program. All of the parties are located in Sedgwick County, Kansas. Venue is proper.

## Facts

### *Automated license plate readers*

32. Plaintiff realleges and incorporates by reference all preceding paragraphs.

33. As described in the above introduction, automated license plate readers<sup>17</sup> use sophisticated cameras to automatically capture images or videos of passing vehicles.<sup>18</sup>

34. ALPR camera systems “can also detect and capture additional, related information, including vehicle type and color, global positioning system (GPS) location data, and date and time. These tools also have the potential to identify individuals in the photos/videos through the use of facial recognition technology (FRT). After they catalog the license plate information, ALPR systems can compare these data points against various databases.”<sup>19</sup>

35. As for Flock Safety, its ALPRs are part of a system that “captures license plates and uses AI-powered software to convert them into searchable data, including vehicle make, model, color, location, and time.”<sup>20</sup>

36. Using artificial intelligence, the camera chooses the best photo and uploads it to the cloud in as little as twenty seconds, where it is warehoused.<sup>21</sup>

37. Flock’s CEO has supported the vision of “a Flock camera on every street corner.”<sup>22</sup>

38. And as described above, Wichita also utilizes Flock Safety’s Vehicle Fingerprint™ technology, which is software that allows its police officers to search the warehoused data by a

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<sup>17</sup> They are sometimes called automatic license plate readers, automatic license plate recognition devices, license plate readers, or license plate recognition systems.

<sup>18</sup> Congressional Research Service, *Automated License Plate Readers: Background and Legal Issues* (2025). Available at <https://www.congress.gov/crs-product/IF13068>

<sup>19</sup> Congressional Research Service, *Automated License Plate Readers: Background and Legal Issues* (2025). Available at <https://www.congress.gov/crs-product/IF13068>

<sup>20</sup> Exhibit 2, ALPR Background at 11. Available at <https://www.flocksafety.com/products/license-plate-readers>

<sup>21</sup> See U.S. Trademark Reg. No. 7,243,541 (Dec. 12, 2023). Available at <https://tsdr.uspto.gov/documentviewer?caseId=sn97026252&docId=APP20210917090958#docIndex=23&page=32>. See also, Exhibit 1, Flock FAQ at 17, 49. Available at <https://www.flocksafety.com/faq#crime> (“Flock uses Amazon Web Services cloud storage”).

<sup>22</sup> <https://youtu.be/YGUZ9VWZ5-U&t=30>

vehicle's make, color, state registration, whether there are missing or covered license plates, bumper stickers, decals, roof racks, and back racks.<sup>23</sup>

39. Flock's Vehicle Fingerprint™ technology also allows Wichita's police officers to search its surveillance database by a vehicle's body type, such as whether it's a coupe, hatchback, convertible, sedan, wagon, SUV, pickup truck, minivan or work van, semi-truck, bus, motorcycle, golfcart, trailer, or bicycle.<sup>24</sup>

40. Flock's Vehicle Fingerprint™ technology also allows the police to search for things such as broken taillights or after-market wheels.<sup>25</sup>

41. Flock's Vehicle Fingerprint™ technology also allows Wichita police officers to conduct location-based searches<sup>26</sup> and time-based searches,<sup>27</sup> which means officers can see where, and when, a person has gone.

42. In its presentation to the Wichita City Commission, the Wichita Police Department (WPD) used the following graphic to explain Flock's "patented vehicle fingerprint ID technology:"<sup>28</sup>

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<sup>23</sup> U.S. Trademark Reg. No. 7,243,541 (Dec. 12, 2023). Available at <https://tsdr.uspto.gov/documentviewer?caseId=sn97026252&docId=APP20210917090958#docIndex=23&page=55>. See also U.S. Trademark Reg. No. 5,849,820 (Sep. 3, 2019). Available at <https://tsdr.uspto.gov/documentviewer?caseId=sn88286843&docId=SPE20250915220409#docIndex=1&page=1>

<sup>24</sup> Exhibit 1, Flock FAQ at 30. Available at <https://www.flocksafety.com/faq#crime>

<sup>25</sup> Exhibit 1, Flock FAQ at 71. Available at <https://www.flocksafety.com/faq#crime>

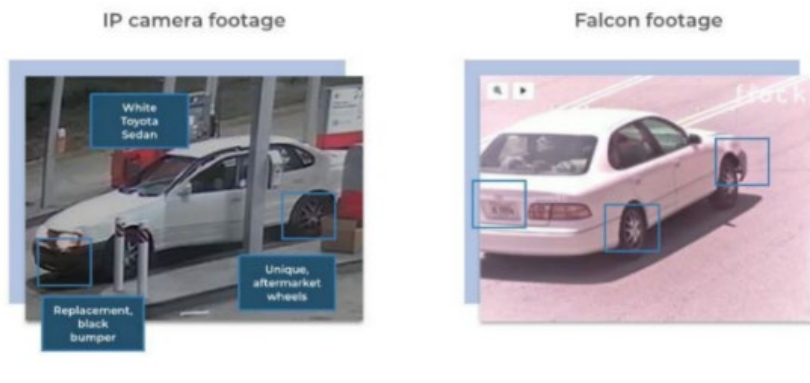
<sup>26</sup> U.S. Trademark Reg. No. 7,243,541 (Dec. 12, 2023). Available at <https://tsdr.uspto.gov/documentviewer?caseId=sn97026252&docId=APP20210917090958#docIndex=7&page=2>. See also U.S. Trademark Reg. No. 5,849,820 (Sep. 3, 2019). Available at <https://tsdr.uspto.gov/documentviewer?caseId=sn88286843&docId=RFA20190206070539#docIndex=1&page=1>

<sup>27</sup> Exhibit 1, Flock FAQ at 63. Available at <https://www.flocksafety.com/faq#crime>

<sup>28</sup> Exhibit 5, Flock Presentation. Available at <https://www.wichita.gov/DocumentCenter/View/20599/2021-05-10-DAB-2-FLOCK-LPR-Presentation-PDF?bidId=>

# Example of Identifying Characteristics

## Vehicle Fingerprint found the vehicle



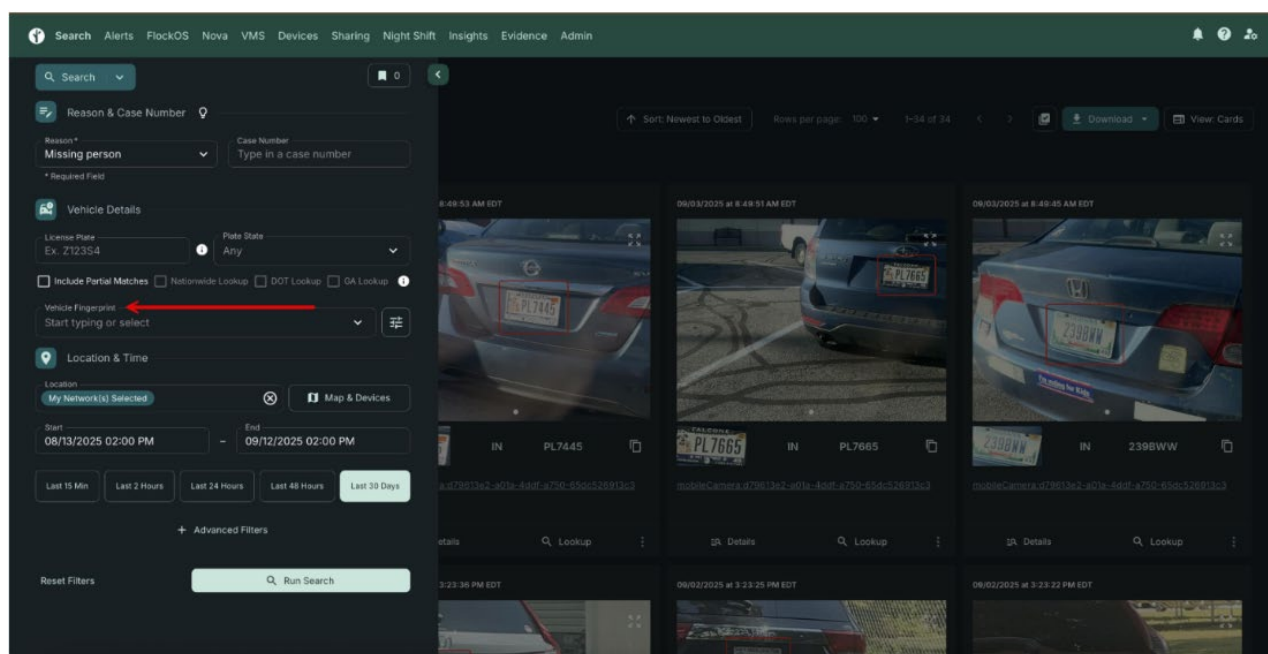
43. In its trademark application, Flock used the following graphic to explain the technology:<sup>29</sup>



<sup>29</sup> U.S. Trademark Reg. No. 7,243,541 (Dec. 12, 2023). Available at <https://tsdr.uspto.gov/documentviewer?caseId=sn97026252&docId=APP20210917090958#docIndex=23&page=56>

44. As the photos in the paragraph immediately above demonstrate, the Flock Vehicle Fingerprint™ technology collects and catalogs information about the driver’s personal associations, beliefs, and political views. For instance, Flock can identify that the owner of the Honda Civic in the upper left has a license plate frame supporting the Atlanta Falcons, has a son in the Marine Corps, and would have preferred “any functioning adult” over the candidates in the 2020 election.

45. Flock’s technology allows virtually every police officer in Wichita to access Wichita’s surveillance database by logging onto a computer,<sup>30</sup> which has been described as “like searching Google,”<sup>31</sup> as easy as “shop[ping] online,”<sup>32</sup> or searching “popular online retail sites,”<sup>33</sup> which according to public filings, looks like this:<sup>34</sup>



<sup>30</sup> U.S. Trademark Reg. No. 7,243,541 (Dec. 12, 2023). Available at <https://tsdr.uspto.gov/documentviewer?caseId=sn97026252&docId=APP20210917090958#docIndex=7&page=2>. See also U.S. Trademark Reg. No. 5,849,820 (Sep. 3, 2019). Available at <https://tsdr.uspto.gov/documentviewer?caseId=sn88286843&docId=RFA20190206070539#docIndex=1&page=1>

<sup>31</sup> Exhibit 1, Flock FAQ at 88. Available at <https://www.flocksafety.com/faq#crime>

<sup>32</sup> Exhibit 1, Flock FAQ at 63. Available at <https://www.flocksafety.com/faq#crime>

<sup>33</sup> Exhibit 1, Flock FAQ at 39. Available at <https://www.flocksafety.com/faq#crime>

<sup>34</sup> U.S. Trademark Reg. No. 5,849,820 (issued Sep. 3, 2019). Available at <https://tsdr.uspto.gov/documentviewer?caseId=sn88286843&docId=DRW20190206070539#docIndex=1&page=1>

46. And of course, Wichita officers can also search using a mobile app,<sup>35</sup> which “delivers LPR and audio insights to [an officer’s] mobile phone and smartwatch” including “real-time hot list alerts, clear images of vehicles and their plates.”<sup>36</sup>

47. On information or belief, once a vehicle is identified, the Flock system can generate a vehicle journey map, displaying where the vehicle has traveled.

48. Flock can generate a list of vehicles that have visited a given location of interest.<sup>37</sup>

49. Flock can also identify vehicles that have been spotted at multiple locations of interest.<sup>38</sup>

50. Flock can identify vehicles that have repeatedly been spotted at the same location.<sup>39</sup>

51. Flock can produce a “convoy analysis,” which documents vehicles that have been spotted in the vicinity of a target vehicle.<sup>40</sup>

52. Flock has a “Real-time Routing” capability that proactively predicts the route a vehicle will take.<sup>41</sup>

53. Flock allows law enforcement to upload an image and search the database for similar images.

54. In “operational deployment with agencies,” ALPRs have about an “80-85 percent accuracy” rate.<sup>42</sup>

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<sup>35</sup> Exhibit 2, ALPR Background at 7. Available at <https://www.flocksafety.com/products/license-plate-readers>

<sup>36</sup> Exhibit 3, Flock Safety promotional mail to Wichita (Oct. 18, 2023).

<sup>37</sup> Expand Your LPR Coverage: Introducing Falcon for every roadway and use case. Available at <https://www.flocksafety.com/webinar/lpr-for-every-roadway>

<sup>38</sup> Expand Your LPR Coverage: Introducing Falcon for every roadway and use case. Available at <https://www.flocksafety.com/webinar/lpr-for-every-roadway>

<sup>39</sup> Expand Your LPR Coverage: Introducing Falcon for every roadway and use case. Available at <https://www.flocksafety.com/webinar/lpr-for-every-roadway>

<sup>40</sup> Expand Your LPR Coverage: Introducing Falcon for every roadway and use case. Available at <https://www.flocksafety.com/webinar/lpr-for-every-roadway>

<sup>41</sup> Expand Your LPR Coverage: Introducing Falcon for every roadway and use case. Available at <https://www.flocksafety.com/webinar/lpr-for-every-roadway>

<sup>42</sup> License Plate Recognition (LPR) Systems: Function, Performance and Considerations for Law Enforcement Agencies at 12. Available at <https://www.ojp.gov/pdffiles1/nij/nlectc/238827.pdf>

*Wichita builds its warrantless ALPR dragnet surveillance program*

55. Wichita has used non-Flock automated license plate readers since 2014.
56. In November 2020, Wichita entered into a no-cost pilot program with Flock.<sup>43</sup>
57. Following the pilot program, the Wichita Police Department wanted to enter into a contract with Flock to keep the existing 106 ALPRs from the pilot program, with plans to install four more in the immediate future.<sup>44</sup>
58. On April 6, 2021, the City Council approved contract terms covering those 110 ALPRs, 106 of which were already actively capturing and storing photographs.<sup>45</sup> In other words, the initial paid contract approval came after the Wichita Police Department had already deployed nearly all 110 cameras under the no-cost pilot program's multi-phase rollout.
59. The contract's stated purpose was to "purchase, install, and access Flock services in order to create, view, search, and archive footage and receive notifications from non-agency users of the Flock system (where there is an investigative purpose) such as schools, neighborhood homeowner associations, and businesses."<sup>46</sup>
60. Wichita continued expanding its ALPR network and on April 18, 2023, it added 50 more Flock Falcon cameras.<sup>47</sup>
61. For nearly four years, the Wichita Police Department operated Flock camera systems with no express contractual term protecting Wichita citizens from having their data sold to third parties by Flock.
62. At a City Council meeting on March 19, 2024, resident Mark Barlow raised concerns about how Flock data is stored out of state and could be sold by Flock to third parties.<sup>48</sup>

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<sup>43</sup> Wichita City Council Agenda Report at 1, April 6, 2021. Available at [https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/872074/Agenda\\_Report\\_No.\\_VI-6.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/872074/Agenda_Report_No._VI-6.pdf)

<sup>44</sup> Wichita City Council Agenda Report at 1, April 6, 2021. Available at [https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/872074/Agenda\\_Report\\_No.\\_VI-6.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/872074/Agenda_Report_No._VI-6.pdf)

<sup>45</sup> Wichita City Council Minutes at 11-15, April 6, 2021. Available at [https://www.wichita.gov/AgendaCenter/ViewFile/Minutes/\\_04062021-1914](https://www.wichita.gov/AgendaCenter/ViewFile/Minutes/_04062021-1914)

<sup>46</sup> Exhibit 6, Flock 2021 Contract at 1.

<sup>47</sup> Exhibit 7, Flock 2023 Contract at 2, 5.

<sup>48</sup> Wichita City Council Minutes at 5, March 19, 2024. Available at [https://www.wichita.gov/AgendaCenter/ViewFile/Minutes/\\_03192024-1793](https://www.wichita.gov/AgendaCenter/ViewFile/Minutes/_03192024-1793)

63. Only in June 2024, after that public criticism, did the City amend its Flock agreement to add the express term that “Flock does not own and shall not sell Agency Data.”<sup>49</sup>

64. Put plainly, Wichita built, expanded, and operated its ALPR network, building a database tracking the movements of virtually everyone in Wichita for years before ensuring that its contract expressly barred Flock from selling location data collected about Wichita residents.

65. Wichita then used federal grant funding approved for the Real Time Information Center (RTIC) to deepen its use of Flock systems and expand its surveillance reach well beyond license plates.

66. In October 2024, Wichita tied a further Flock expansion to the federally funded RTIC within WPD. The City Council approved two federal grants totaling \$2.15 million to develop the RTIC and that compatibility with prior Flock investments required any further buildout to continue using Flock equipment.<sup>50</sup>

67. That expansion added 31 more Flock ALPR cameras: 10 under a five-year agreement and 21 under a separate two-year agreement.<sup>51</sup>

68. By the end of the 2024 expansion, there were at least 191 Wichita-purchased Flock ALPR devices installed throughout Wichita: 110 in 2021, 50 in 2023, and 31 in 2024.<sup>52</sup>

69. But that purchase total reflects only devices Wichita itself bought, not the full Flock footprint operating in Wichita, since certain homeowner associations and neighborhoods had

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<sup>49</sup> Exhibit 8, Flock Contract 2024 Amendment at 3.

<sup>50</sup> Wichita City Council Agenda Report at 1, October 15, 2024. Available at [https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/2912126/Agenda\\_Report\\_VI-7.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/2912126/Agenda_Report_VI-7.pdf); Wichita City Council Agenda at 3, October 15, 2024. Available at <https://www.wichita.gov/ArchiveCenter/ViewFile/Item/10999>; Wichita City Council Minutes at 11-14, October 15, 2024. Available at [https://www.wichita.gov/AgendaCenter/ViewFile/Minutes/\\_10152024-2234](https://www.wichita.gov/AgendaCenter/ViewFile/Minutes/_10152024-2234)

<sup>51</sup> Wichita City Council Agenda Report at 1, October 15, 2024. Available at [https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/2912126/Agenda\\_Report\\_VI-7.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/2912126/Agenda_Report_VI-7.pdf); Exhibit 9, Flock 10 Camera Expansion; Exhibit 10, Flock 21 Camera and Raven Expansion.

<sup>52</sup> Exhibit 11, Flock 110 Camera Contract; Exhibit 7, Flock 2023 Contract at 2; Wichita City Council Agenda Report at 1, October 15, 2024. Available at [https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/2912126/Agenda\\_Report\\_VI-7.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/2912126/Agenda_Report_VI-7.pdf); Exhibit 10, Flock 21 Camera and Raven Expansion; Exhibit 9, Flock 10 Camera Expansion.

purchased and connected their own cameras to the network.<sup>53</sup> Captain Aaron Moses later confirmed that the citywide camera count combined Wichita-funded devices with an unknown number of privately owned cameras.<sup>54</sup>

70. Wichita permitting records and related emails go a step further, documenting Flock-related deployments that extend well beyond the police department's own purchases: the records reflect HOAs, private property owners, and the neighboring City of Eastborough discussing right-of-way use or permit discussions for Flock cameras and related equipment on Wichita property.<sup>55</sup>

71. These permits to use the public right-of-way included, at a minimum, an individual ALPR permit for the Crestlake HOA on Woodridge Street in May 2024 and a six-camera permit for the Vickridge HOA in July 2025.<sup>56</sup>

72. Additional Flock cameras placed on HOA property, as opposed to the public right-of-way, would not require a permit.

73. Other commercial properties, such as Lowes, Walmart, and Home Depot, have Flock cameras on site, which are shared with the police department.

74. The 191 devices reflected in Wichita purchase contracts represent a floor, not a ceiling. That is, City Council testimony, WPD's own admissions, and the City's permitting records all confirm that additional Flock cameras operate in Wichita beyond what the City itself purchased.

75. Wichita Police Captain Casey Slaughter—who oversees Wichita's warrantless ALPR dragnet surveillance program—believes that the system is a force multiplier and if cost were not an issue, would like to double the number of Flock cameras.

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<sup>53</sup> Wichita City Council Minutes at 5, March 19, 2024. Available at [https://www.wichita.gov/AgendaCenter/ViewFile/Minutes/\\_03192024-1793](https://www.wichita.gov/AgendaCenter/ViewFile/Minutes/_03192024-1793)

<sup>54</sup> Wichita City Council Minutes at 16-17, October 15, 2024. Available at [https://www.wichita.gov/AgendaCenter/ViewFile/Minutes/\\_10152024-2234](https://www.wichita.gov/AgendaCenter/ViewFile/Minutes/_10152024-2234)

<sup>55</sup> Exhibit 12, Chisholm HOA Email; Exhibit 13 – Eastborough Permit, 1-3; Exhibit 14, Eastborough Email; Exhibit 15, Crestlake HOA Permit, 2-4; Exhibit 16, Vickridge HOA Permit, 2-3.

<sup>56</sup> Exhibit 15, Crestlake HOA Permit, 2-4; Exhibit 16, Vickridge HOA Permit, 2-3.

76. Captain Slaughter considers Wichita’s warrantless ALPR dragnet surveillance program to be the equivalent of 200 police officers who are deployed to conduct surveillance twenty-four hours a day, seven days a week.

77. As a practical matter, it would be impossible for the Wichita Police Department to have 200 police officers conducting surveillance around the clock, every day of the year.

*Wichita’s warrantless ALPR dragnet surveillance program conducts thousands of warrantless searches a month*

78. From June 26, 2026, to July 27, 2026, Wichita’s warrantless ALPR dragnet surveillance program has conducted 904,603 license plate searches.<sup>57</sup>

79. From June 26, 2026, to July 27, 2026, Wichita’s warrantless ALPR dragnet surveillance program has permitted 2,513 total user search sessions.<sup>58</sup>

80. Captain Slaughter believes that the Wichita Police Department uses its warrantless ALPR dragnet surveillance program on an hourly basis.

81. Wichita uses its ALPR dragnet surveillance program to look back historically, which Captain Slaughter believes is the most useful thing about it.

*Wichita’s warrantless ALPR dragnet surveillance program has no judicial oversight*

82. Even though Wichita is continuously tracking, surveilling, monitoring, and compiling a searchable database on *law-abiding Kansans*—it does so without a warrant, without probable cause, without reasonable suspicion, and without *any* judicial oversight whatsoever.

83. The Wichita Police Department enacted Policy 804 regarding its use of license plate readers.<sup>59</sup>

84. Wichita’s License Plate Reader Policy 804 provides “guidance” regarding the use of its warrantless dragnet surveillance program.

85. Wichita’s License Plate Reader Policy 804 permits the storage of certain license plate reader data for three years.

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<sup>57</sup> Exhibit 4, Wichita Flock Transparency Portal (last accessed 7/27/26). Available at <https://transparency.flocksafety.com/wichita-ks-pd>

<sup>58</sup> Exhibit 4, Wichita Flock Transparency Portal (last accessed 7/27/26). Available at <https://transparency.flocksafety.com/wichita-ks-pd>

<sup>59</sup> Exhibit 17, Wichita Police Department Policy 804.

86. Wichita's License Plate Reader Policy 804 says that Flock-specific data will be stored for at least 30 days but can be stored indefinitely for other reasons.

87. What's more, Wichita's License Plate Reader Policy 804 says that the data can be stored indefinitely "[w]henever directed by a supervisor."

88. Wichita's License Plate Reader Policy 804 does not appear to prevent officers from downloading or storing license plate reader data every thirty days.

89. Because Wichita formally shares its Flock data with hundreds of law enforcement organizations and informally shares its Flock data with numerous other agencies through its Task Force Officers, there are countless individuals who have access to Wichita's ALPR dragnet surveillance system who are not bound by the terms of Policy 804.

90. As one news article put it, "Once the surveillance data is shared, Wichita police officials have no control over how those outside agencies use it and no way to flag unlawful searches of its license plate reader database" and "Officers in other agencies aren't bound by the same policies or the same laws as Wichita." What's more, "Out-of-state agencies could use the city's database to enforce laws that don't exist in Wichita[.]"<sup>60</sup>

91. While License Plate Reader Policy 804 claims to limit access to its warrantless ALPR dragnet surveillance program for "legitimate law enforcement purpose[s]," the system is ripe for abuse, without any outside oversight or judicial review.

92. In Kansas alone, at least three police officers have been caught using ALPRs to stalk ex-wives or girlfriends.

93. Former Kechi Police Department officer Victor Heiar used Flock ALPRs to track his estranged wife.<sup>61</sup> According to media reports, he "tapped Wichita's surveillance system," and

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<sup>60</sup> Chance Swaim, *Vehicle Surveillance Prompts Privacy Concerns in Wichita, Kan.* (Nov. 7, 2022). Available at <https://www.govtech.com/public-safety/vehicle-surveillance-prompts-privacy-concerns-in-wichita-kan>

<sup>61</sup> Leon Purvis, *How a former police officer used a security system to stalk his wife* (Nov. 4, 2022). Available at [https://www.kake.com/news/crime/how-a-former-police-officer-used-a-security-system-to-stalk-his-wife/article\\_1e2df9e3-08fe-5f88-b13f-a3598c89ae5e.html](https://www.kake.com/news/crime/how-a-former-police-officer-used-a-security-system-to-stalk-his-wife/article_1e2df9e3-08fe-5f88-b13f-a3598c89ae5e.html); Daniel Fair, Wichita, *Kechi police officers stripped of certifications* (Sep 1, 2023). Available at <https://www.ksn.com/news/crime/wichita-kechi-police-officers-stripped-of-certifications/>

the “illicit search went unnoticed until” his estranged wife “complained she was being tracked.”<sup>62</sup> According to a report, “The former Kechi officer used several different reasons for his search, which never got flagged. Those reasons, according to a court document, included ‘test’ and ‘invest’ and ‘investigation’ and ‘ab501’ and ‘123abv’ and ‘\*\*\*\*.’”<sup>63</sup> He was found guilty in the Sedgwick County District Court of violating K.S.A. § 21-5839 for unlawful use of computers and K.S.A. § 21-5427(a)(1) for stalking. *See State v. Heiar*, Case No. 2022-CR-001620 (Sedgwick). The Kansas Commission on Peace Officer’s Standards and Training subsequently revoked Heiar’s Law Enforcement Officer Certification for the same conduct.<sup>64</sup>

94. Former Sedgwick Police Department Chief Lee Nygaard reportedly used Flock ALPRs to track his ex-girlfriend and her new boyfriend.<sup>65</sup> Chief Nygaard resigned shortly after an investigation was opened into his actions and the Kansas Commission on Peace Officer’s Standards and Training has revoked Chief Nygaard’s law enforcement certification.<sup>66</sup>

95. Former Bonner Springs Police Department Detective Kyle Rector allegedly used ALPRs to track his wife and two men he believed to be romantically involved with her.<sup>67</sup> Detective Rector has been charged with eighteen counts, including stalking, unlawful use of computers, breach of privacy, and official misconduct. *See State v. Rector*, Case No. WY-2026-CR-000309 (Wyandotte).

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<sup>62</sup> Chance Swaim, *Vehicle Surveillance Prompts Privacy Concerns in Wichita, Kan.* (Nov. 7, 2022). Available at <https://www.govtech.com/public-safety/vehicle-surveillance-prompts-privacy-concerns-in-wichita-kan>

<sup>63</sup> Michael Stavola, *Kansas police chief used Flock license plate cameras 164 times to track ex-girlfriend* (Aug. 17, 2024). Available at <https://www.yahoo.com/news/kansas-police-chief-used-flock-093300946.html>

<sup>64</sup> Summary Order of Revocation. Available at <https://kscpost.gov/wp-content/uploads/wpallimport/files/vheiar.pdf>

<sup>65</sup> Cameron Burnett, *Sedgwick police chief tracked ex-girlfriend 164 times using license plate cams* (Aug. 18, 2024). Available at [https://www.kake.com/home/sedgwick-police-chief-tracked-ex-girlfriend-164-times-using-license-plate-cams/article\\_21fdfdb5-5dc5-11ef-95c4-8be8baa3f10c.html](https://www.kake.com/home/sedgwick-police-chief-tracked-ex-girlfriend-164-times-using-license-plate-cams/article_21fdfdb5-5dc5-11ef-95c4-8be8baa3f10c.html); Michael Stavola, *Kansas police chief used Flock license plate cameras 164 times to track ex-girlfriend*, *The Wichita Eagle* (Aug. 17, 2024). Available at <https://www.kansas.com/news/politics-government/article291059560.html>

<sup>66</sup> Summary Order of Revocation. Available at <https://kscpost.gov/wp-content/uploads/wpallimport/files/lnygaard.pdf>

<sup>67</sup> Sam Hartle, *Affidavit: Former Bonner Springs detective used license plate cameras to stalk wife* (Apr. 6, 2026). Available at <https://www.kshb.com/news/crime/affidavit-former-bonner-springs-detective-used-license-plate-cameras-to-stalk-wife>

96. According to a report, “Wichita audits police searches, but they do not scrutinize each search. When asked at a June 8 police town hall meeting if they investigate every individual search, Wichita police Lt. Brian Safris said: ‘That’s not even possible.’”<sup>68</sup>

97. Such abuses are not limited to Kansas.

98. For instance, former Monroe County, Florida sheriff’s deputy Lamar Roman reportedly met an actress on a TV set where he was providing security and then used ALPR systems to find her location, catch up with her, and pull her over.<sup>69</sup> Roman was charged with three counts of accessing computer systems without authority and entered into a diversion program. *See Florida v. Roman*, Case No. 26-CF-000266-A-K (16<sup>th</sup> Judicial Circuit in and for Monroe County, Florida).

99. The Georgia Bureau of Investigation recently arrested five former officers of the Albany Police Department in Dougherty County, Georgia, for allegedly misusing the city’s Flock ALPR dragnet surveillance system.<sup>70</sup>

100. Similar abuse has been reported across the country.<sup>71</sup>

101. Captain Slaughter, who supervises Wichita’s warrantless ALPR dragnet surveillance program, said—apparently in response to the Kechi incident— “One situation of an outside agency one time misusing the Flock system is not shocking to my conscience at all,” Slaughter said. “It’s just not. And I’m just being real honest. I knew it was going to happen eventually. And it happened.”<sup>72</sup>

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<sup>68</sup> Michael Stavola, *Kansas police chief used Flock license plate cameras 164 times to track ex-girlfriend* (Aug. 17, 2024). Available at <https://www.yahoo.com/news/kansas-police-chief-used-flock-093300946.html>

<sup>69</sup> Autumn Billings, *Florida Police Officer Used Mass Surveillance Network to Stalk Romantic Interest*, Reason (Jul. 10, 2026). Available at <https://reason.com/2026/07/10/florida-police-officer-used-mass-surveillance-network-to-stalk-romantic-interest/>

<sup>70</sup> <https://gbi.georgia.gov/press-releases/2026-07-06/gbi-arrests-five-former-albany-police-department-officers-misuse-license>

<sup>71</sup> Christopher Ingraham, *Police Have Reportedly Used License Plate Readers to Stalk Romantic Interests at Least 28 Times in Recent Years* (Jul. 25, 2026). Available at <https://ij.org/police-have-reportedly-used-license-plate-readers-to-stalk-romantic-interests-at-least-14-times-in-recent-years/>

<sup>72</sup> Chance Swaim, *Vehicle Surveillance Prompts Privacy Concerns in Wichita, Kan.* (Nov. 7, 2022). Available at <https://www.govtech.com/public-safety/vehicle-surveillance-prompts-privacy-concerns-in-wichita-kan>

102. Even though Captain Slaughter is right when he says that such abuse is inevitable, he wrongly believes that “there still has to be trust in the officer. And that’s why we wear a badge. It’s how we testify in court. There has to be trust.”<sup>73</sup>

103. One of foundational principles undergirding Section 15 is the idea that the public has *not* entrusted government officials, high or low, to investigate and surveil the public as they see fit. Instead, the Framers and ratifiers ensured that there was a check against such government officials, and that those government officials must obtain judicial warrants, backed by probable cause, issued by neutral and detached judges. *See Johnson v. United States*, 333 U.S. 10, 13–14 (1948) (“When the right of privacy must reasonably yield to the right of search is, as a rule, to be decided by a judicial officer, not by a policeman or Government enforcement agent.”); *see Olmstead v. United States*, 277 U.S. 438, 479 (1928) (Brandeis, J. dissenting), overruled by *Katz v. United States*, 389 U.S. 347 (1967) (“The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.”).

104. Even when officers are using the ALPR dragnet surveillance system for legitimate law-enforcement purposes, innocent drivers are still wrongly targeted by law enforcement.

105. As stated above, in “operational deployment with agencies,” ALPRs have about an “80-85 percent accuracy” rate.<sup>74</sup>

106. And as stated above, from June 26, 2026, to July 27, 2026, Wichita’s warrantless ALPR dragnet surveillance program has conducted 904,603 license plate searches.<sup>75</sup>

107. As a result, from June 26, 2026, to July 27, 2026, it is estimated there were between approximately 135,690 and 180,920 errors from the ALPR dragnet surveillance system.

108. Even assuming a 99% accuracy rating, that is still around an estimated 9,000 errors every month in Wichita alone.

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<sup>73</sup> Chance Swaim, *Vehicle Surveillance Prompts Privacy Concerns in Wichita, Kan.* (Nov. 7, 2022). Available at <https://www.govtech.com/public-safety/vehicle-surveillance-prompts-privacy-concerns-in-wichita-kan>

<sup>74</sup> *License Plate Recognition (LPR) Systems: Function, Performance and Considerations for Law Enforcement Agencies* at 12. Available at <https://www.ojp.gov/pdffiles1/nij/nlectc/238827.pdf>

<sup>75</sup> Exhibit 4, Wichita Flock Transparency Portal (last accessed 7/27/26). Available at <https://transparency.flocksafety.com/wichita-ks-pd>

109. One innocent Kansas couple has been pulled over multiple times, once at gunpoint, because the Flock ALPR dragnet surveillance system wrongly flagged their minivan as a stolen pickup truck.<sup>76</sup>

110. Captain Slaughter, who supervises Wichita's warrantless ALPR dragnet surveillance program, believes that until Flock trains its AI better, innocent individuals who have been wrongly caught up in the ALPR dragnet should spend the time and money to get a new license plate if they want "peace of mind."<sup>77</sup>

111. Christopher Ingraham, of the Institute for Justice, has documented at least 26 confirmed instances of innocent drivers being detained due to errors by ALPR systems.<sup>78</sup>

*There is widespread opposition to Wichita's ALPR dragnet surveillance program*

112. Ever since Wichita began its warrantless ALPR dragnet surveillance program, it has attracted significant public opposition due to its intrusion on the public's expectations of privacy.

113. Indeed, Wichita's warrantless ALPR dragnet surveillance program has prompted privacy concerns.<sup>79</sup>

114. And since the program's inception, citizens have publicly criticized Wichita's warrantless ALPR dragnet surveillance program, including at City Council meetings:

- a. On July 18, 2023, and again on March 19, 2024, Mark Barlow testified to the City Council, criticizing Flock as taxpayer-funded mass surveillance installed on public infrastructure and "hidden carefully in plain sight." He objected that his open records

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<sup>76</sup> Pilar Pedraza, *Duplicate license plate numbers lead to dangerous situation for some Kansas drivers* (Jan. 30, 2024). Available at [https://www.kake.com/news/kake-news-investigates-duplicate-license-plate-numbers-lead-to-dangerous-situations-for-some-kansas-drivers/article\\_1e517042-6b10-53ad-8cea-7f4abfc430ed.html](https://www.kake.com/news/kake-news-investigates-duplicate-license-plate-numbers-lead-to-dangerous-situations-for-some-kansas-drivers/article_1e517042-6b10-53ad-8cea-7f4abfc430ed.html)

<sup>77</sup> Pilar Pedraza, *Duplicate license plate numbers lead to dangerous situation for some Kansas drivers* (Jan. 30, 2024). Available at [https://www.kake.com/news/kake-news-investigates-duplicate-license-plate-numbers-lead-to-dangerous-situations-for-some-kansas-drivers/article\\_1e517042-6b10-53ad-8cea-7f4abfc430ed.html](https://www.kake.com/news/kake-news-investigates-duplicate-license-plate-numbers-lead-to-dangerous-situations-for-some-kansas-drivers/article_1e517042-6b10-53ad-8cea-7f4abfc430ed.html)

<sup>78</sup> Christopher Ingraham, *Dozens of Innocent Motorists Have Been Pulled Over, Detained at Gunpoint, or Jailed Due to AI License Plate Camera Errors* (Jul. 1 2026). Available at <https://ij.org/dozens-of-innocent-motorists-have-been-pulled-over-detained-at-gunpoint-or-jailed-due-to-ai-license-plate-camera-errors/>

<sup>79</sup> Chance Swaim, *Vehicle Surveillance Prompts Privacy Concerns in Wichita, Kan.* (Nov. 7, 2022). Available at <https://www.govtech.com/public-safety/vehicle-surveillance-prompts-privacy-concerns-in-wichita-kan>

request for a camera-location map had been denied, argued the public had a right to know where the devices were located.<sup>80</sup>

b. On February 11, 2025, Twila Purritty raised privacy concerns regarding Wichita's Real Time Information Center, which includes the ALPR dragnet surveillance system.<sup>81</sup>

c. On October 7, 2025, Steven Ahmad criticized Wichita's Flock contract and the 2024 expansion of the system. He noted the instances where officers in nearby jurisdictions misused ALPR systems and warned that it would be used for predictive policing.<sup>82</sup>

d. On April 14, 2026, Zachary Knopp raised concerns about Flock surveillance, its technical vulnerabilities, and the risk of mistaken identity, abuse, stalking, and harassment. He questioned the reliability of Wichita's self-audit and the security of the Flock system.<sup>83</sup>

e. On April 28, 2026, Brad Heagler criticized the lack of guardrails and independent oversight for the Flock system. He voiced his concerns about the security of data in the system and the risk of misuse.<sup>84</sup>

f. On May 26, 2026, Holden Woodward argued that the ALPR dragnet surveillance program skirted the protections of the Fourth Amendment and that the risk of abuse outweighed any benefits.<sup>85</sup>

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<sup>80</sup> <https://www.youtube.com/live/JHobDke98VI> (Mr. Barlow's testimony starts around 15:35 and concludes around 24:47); <https://www.youtube.com/live/tnta9GePT1U> (Mr. Barlow's testimony starts around 48:20 and concludes around 53:30).

<sup>81</sup> <https://www.youtube.com/live/E6nSr88i3BY> (Ms. Purritty's testimony starts around 48:15 and concludes around 50:58).

<sup>82</sup> <https://www.youtube.com/live/-2gPGRXSBU> (Mr. Ahmad's testimony begins around 35:25 and concludes around 38:15)

<sup>83</sup> <https://www.youtube.com/live/eZ4vGoDI04E> (Mr. Knopp's testimony begins around 25:17 and concludes around 30:48)

<sup>84</sup> <https://www.youtube.com/live/GzaoRtgjWuw> (Mr. Heagler's testimony begins around 7:11 and concludes around 9:28)

<sup>85</sup> <https://www.youtube.com/live/nFwqwvmagwU> (Mr. Woodward's testimony begins around 16:35 and concludes around 19:18)

g. On June 9, 2026, Mr. Grimmiett spoke out against Wichita's ALPR dragnet surveillance program, criticized the lack of transparency regarding audit reports, and argued that Flock violated the Fourth Amendment.<sup>86</sup>

115. Widespread opposition to ALPR dragnet surveillance programs spurred the creation of deflock.org, an open-source project to have users map the location of ALPR cameras throughout the United States.<sup>87</sup>

116. As of July 28, 2026, deflock.org has mapped the reported locations of 122,187 ALPR cameras.

117. Wichita is aware that the public is hostile to its warrantless ALPR dragnet surveillance program.

118. For instance, on October 15, 2024, Wichita Police Captain Aaron Moses told the City Council that the City keeps the locations of its Flock cameras secret because it's afraid that the public will vandalize or destroy the cameras.

119. Indeed, Captain Moses said that some of the City's Flock cameras had already been damaged by the public.

120. ALPR cameras have reportedly been damaged or destroyed in other jurisdictions.

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<sup>86</sup> <https://www.youtube.com/watch?v=xrL8Xvby0hU> (Mr. Grimmiett's testimony starts around 40:21 and concludes around 45:39).

<sup>87</sup> <https://deflock.org/>

121. Multiple ALPR cameras were reportedly damaged or cut down in Houston, Texas,<sup>88</sup> Volusia County, Florida,<sup>89</sup> in North Carolina, and South Carolina,<sup>90</sup> and Arlington County, Virginia.<sup>91</sup>

122. That the government hides the location of its ALPR cameras because it's afraid the ALPR cameras will be destroyed demonstrates that the public at large believes that the warrantless ALPR dragnet surveillance program invades their reasonable expectation of privacy.

*Wichita's ALPR dragnet surveillance program is one part of a larger surveillance system*

123. Wichita's Real Time Information Center (RTIC) is designed to integrate multiple data sources into a single intelligence platform capable of identifying an individual and reconstructing movement and forward this information to dispatch and investigating officers.

124. Flock ALPRs provides RTIC with a searchable real-time and historical record of every vehicle's location, while Flock Ravens provides real-time gunshot detections tied to particular locations. In addition to the Flock systems, the RTIC system has capacity to integrate 1,500 video streams, such as government or privately owned security cameras. Body camera footage from individual officers can also be accessed in real time at the RTIC.

125. Wichita's ELSAG ALPR system may also be accessed at the RTIC.

126. Wichita also operates its Drone as First Responder program through the RTIC, which enables officers to launch AI piloted drones from "hives" located throughout the city (one

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<sup>88</sup> Sarah Al-Shaikh, *More Flock cameras cut down in Houston amid some privacy concerns* (Jul. 8, 2026). Available at <https://abc13.com/post/more-flock-cameras-cut-down-houston-amid-privacy-concerns/19471780/>

<sup>89</sup> Pamela Comme, *Flock cameras vandalized in Volusia as critics and supporters clash over technology* (Jul. 10, 2026). Available at <https://www.wesh.com/article/volusia-flock-camera-vandalism-privacy-debate/71900093>

<sup>90</sup> Chloe McCoy, *Police in Carolinas respond after Flock cameras found damaged amid public debate* (Jul. 8, 2026). Available at <https://www.wyff4.com/article/flock-safety-cameras-damaged-police/71873452>

<sup>91</sup> Sarah Robinson, *People are vandalizing Flock surveillance cameras in Virginia amid privacy concerns* (Jul. 8, 2026). Available at <https://www.wusa9.com/article/news/crime/people-vandalizing-flock-surveillance-cameras-in-virginia/65-16c95c7e-378e-4d01-b1a1-00e30c2e27f8>

is located on top of a gas station). The drones record in both the visible spectrum and possess thermal-imaging capability to better locate and track people.<sup>92 93</sup>

127. Wichita Police Chief Joe Sullivan explained that “the drone technology integrates with everything else that we’re doing. Our body worn cameras, our camera system, our ALPR technology, our gunshot detection technology, it all works together.”<sup>94</sup>

128. Thus, Wichita has created an integrated, ubiquitous surveillance system, with Flock providing a vehicle’s prior location history, while RTIC camera feeds, dispatch information, gunshot alerts, and drones may provide additional information identifying or locating the subject in real time.

129. This is the same type of integration of numerous surveillance streams to cross-reference aerial-surveillance data with dispatch information, street-level cameras, gunshot detectors, and license-plate readers to identify and locate individuals that caused the court concern in *Leaders of a Beautiful Struggle v. Baltimore Police Department*, 2 F.4th 330, 334-335, 343-345 (4th Cir. 2021) (en banc).

130. And the technology is evolving. Emily Allard, *The hidden surveillance network: What Flock cameras and SignalTrace mean for everyday Americans*, MSN.com (July 29, 2026).<sup>95</sup>

### **Plaintiff Mason Grimm**

131. Plaintiff Mason Grimm grew up in Wichita, where he currently lives and works.

132. Mr. Grimm is a member of the Wichita YMCA, and he must drive there to work out.

133. And he is a member of Sunflower Privacy Alliance, a Wichita-based, non-partisan coalition of researchers, advocates, and citizens concerned with the government’s expansion of its

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<sup>92</sup> Wichita City Council Minutes May 20, 2025. Available at [https://wichitaks.granicus.com/MinutesViewer.php?clip\\_id=4628&doc\\_id=9bb6276d-3806-11f0-856f-005056a89546&view\\_id=2](https://wichitaks.granicus.com/MinutesViewer.php?clip_id=4628&doc_id=9bb6276d-3806-11f0-856f-005056a89546&view_id=2)

<sup>93</sup> Sarah Moore, *Eyes in the sky: Police show off new drone hive in downtown Wichita* (Apr. 20, 2026). Available at <https://www.ksn.com/news/local/eyes-in-the-sky-police-show-off-new-drone-hive-in-downtown-wichita/>

<sup>94</sup> Available at <https://www.youtube.com/watch?v=QmwU85gZono>

<sup>95</sup> Available at <https://www.msn.com/en-us/news/technology/the-hidden-surveillance-network-what-flock-cameras-and-signaltrace-mean-for-everyday-americans/ar-AA28teD6>

surveillance infrastructure.<sup>96</sup> Mr. Grimmiett drives to Sunflower Privacy Alliance meetings, which occur in Wichita.

134. Mr. Grimmiett has attended Wichita City Council to observe and provide public comment. Mr. Grimmiett must drive to attend City Council meetings.

135. Mr. Grimmiett is a union member and at times he must drive to attend union meetings and functions in Wichita.

136. Mr. Grimmiett is a lawful gun owner and he must drive to practice at the shooting range. At times he lawfully carries a concealed weapon while driving in Wichita.

137. Mr. Grimmiett visits a family member in a dementia care nursing home, and he must drive to get there, and the nursing home has Flock ALPRs directly in front.

138. Whether he's going to work, coming home from work, exercising, practicing shooting, visiting family members, attending Sunflower Privacy Alliance or union meetings, or doing the everyday activities of daily living, it is virtually impossible for Mr. Grimmiett to avoid Wichita's warrantless ALPR dragnet surveillance program.

139. Mr. Grimmiett first became concerned about persistent video surveillance and began noticing Wichita's ALPR cameras after watching the Ring Doorbell Superbowl commercial in 2026.<sup>97</sup> After seeing the advertisement, Mr. Grimmiett started doing research about surveillance cameras and saw a picture of Flock Safety's ALPR cameras, and once he saw a picture of them, Mr. Grimmiett began noticing Wichita's ALPR cameras everywhere.

140. Mr. Grimmiett opposes Wichita's warrantless ALPR dragnet surveillance program. Indeed, Mr. Grimmiett testified against the program at the June 9, 2026, Wichita City Council Meeting.<sup>98</sup>

141. Summarized, Mr. Grimmiett explained that he opposed Wichita's warrantless ALPR dragnet surveillance program because it allows the Wichita Police Department to reconstruct where one sleeps, works, worships, seeks medical treatment, protests, as well as determine who one associates with, all without a warrant or any judicial oversight. What's more,

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<sup>96</sup> <https://privacyks.org/#mission>

<sup>97</sup> <https://www.youtube.com/watch?v=YP9pOVNILEFQ>

<sup>98</sup> <https://www.youtube.com/watch?v=xrL8Xvby0hU> (Mr. Grimmiett's testimony starts around 40:21 and concludes around 45:39).

Mr. Grimmiett explained, the program records, stores, and analyzes both innocent people, and suspects, and everyone in between, all with the aid of artificial intelligence.

142. Mr. Grimmiett explained the Fourth Amendment was designed to prevent generalized searches, dragnet surveillance, and owes its existence to the opposition of general warrants, writs of assistance, and broad searches without reasonable or articulable suspicion, all of which fueled the American Revolution. Wichita's ALPRs were the digital equivalent of a general warrant, he explained. And finally, Wichita's warrantless ALPR dragnet surveillance program impacts more than the search and seizure clause, Mr. Grimmiett explained, it impacts speech, association, and religious exercise, and that people may alter their behavior if they know the government is building a searchable history of their movements.

143. Mr. Grimmiett has never been arrested or charged with a crime.

### **Mr. Grimmiett's Privacy Interests**

144. Mr. Grimmiett objects to and opposes the City of Wichita tracking, cataloging, databasing, and revealing his movements.

145. Because Wichita is not a particularly walkable city, has no subway or rail system, and its bus system is slow, with limited service, Mr. Grimmiett is not able to live his regular, day-to-day life without driving, which means he has no choice but to be tracked by Wichita's warrantless ALPR dragnet surveillance program.

146. And unlike a cell phone, which can easily be left at home or turned off, traveling throughout Wichita without an automobile—which is subject to ALPR dragnet surveillance—is virtually impossible.

147. Mr. Grimmiett typically works the 2:30 p.m. to 11:00 p.m. shift, and as a result, he has non-typical travel patterns.

148. On information or good faith belief, law enforcement often considers non-typical travel patterns to be suspicious.

149. Mr. Grimmiett does not want his movements tracked, cataloged, databased, and revealed by Wichita's warrantless ALPR dragnet surveillance program.

150. Mr. Grimmiett has not consented to the government's ALPR dragnet surveillance program.

**The City of Wichita's Warrantless ALPR dragnet surveillance program injures Mr. Grimmett and others like him**

151. Mr. Grimmett realleges and incorporates by reference all preceding paragraphs.

152. Wichita's warrantless ALPR dragnet surveillance program photographs Mr. Grimmett's car multiple times a day as he drives to work, to the gym, and goes about his daily routine.

153. Because Mr. Grimmett's place of work is bounded on the west by I-35, and on the east by McConnell Air Force Base, it is virtually impossible for him to get to work without being captured in Wichita's warrantless ALPR dragnet surveillance program.

154. On information or good faith belief, Mr. Grimmett is subjected to Wichita's warrantless ALPR dragnet surveillance program, at a minimum, at the following locations on his daily commute: in the vicinity of the intersection of South Oliver Street and East Pawnee Street; in the vicinity of the intersection of South Oliver Street and East 31<sup>st</sup> Street South; in the vicinity of the intersection of East 31<sup>st</sup> Street South and South Turnpike Drive.

155. On information or good faith belief, these photographs of Mr. Grimmett's vehicle are then transmitted to Flock servers where AI analyzes the photographs and stores the information in a database.

156. On information or good faith belief, Wichita's ALPR dragnet surveillance program currently has, at a minimum, a 30-day history of Mr. Grimmett's movements while driving throughout Wichita, or any other jurisdiction that shares Flock data with Wichita.

157. On information or good faith belief, Wichita can then use the Flock system to generate a vehicle journey map of Mr. Grimmett's vehicle.

158. On information or good faith belief, Wichita can use the Flock system to identify if Mr. Grimmett has visited any locations of interest, either once or multiple times.

159. On information or good faith belief, Wichita can use the Flock system to identify if Mr. Grimmett has visited multiple locations of interest.

160. On information or good faith belief, Wichita can use the Flock system's convoy analysis tool to identify Mr. Grimmett's friends, family, colleagues, and associates whose vehicles have been spotted near his vehicle.

161. All of this is done without a warrant or probable cause.

162. Mr. Grimmiett opposes, objects to, and is injured by Wichita's warrantless ALPR dragnet surveillance program.

163. Mr. Grimmiett will continue to be injured in the future by Wichita's warrantless ALPR dragnet surveillance program.

164. Wichita's warrantless ALPR dragnet surveillance program causes Mr. Grimmiett anxiety and frustration, and it pries into the details of his private life.

165. Mr. Grimmiett cannot avoid Wichita's warrantless ALPR dragnet surveillance program.

166. But for Wichita's warrantless ALPR dragnet surveillance program, Mr. Grimmiett's Section 15 and 20 rights would not be violated.

167. The same day Wichita's warrantless ALPR dragnet surveillance program is enjoined and/or declared unconstitutional, Mr. Grimmiett will once again be able to freely travel throughout his home city, without the anxiety, fear, or frustration caused by Wichita's ubiquitous ALPR surveillance and tracking.

168. But for Wichita's warrantless ALPR dragnet surveillance program, Mr. Grimmiett would have suffered none of these harms or injuries in the past and would suffer none of them in the future.

169. Wichita's warrantless ALPR dragnet surveillance program is ongoing, continuous, and repetitive, and is an ongoing, continuous, and repetitive violation of Mr. Grimmiett's rights under the Kansas Constitution.

170. The City of Wichita is responsible for its warrantless ALPR dragnet surveillance program.

171. Absent a judgment declaring Wichita's warrantless ALPR dragnet surveillance program unconstitutional, and absent issuing injunctive relief enjoining its operation, Mr. Grimmiett will continue to be subjected to unconstitutional tracking and surveillance.

172. Mr. Grimmiett has no other adequate remedy at law, other than to file this lawsuit for prospective, non-monetary relief.

### **Declaratory Judgment and Injunctive Relief**

173. Mr. Grimmiett realleges and incorporates by reference all the preceding paragraphs.

174. An actual controversy has arisen and now exists between Mr. Grimmatt and Defendant concerning Plaintiff rights under the Kansas Constitution Bill of Rights. A judicial declaration is necessary and appropriate at this time.

175. Mr. Grimmatt injuries result from Wichita's warrantless ALPR dragnet surveillance program and are caused by Wichita's warrantless ALPR dragnet surveillance program.

176. Mr. Grimmatt injuries are concrete, particularized, and cognizable.

177. Mr. Grimmatt requires a judicial determination of his rights against Defendant as it pertains to its warrantless ALPR dragnet surveillance program.

178. It is appropriate and proper that a declaratory judgment be issued under the Kansas Declaratory Judgment Act, K.S.A. § 60-1701, *et seq.*, declaring unconstitutional all relevant portions of the government's warrantless ALPR dragnet surveillance program.

179. Pursuant to the Kansas Injunctive Relief Act, K.S.A. § 60-901, *et seq.*, it is appropriate and requested that this Court issue permanent, prospective relief enjoining Wichita's ALPR dragnet surveillance program.

#### **Claim One:**

##### **Violation of Section 15 of the Kansas Constitution Bill of Rights**

180. Mr. Grimmatt realleges and incorporates by reference all the preceding paragraphs.

181. Section 15 of the Kansas Constitution Bill of Rights states "The right of the people to be secure in their persons and property against unreasonable searches and seizures, shall be inviolate; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons or property to be seized."

182. The Kansas Supreme Court currently interprets Section 15 *generally* the same as the Fourth Amendment. *Compare State v. Cleverly*, 305 Kan. 598, 604 (2016) (Section 15 offers "at least the same protections" as the Fourth Amendment) *with State v. Thompson*, 284 Kan. 763, 779–80 (2007), as modified (Oct. 17, 2007) (explaining reasons why Section 15 could be interpreted differently but stating the Kansas Supreme Court follows the United States Supreme Court's "interpretation and application of the Fourth Amendment.").

183. Under Section 15’s current interpretation, which is generally the same as the Fourth Amendment, Wichita’s warrantless ALPR dragnet surveillance program is unconstitutional.<sup>99</sup>

184. The United States Supreme Court takes two approaches to search and seizure claims: one based on expectations of privacy, *e.g.*, *Katz v. United States*, 389 U.S. 347 (1967), the other on property, *e.g.*, *United States v. Jones*, 565 U.S. 400 (2012); *Fla. v. Jardines*, 569 U.S. 1 (2013) (collectively referred to as “*Jones-Jardines*”). So does the Kansas Supreme Court. *See State v. Talkington*, 301 Kan. 453, 462 (2015).

185. Under the property-based approach, a search occurs when the government physically intrudes or trespasses upon protected property interests for the purpose of obtaining information. *Jones*, 565 U.S. 400, 404-09 (2012); *Jardines*, 569 U.S. 1, 10-11 (2013); *Talkington*, 301 Kan. at 462.

186. Under the property-based framework, protections do not “rise or fall with the *Katz* formulation,” *Jones*, 565 U.S. at 406, and one’s expectation of privacy is *irrelevant*, *Jardines*, 569 U.S. at 11.

187. The property-based framework is considered the “baseline” test, and *Katz*’s reasonable-expectation-of-privacy test “add[s] to the baseline,” *Jardines*, 569 U.S. at 5. *See also*, *Jones*, 565 U.S. at 409 (“the *Katz* reasonable-expectation-of-privacy test has been *added to*, not *substituted for*, the common-law trespassory test.”).

188. Put differently, property-based searches are analyzed differently from privacy-based ones, and once there is a trespassory search under the *Jones-Jardines* framework, reasonableness turns on a property-based analysis, not on a privacy-based one. *See Jardines*, 569 U.S. at 11; *see Jones*, 565 U.S. at 414 (Sotomayor, J., concurring); *see Carpenter v. United States*, 585 U.S. 296, 397-400, 406 (2018) (Gorsuch, J., dissenting).

189. Under the privacy-based approach, a search occurs “when the government violates a subjective expectation of privacy that society recognizes as reasonable.” *Kyllo v. United States*,

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<sup>99</sup> This case is *not* raising a Fourth Amendment claim. Instead, the Plaintiff is *exclusively* alleging a Section 15 claim. But given the way Section 15 is currently interpreted, a Fourth Amendment analysis is pertinent.

533 U.S. 27, 33 (2001) (relying on J. Holmes concurrence in *Katz*). *Talkington*, 301 Kan. at 461-462.

190. Under the privacy-based approach, “no single rubric definitively resolves which expectations of privacy are entitled to protection,” but “the analysis is informed by historical understandings of what was deemed an unreasonable search and seizure when the Fourth Amendment was adopted.” *Carpenter*, 585 U.S. at 304–05 (cleaned up); *see also Chatrie v. United States*, No. 25-112, 2026 WL 1855568, at \*9 (U.S. June 29, 2026).

191. Indeed, “Founding-era understandings” are especially important “when applying the Fourth Amendment to innovations in surveillance tools.” *Carpenter*, 585 U.S. 296 305 (cleaned up).

192. “As technology has enhanced the Government’s capacity to encroach upon areas normally guarded from inquisitive eyes,” the United States Supreme Court “has sought to assure preservation of that degree of privacy against government that existed when the Fourth Amendment was adopted.” *Carpenter*, 585 U.S. 296 305 (cleaned up). *See Jones*, 565 U.S. at 411 (The Fourth Amendment “must provide *at a minimum* the degree of protection it afforded when it was adopted.”); *see also Chatrie*, No. 25-112, 2026 WL 1855568, at \*9.

193. At the time the Fourth Amendment was adopted, “search” meant “to look over or through for the purpose of finding something; to explore; to examine by inspection; as, to *search* the house for a book; to *search* the wood for a thief.” Noah Webster, *An American Dictionary of the English Language* 66 (1828).<sup>100</sup> *See also*, John G. Wrench, *The Original Meaning of “Searches”*, 29 U.Pa. J. Const. L. \_\_\_\_ (posted Feb. 25, 2026) (forthcoming);<sup>101</sup> *see further, Chatrie*, No. 25-112, 2026 WL 1855568, at \*22 (Gorsuch, J. concurring in the judgment) (determining there was a “search” by looking at historical definition).

194. Moreover, the Fourth Amendment was the Framers’ response to the “widespread hostility among the former colonists to the issuance of writs of assistance” and “general search warrants[.]” *United States v. Verdugo-Urquidez*, 494 U.S. 259, 266 (1990). It was those warrantless, suspicionless searches that the great patriot James Otis railed against in *Paxton’s Case* in 1761,

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<sup>100</sup> Available at <https://archive.org/details/americandictiona02websrich/page/n539/mode/2up>

<sup>101</sup> Available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=6303338](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6303338)

“perhaps the most prominent event which inaugurated the resistance of the colonies to the oppressions of the mother country,” *Boyd*, 116 U.S. at 625, and “helped spark the Revolution itself,” *Carpenter*, 585 U.S. at 303-304 (cleaned up).

195. Indeed, the Founders insisted on the Fourth Amendment because the “power” to conduct general searches, they believed, is “dangerous to freedom, and expressly contrary to the common law,” John Dickinson, Letters from a Farmer in Pennsylvania, Letter No. 9, 89 (1768), and to *forever* stamp out the suspicionless search, *see Boyd*, 116 U.S. at 625-30.

196. The Fourth Amendment also “seeks to secure the privacies of life against arbitrary power” and “relatedly, that a central aim of the Framers was to place obstacles in the way of a too permeating ... surveillance.” *Carpenter*, 585 U.S. at 305 (cleaned up). *See also Chatrie*, No. 25-112, 2026 WL 1855568, at \*9. And “the Fourth Amendment also protects Americans’ long-held conviction that no government official should have free access to the most closely kept aspects of their lives,” and “must, as ever, protect against unjustified governmental intrusion on the privacy of the individual.” *Chatrie*, No. 25-112, 2026 WL 1855568, at \*9, \*18.

197. Further, the right to be free from unreasonable searches is individual liberty’s cornerstone, *see Byrd v. United States*, 584 U.S. 395, 402-403 (2018), was meant to “place obstacles in the way of [the government],” *Carpenter*, 585 U.S. at 305, and “gives concrete expression to a right of the people which ‘is basic to a free society,’” *Camara v. Mun. Court*, 387 U.S. 523, 528 (1967) (quoting *Wolf v. People of the State of Colorado*, 338 U.S. 25, 27 (1949)). It protects against “unwarranted intrusions,” *Winston v. Lee*, 470 U.S. 753, 760 (1985), “arbitrary invasions,” *Camara*, 387 U.S. at 528, and “all general searches” by the government, *Go-Bart Importing Co. v. United States*, 282 U.S. 344, 357 (1931).

198. When considering the government’s use of modern technology, a “mechanical interpretation of the Fourth Amendment” is properly rejected, otherwise it “would leave [individuals] at the mercy of advancing technology.” *Carpenter*, 585 U.S. at 305 (cleaned up).

199. Indeed, courts are “obligated—as subtler and more far-reaching means of invading privacy have become available to the Government—to ensure that the progress of science does not erode Fourth Amendment protections” keeping in mind these tools “risk[] Government encroachment of the sort the Framers, after consulting the lessons of history, drafted the Fourth Amendment to prevent.” *See Carpenter*, 585 U.S. at 320 (cleaned up).

200. When technological advances enable surveillance that “would previously have been unknowable without physical intrusion, the surveillance is a ‘search’ and is presumptively unreasonable without a warrant.” *Kyllo*, 533 U.S. at 40.

201. Under Section 15, even as it is currently interpreted, Wichita’s warrantless ALPR surveillance program constitutes a trespassory search.

202. K.S.A. § 8-133 mandates that every vehicle must have a government license plate “attached to the rear of the vehicle,” and K.S.A. § 8-15,110 criminalizes placing anything on the government license plate that would affect its “visibility,” “reflectivity,” or “legibility.”

203. Under its traditional use, verifying payment of registration taxes and adequate insurance, a government-mandated license plate might not have been a trespassory search under Section 15. However, when coupled with Wichita’s ALPR dragnet surveillance program, it is now the functional equivalent of affixing a GPS tracking device, which constitutes a trespassory search. *Jones*, 565 U.S. at 404-405.

204. Whether it’s a GPS tracker or a license plate, Wichita conducts a physical trespass, and both are now used to obtain the same information: the long-term tracking of one’s movements.

205. Moreover, GPS trackers are expensive, and to employ them officers must surreptitiously gain access to a specific target’s vehicle, which means that officers could never employ them for mass surveillance of the whole populace. But government mandated license plates, when paired with Wichita’s ALPR dragnet surveillance program, have no such practical limitations.

206. If Mr. Grimmatt could legally do so, he would remove or cover the license plates from his property to prevent the government from tracking his whereabouts.

207. Instead, he is legally required to affix this government-mandated license plate device to his property to enable the government to obtain information about his movements and to build a database about his travels.

208. The only way that Mr. Grimmatt may avoid this trespassory search is to forego traveling by private automobile, which is both an unreasonable option in Wichita, and also violates his fundamental and inalienable right “to travel throughout this state and this nation.” *Manzanares v. Bell*, 214 Kan. 589, 600 (1974).

209. Wichita’s ALPR dragnet surveillance system also constitutes an unreasonable search under a privacy-based analysis.

210. Under Section 15, even as it is currently interpreted, Wichita’s warrantless ALPR surveillance program is a “search” because:

a. It uses surveillance technology to indiscriminately gather information on people’s movements that can reveal the privacies of life—information that would otherwise be impossible to obtain without the technology.

b. It uses electronic means to gather information and aggregates location data over an extended period of time.

c. It violates Mr. Grimmatt’s subjective expectation of privacy that society is prepared to recognize as objectively reasonable.

211. Under Section 15, the City of Wichita’s warrantless ALPR surveillance program qualifies as a “search” as the word has been historically understood.

212. Mr. Grimmatt’s expectations of privacy are objectively reasonable, for at least all of the following reasons, whether considered individually or collectively, and as will be further established during the pendency of this case:

a. “A person does not surrender all Fourth Amendment protection by venturing into the public sphere, *Carpenter*, 585 U.S. at 310 (cleaned up), and instead, an “individual maintains a legitimate expectation of privacy in the record of his physical movements,” *id.* at 310.

b. “[S]ociety’s expectation has been that law enforcement agents and others would not—and indeed, in the main, simply could not—secretly monitor and catalogue every single movement of an individual’s car for a very long period.” *Carpenter*, 585 U.S. at 310 (cleaned up).

c. Individuals have a reasonable expectation of privacy in the whole of their movements. *Carpenter*, 585 U.S. at 310; *Chatrrie*, No. 25-112, 2026 WL 1855568, at \*9.

d. The State of Kansas has criminalized stalking, K.S.A. § 21-5427, which includes “utilizing any electronic tracking system or acquiring tracking information to

determine the targeted person's location, movement or travel patterns,” K.S.A. § 21-5427(f)(1)(G).

e. “By nature, Kansans value their privacy and solitude.” J. Lyn Entrikin, *The Right to Be Let Alone: The Kansas Right of Privacy* 53 Washburn L. J. 207, 207 (2014).

f. “Kansas and Kansans, too, have long valued personal privacy, being one of the first states to recognize a common-law right of privacy and action in tort from the public and employers.” *Matter of Clark*, 314 Kan. 814, 823, (2022) (Stegall, J. concurrence).

g. “Rapid advancements and use of technology” “have outpaced legal protections for privacy. Surveillance of all kinds,” “abetted by ubiquitous high-powered video and audio recording devices—along with the ease of publication and distribution offered by digital social media—has allowed for substantial increase in governmental and employer intrusion into the private lives of individuals.” *Matter of Clark*, 314 Kan. at 823 (Stegall, J., concurrence).

h. As shown above, Wichitans have publicly denounced and criticized Wichita’s warrantless ALPR dragnet surveillance program. Around the Nation, countless other citizens have publicly denounced warrantless ALPR surveillance programs. *See, e.g.*, Kris Maher, *The Nationwide Backlash Against Cameras Watching Your Car*, Wall Street Journal (June 16, 2026);<sup>102</sup> Annie Gowan, *AI license plate cameras tore this town apart and led to a state of emergency*, Washington Post (May 17, 2026);<sup>103</sup> Sam Zeff, *Missouri and Kansas police use cameras to track license plates, but residents resist surveillance*, KCUR (June 29, 2026);<sup>104</sup> Amanda Greenwood, *Map Shows Cities That Have Rejected, Deactivated Flock Cameras*, Newsweek (Jul. 28, 2026).<sup>105</sup>

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<sup>102</sup> Available at <https://www.wsj.com/us-news/the-nationwide-backlash-against-cameras-watching-your-car-401a656a>

<sup>103</sup> Available at <https://www.washingtonpost.com/nation/2026/05/17/citys-ai-license-plate-cameras-led-an-uproar-state-emergency/>

<sup>104</sup> Available at <https://www.kcur.org/news/2026-06-29/automated-license-plate-readers-alpr-kansas-city-lenexa-weston-police>

<sup>105</sup> Available at <https://www.newsweek.com/map-cities-rejected-deactivated-flock-cameras-12253499>

i. Wichita’s warrantless ALPR dragnet surveillance program gives police access to information previously unknowable, including the ability to reconstruct a person’s movements.

j. In 2022, the Kansas Legislature recognized the acute privacy concerns surrounding warrantless ALPR dragnet surveillance, debated SB 434 (2022), a bill that closed ALPR tracking data from the Kansas Open Records Act, and eventually passed SB 434 (2022), affirming the public’s expectation of privacy in ALPR tracking data. K.S.A. § 45-221(a)(55) now exempts “[r]ecords of a public agency that contain captured license plate data” from open record requests.

1. During the debate surrounding SB 434 (2022), Captain Slaughter (then a lieutenant) submitted testimony on behalf of the Wichita Police Department acknowledging that warrantless ALPR dragnet surveillance raises legitimate concerns about privacy rights.

2. Likewise, the League of Kansas Municipalities, the Kansas Association of Chiefs of Police, the Kansas Sheriffs Association, the Kansas Peace Officers Association, and the Kansas Highway Patrol submitted testimony acknowledging that warrantless ALPR dragnet surveillance raises legitimate privacy concerns.

213. Warrantless searches are presumptively unreasonable and therefore invalid, subject to a few narrowly established exceptions. *State v. Pettay*, 299 Kan. 763, 768 (2014); *see also City of Los Angeles, Calif. v. Patel*, 576 U.S. 409 (2015).

214. The government has the burden of proving the applicability of one of the specifically recognized warrant exceptions. *Pettay*, 299 Kan. at 768; *see also e.g., Coolidge v. New Hampshire*, 403 U.S. 443, 454-455 (1971); *Pike v. Gallagher*, 829 F. Supp. 1254, 1262 (D.N.M. 1993). Those exceptions are “few,” *Birchfield v. North Dakota*, 579 U.S. 438, 481 (2016) (Sotomayor, J., concurring in part and dissenting in part), “specifically established,” *id.*, “well-delineated,” *id.*, and “jealously and carefully drawn,” *Jones v. United States*, 357 U.S. 493, 499 (1958).

215. The government can’t prove the existence of any exception to Section 15’s warrant requirements.

216. Wichita's warrantless ALPR dragnet surveillance program violates Section 15, and is not constitutionally reasonable, for at least all of the following reasons, whether viewed individually or collectively:

- a. It is akin to an unconstitutional general warrant or writ of assistance.
- b. It is subversive of the liberty of every individual, including the Plaintiff's.
- c. It violates Plaintiff's privacy and security against arbitrary invasions.
- d. It has become too permeating.
- e. It permits, authorizes, and implements unreasonable, nonconsensual, suspicionless, and warrantless surveillance, tracking, cataloging, and databasing, which includes the ability to reconstruct the movements of every motorist in Wichita, which was previously unknowable.
- f. It is virtually impossible to avoid Wichita's warrantless ALPR dragnet surveillance program.
- g. Wichita's warrantless ALPR dragnet surveillance program violates Plaintiff's reasonable expectation of privacy.
- h. Wichita's warrantless ALPR dragnet surveillance program constitutes a trespassory search for which there is no exception.
- i. Wichita's warrantless ALPR dragnet surveillance program violates the Lockean and Madisonian concept of property rights.
- j. Wichita's warrantless ALPR dragnet surveillance program violates Plaintiff's reasonable expectation of privacy in the whole of his movements. *Carpenter*, 585 U.S. at 310.
- k. Because Wichita's warrantless ALPR dragnet surveillance program "transcends mere augmentation of ordinary police capabilities," the data "is what enables deductions from the whole of individuals' movements," it creates a "retrospective database of everyone's movements across the city," and it "enables police to deduce from the whole of individuals' movements," accessing the ALPR data is a Section 15 search and its "warrantless operation" violates Section 15. *See Leaders of a Beautiful Struggle v. Baltimore Police Dep't*, 2 F.4th 330, 345, 345, 345, 346, 346 (4th Cir. 2021).

l. Wichita's warrantless ALPR dragnet surveillance program is tracking the "sum" of Plaintiff's "movements," it generates a "comprehensive record" of his public movements, and it "reflects a wealth of detail" about his associations. *Jones*, 565 U.S. at 416, 416, 415, 415 (Sotomayor, J., concurring).

m. Wichita's warrantless ALPR dragnet surveillance program "provides an intimate window" into the "privacies" of Mr. Grimmatt's "life," and "[w]ith just the click of a button the Government can access" its "repository of historical location information at practically no expense," *Carpenter*, 585 U.S. at 311 (cleaned up). Moreover, "the retrospective quality of the data" gives police "access to a category of information otherwise unknowable," "the Government can now travel back in time to retrace a person's whereabouts," the "tracking capacity runs against everyone," and the "police need not even know in advance whether they want to follow a particular individual, or when." *Id.* at 312-313.

n. Wichita's warrantless ALPR dragnet surveillance program does not have any "oversight from a coordinate branch" and is a "tool amenable to misuse[.]" *Jones*, 565 U.S. at 416 (Sotomayor, J., concurring).

o. Wichita's warrantless ALPR dragnet surveillance program "allows police officers to reconstruct retrospectively, and with no real effort, people's comings and goings in any area," *Chatrue*, No. 25-112, 2026 WL 1855568, at \*11 (cleaned up), it enables "tireless" surveillance "of any number of people in any number of places," *id.* at \*11 (cleaned up), and permits the government to access an individual's movements, "in both public and private places [such] that it possesses a virtual panopticon with which to scrutinize its citizens' activities," *id.* at \*13 (cleaned up).

p. Wichita's warrantless ALPR dragnet surveillance program uses digital technology to obtain information that would have been impossible to obtain without that technology and that information reveals the "privacies of life." *Carpenter*, 585 U.S. at 311-313.

q. Virtually every City of Wichita police officer has access to the government's warrantless ALPR dragnet surveillance program; and the Wichita's warrantless ALPR

dragnet surveillance program is made available to numerous other law enforcement agencies as well.

r. The warrantless ALPR dragnet surveillance program is presumptively and conclusively unreasonable, unconstitutional, and violates the text, structure, history, and purpose of Section 15 of the Kansas Constitution Bill of Rights.

217. Alternatively, under the Kansas Supreme Court’s method of constitutional interpretation, Section 15 affords *greater* protection than the Fourth Amendment.

218. The Kansas Supreme Court’s method of constitutional interpretation requires an examination of Section 15’s text, a presumption that every word was deliberately chosen and has operative effect, a presumption that omitted words were intentional, a consideration of the historical record and the surrounding circumstances of Section 15’s adoption, and keeping in mind the polestar consideration is the intention of the Framers and adopters. *See, e.g., Wright v. Noell*, 16 Kan. 601, 607 (1876); *State ex rel. Stephan v. Finney*, 254 Kan. 632, 654-55 (1994); *State v. Carr*, 314 Kan. 615, 629 (2022); *cf. League of Women Voters of Kansas v. Schwab*, 318 Kan. 777, 840-41 (2024) (Standridge, J., concurring in part, dissenting in part) (summarizing the court’s constitutional interpretive methodology); *id.* at 847 (“Kansas Constitution’s unique structure and ordering” an important factor to consider when determining Framers’ intent).

219. Based upon the Kansas Supreme Court’s method of constitutional interpretation, as will be shown throughout this lawsuit—if necessary—Section 15 provides greater protections than the Fourth Amendment, based upon: Section 15’s text (which is broader than the Fourth Amendment), the historical record including historical publications, the writings of John Locke, and other philosophers, an examination of caselaw that shows that the Kansas Supreme Court interpreted Section 15 independently from the Fourth Amendment for more than a century after statehood, an examination of caselaw that demonstrates the Kansas Supreme Court has misread its own precedent when interpreting Section 15, that Section 15 is a fundamental right, and other argument as well.

220. The government’s warrantless ALPR dragnet surveillance program violates Section 15’s text, structure, history, and purpose.

221. Whether under its current interpretation or interpreted as providing more robust protection than the Fourth Amendment, Mr. Grimmatt's Section 15 rights have been and will continue to be violated by the government's warrantless ALPR dragnet surveillance program.

222. The City of Wichita oversees and implements its warrantless ALPR dragnet surveillance program, which violates Plaintiff's Section 15 rights and causes him Section 15 injuries.

223. As a consequence of the City of Wichita's actions or inactions in the implementation and enforcement the government's ALPR dragnet surveillance program, Plaintiff has been and will continue to be injured, and is therefore entitled to, among other things, declaratory judgment and prospective injunctive relief, and any other equitable or other legal relief as the court deems just or appropriate.

224. Mr. Grimmatt has no other legal, administrative, or other remedy by which to prevent or minimize the continuing irreparable harm to his Section 15 rights, other than filing this lawsuit for non-monetary, prospective relief.

225. Unless the government's warrantless ALPR dragnet surveillance program is declared unconstitutional, Plaintiff and others who are similarly situated will continue to suffer great and irreparable harm. Plaintiff therefore seeks such declaratory and injunctive relief.

#### **Claim Two:**

##### **Violation of Section 20 of the Kansas Constitution Bill of Rights**

226. Plaintiff realleges and incorporates by reference all the preceding paragraphs.

227. Section 20 of the Kansas Constitution Bill of Rights states "[t]his enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people."

228. Section 20 of the Kansas Constitution Bill of Rights guarantees that unenumerated constitutional rights are protected to the same extent as enumerated constitutional rights.

229. Section 20 protects, among other things, the right to be free from governmental suspicionless surveillance, tracking, and intrusion into private or personal information.

230. There is no evidence, or sufficient justification, for Defendants' warrantless ALPR dragnet surveillance program.

231. Defendant's suspicionless surveillance, tracking, and intrusion into private or personal information through the warrantless ALPR dragnet surveillance program, as described above and throughout, is unreasonable, oppressive, and unconstitutional for at least all of the reasons stated above and throughout the lawsuit, whether viewed individually or collectively.

232. Suspicionless surveillance, tracking, and intrusion into private or personal information through the warrantless ALPR dragnet surveillance program, as described above and throughout, and as applied to Plaintiff, violates the rights retained under Kansas Constitution Bill of Rights Section 20.

233. Additionally, Section 20 guarantees that the government may only exercise those powers delegated to it by the people through the Constitution, and that it may not exercise powers retained by the people.

234. The government has not been delegated the power to engage in suspicionless surveillance and tracking of the entire citizenry, nor has it been delegated the power to intrude into the private or personal information of the citizenry.

235. It cannot be presumed that the people would have delegated such an expansive and intrusive power to the government through silence.

236. Such an expansive and intrusive power would only be delegated to the government through an express enumeration of power.

237. As this power has not been enumerated in the Constitution, it has not been granted to the government by the people.

238. The technology needed for such an expansive and intrusive power as conducting ALPR dragnet surveillance and tracking was unfathomable at the time of the Wyandotte Convention in 1859.

239. It is thus unsurprising that the delegates to the Convention did not think to prohibit the government from violating the rights of the people in this manner.

240. But the delegates did plan for such a contingency by enacting Section 20, which requires courts to protect the rights retained by the people just as if they were enumerated and to prevent the government from exercising powers that have not been delegated by the people.

241. Defendant's surveillance, tracking, and intrusion into private or personal information through the warrantless ALPR dragnet surveillance program, as described above and

throughout, and as applied to Plaintiff, exceeds the powers delegated to the government and is unconstitutional under Kansas Constitution Bill of Rights Section 20.

242. Plaintiff has no other legal, administrative, or other remedy by which to prevent or minimize the continuing irreparable harm to his constitutional rights that is a direct and proximate result of Defendant's application and enforcement of Defendant's surveillance, long-term tracking, and intrusion into private or personal information through the warrantless ALPR dragnet surveillance program, as described above and throughout.

243. Unless Defendant's surveillance, long-term tracking, and intrusion into private or personal information through the warrantless ALPR dragnet surveillance program, as described above and throughout, and as applied to Plaintiff and others who are similarly situated, is declared unconstitutional and permanently enjoined, Plaintiff and others who are similarly situated will continue to suffer great and irreparable harm. Plaintiff therefore seeks such declaratory and injunctive relief.

#### **Request for Relief**

Plaintiff respectfully requests the Court grant the following relief:

244. Plaintiff realleges and incorporates by reference all the preceding paragraphs.

245. Declaratory judgment declaring that the City of Wichita's warrantless ALPR dragnet surveillance program, as described above and throughout this lawsuit, violates Sections 15 and 20 of the Kansas Constitution Bill of Rights.

246. For entry of preliminary and/or permanent prospective injunctive relief, enjoining or requiring, as the case may be, Defendant, Defendant's officers, agents, employees, attorneys, servants, assigns, and all those in active concert or participation who receive, through personal service or otherwise, actual notice of this Court's order, the following:

- a. An injunction enjoining the continued implementation and operation of the City of Wichita's warrantless ALPR dragnet surveillance program, as described above and throughout this lawsuit, which includes the collection and accessing of any images, and other data.
- b. An injunction requiring the City of Wichita to delete and/or expunge all records involving the Plaintiff and others similarly situated.

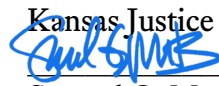
- c. An injunction requiring the City of Wichita to direct other law enforcement agencies with whom it has shared such information from its warrantless ALPR dragnet surveillance program to delete the information, and prohibiting the City of Wichita from sharing information from its warrantless ALPR dragnet surveillance program.
- d. Alternatively, permitting Mr. Grimmer and others similarly situated to completely, and totally, opt-out of the City of Wichita's warrantless ALPR dragnet surveillance program, as described above and throughout this lawsuit; and further requiring the City of Wichita to delete and/or expunge all records involving the Plaintiff and others similarly situated; and an injunction requiring the City of Wichita to direct other law enforcement agencies with whom it has shared such information from its warrantless ALPR dragnet surveillance program to delete the information, and prohibiting the City of Wichita from sharing information from its warrantless ALPR dragnet surveillance program.

247. Reasonable costs to the extent allowed; and

248. Such other legal or equitable relief as this Court deems appropriate and just.

Dated: July 29, 2026.

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