

Patrick email to Council 08/21/2026

To: ashevillencouncil@ashevillenc.gov, CC: DK Wesley, Brad Branham, Jackie Stepp

Subject: Before Tuesday's vote: four amendments to the Flock resolution, and what this week's records show

Mayor Manheimer and Members of Council,

Thank you for taking up the Flock contract on Tuesday. Before I get to my requests, I want to acknowledge the things that have improved this week. The resolution itself does real things: it directs termination rather than requesting it, suspends access to Flock data immediately, calls for an independent civil-liberties reviewer with North Carolina experience, and names immigration enforcement, reproductive healthcare, and First Amendment activity as categories requiring protection. The City also posted the August 14 APD memo to the Technology and Public Safety page this week, as requested at Thursday's briefing, and the records I received show that City staff read Axon's data-use terms and opted the City out of both tiers of Axon's Customer Experience Improvement Program before signing. That was the right call, and residents should know it was made.

My request is that Council amend the resolution on Tuesday so that its text matches what the Mayor described at Thursday's briefing. The Mayor said that replacing Flock's stationary readers with Axon stationary readers "is in the pipeline," that the constitutional questions would "come back into play," and that this resolution covers those questions. The newly posted memo describes the same plan in staff's own words: APD is "not pursuing a full transition away from Flock" but is working to "right-size our Flock deployment while expanding and integrating Axon's ALPR capabilities," including exploring a transition to "a Flock software license that would preserve access to the Flock network without maintaining APD-owned Flock infrastructure." As written, though, every operative section of the resolution is limited to Flock.

I'd ask Council to consider four amendments:

1. Certified deletion of Flock data (Section 3): Require written certification from Flock Safety that all City data — including data on Flock's servers — is permanently deleted within 30 days of termination, and that the certification be reported to Council. As drafted, Section 3 allows the data to outlive the contract.

2. Access to the Flock network after termination (Section 2): Add that City employees will not access or receive data from license plate readers operated by

Flock or its customers — including other agencies' and privately owned cameras — through any platform or integration, including the Axon Fusus platform. Section 2 currently covers only data from the City's own eleven cameras. The memo's software-license plan would preserve exactly this kind of access, and the resolution should say clearly whether Council intends to permit that.

3. Scope of the review (Section 5): Replace "Flock Technology" with "automated license plate reader and real-time surveillance technology, regardless of vendor," so the review covers the 162 Axon fleet cameras and any future fixed deployment — not only the vendor being terminated.

4. Expansion during the review (Section 6): Provide that the City will not expand ALPR deployments from any vendor while the review is underway. This isn't hypothetical — correspondence the City produced this week shows a **second, separate Axon contract, for approximately 20 additional fleet-mounted ALPR cameras**, was in final signature in mid-July. It doesn't make sense to review this technology while simultaneously expanding it.

I'd also note what the current text allows without amendments 3 and 4: Section 5.10 contemplates resuming Flock after the review. So the resolution as written would permit the City to terminate Flock, review Flock, and potentially resume Flock — while the substantially larger Axon system operates and expands without review throughout.

One question rather than an amendment: what does termination cost? The resolution and agenda materials don't say. If that answer is part of Tuesday's 4:00 closed session, I'd ask that the figure be stated in open session before the vote.

My read on what residents are asking of Council

At Thursday's briefing and in public discussion since, some members have suggested that residents calling to "cancel the Axon contract" are asking the City to give up police body cameras. I've spoken with many of the residents planning to attend on Tuesday, and I haven't encountered a single person asking to remove body cameras. What residents are asking about is: (1) the plan, now documented in the posted memo, to replace Flock ALPRs with expanded Axon ALPR capability; (2) any future fixed surveillance cameras, regardless of vendor; and (3) the RTIC/ Fusus platform itself. On that last point, it's worth knowing that the contract already treats Fusus as separable: the executed quote contains severability language under which "only the FUSUS portion" of the purchase could be terminated while "all other products, services, and amounts listed herein... remain active." The parties themselves drafted Fusus as a detachable component, distinct from body cameras and other equipment. Tuesday's discussion will be more productive if Council members come in with an accurate understanding of what

residents are asking for — **the asks are specific, and none of them touch body-worn cameras.**

One Axon contract provision Council should know about

Section 17 of the posted Exhibit B provides that if the City "receives a public records request to disclose Axon Confidential Information," the City "will provide notice to Axon before disclosure." In practice, that means when a resident asks their government about Axon, the City is contractually obligated to report that request to Axon. North Carolina law prohibits the City from asking a requester why they want a record (G.S. 132-6(b)) — but under this clause, the City relays the fact of the request to the vendor being asked about. I don't think residents inquiring about surveillance technology should have their inquiries disclosed to the surveillance vendor. Councilmember Turner noted this week that changes to the Axon contract require agreement from both parties. That's correct, and it's exactly why I'd ask Council to direct the City Manager to seek two things: removal of the vendor-notice sentence, and a standing policy that the City does not accept vendor-notification terms for records requests in any contract. **If Axon agrees, the City has improved its contract. If Axon declines, that answer — in writing — tells Council something important about its vendor.**

What this week's public records show

Each of the following can be verified from public documents; my complete records folder is here:

<https://drive.google.com/drive/u/0/folders/1mG6XIboFMJ12kAGy8sB3Jht8fhaWDUEj>

- The City currently publishes three different ALPR retention periods: 21 days (the August 14 memo), 30 days (the Technology and Public Safety page FAQ), and 90 days (APD's Axon dashboard at ashevillepdbwc.evidence.com/alpr/public/policy and APD's own Policy 505, revised May 2026). Whichever is correct, residents can't currently determine it from the City's own materials.
- The Technology and Public Safety page states that "Policy explicitly prohibits monitoring lawful demonstrations, political gatherings, or civil infractions" and that every search requires a documented case number. Neither claim matches the written policies. The final draft RTIC policy contains no such provisions. APD's public ALPR policy (Policy 505) says operators "will attempt to avoid" public gatherings like political rallies and demonstrations "[u]nless there is a criminal nexus" — with express exceptions — and allows searches on "a reasonable belief" that data relates to an investigation, not a documented case number. The Axon dashboard likewise accepts "a valid search reason or case number." "Attempt to

avoid" is not "explicitly prohibits," and I'd ask the City to reconcile the page with the policies it describes.

- APD's Axon dashboard reports 3,399,310 plate reads currently retained from 138 active fleet cameras — **roughly three times the volume of the Flock system**. Of those records, 2,074 are hotlist hits, which means **more than 99.9% of the database is vehicles that were never matched to any hotlist — the daily movements of ordinary residents**. The dashboard also shows zero fixed Axon cameras deployed, which means the decision the Mayor described as "in the pipeline" is still ahead of Council, not behind it.

- Correspondence the City produced this week also shows the fleet system is still growing: a second Axon contract, for approximately 20 additional fleet-mounted ALPR cameras, was in final signature in mid-July 2026. That contract has not been posted anywhere, and it isn't clear whether those cameras are within the 162 the City reports or in addition to them. I'm not aware of this purchase ever coming before Council or a committee, and I honestly don't know whether Council members were aware of this additional expansion of ALPR technology in our community before it was signed. If Council wasn't — that seems worth discussing on Tuesday. I'll be requesting the contract and its quote.

- The RTIC policy drafts the City produced don't contain the "explicit, unalterable boundaries" promised on the City's timeline, the anti-discrimination requirement from Council's June resolution, or the ICE non-sharing commitment that now appears on the page. All ALPR provisions from earlier drafts have been removed; the final draft defers ALPR rules to Policy 505 and SOP 3009.

- The RTIC policy drafting moved backward on key protections: the June 29 draft prohibited remote terminal access and limited ALPR hotlist review to once per shift. Both provisions were removed from later drafts, and the standalone ALPR section was deleted entirely.

- Policy 1703 issues "By order of: Chief of Police," and the August safeguards were adopted administratively. Every protection above can be changed the same way it was made — without Council action. That's why I believe these protections need formal review and approval by Council, along with ample opportunity for public input.

Four additional requests:

1. Publish the draft RTIC policy for a public comment period before adoption. The City's timeline goes from finalization to translation to staff training with no public step. For a policy governing technology this consequential, residents should see it before it takes effect, not after.

2. Post the Axon quote before Tuesday. The statute the City cited permits withholding but doesn't require it. **Durham County and Greensboro both published their complete Axon quotes in public agenda packets, and Asheville has published Flock's full quote.**

I'd also ask each of you directly: have you seen it? The quote is the only document showing the line-item breakdown of what the City purchased for \$7,423,161. If Council members themselves haven't reviewed it, then the City's current position means no one outside staff and the vendor knows what was actually bought with that money — including the body that's asked to govern it. Whatever the City's position on producing it to residents, you're entitled to review it in your oversight role, and I'd encourage you to request it before Tuesday.

3. Produce the current Master Services and Purchasing Agreement that public records show staff reviewed in July.

4. Post the ACEIP records to the transparency page, as requested at Thursday's briefing, along with written confirmation from Axon of the City's withdrawal.

The City's responses to my follow-ups on PRR-2026-840 and PRR-2026-837 are still pending, and I do hope that the City makes as much of this information available to the general public as possible.

I'll be at Tuesday's meeting, and I expect many residents will sign up to speak on this topic. Given the expected turnout and resident interest in this topic, I'd ask Council to make sure every resident who signs up to speak receives their full three minutes.

Thank you,

Patrick Conant
West Asheville