



ALAN WILSON
ATTORNEY GENERAL

October 2, 2026

Mike Crenshaw, Sheriff
Oconee County Sheriff's Office
300 South Church Street
Walhalla, SC 29691

Dear Sheriff Crenshaw:

You note that "Oconee County Council is moving forward with an ordinance to prohibit license plate reader technology as well as prohibiting any public money to purchase them." Since your request, the county has apparently given third reading to a sweeping and comprehensive ordinance prohibiting such use. By way of background, you advise that County Council:

....believe[s] this technology in its current use is unconstitutional and have told me they have a duty to act if they think it is violating citizens rights. They have also requested me to turn over to them all our unredacted logs. This ordinance is connected to the cities in Oconee as well by preventing the cities from receiving any discretionary funds such as tourism money for their festivals if they have LPR technology. They also requested unredacted data.

You ask whether local government may prohibit law enforcement from using this technology "when no court of law has declared the technology to be unconstitutional?" You also inquire as to whether a local government entity may obtain data from a law enforcement agency using LPR technology?

For the reasons that follow, in our view, the issue of Flock cameras or license plate reader technology is best addressed by the General Assembly rather than by local governments on a piecemeal basis. Currently, the Legislature is appropriating funds to certain localities for use of Flock cameras, indicating a state policy in favor of these devices. Moreover, Governor McMaster has expressed strong support for such use as an important tool for fighting crime. While admittedly Flock cameras are subject to abuse, we believe that, constitutionally speaking, the Legislature is in the legal position to address these concerns, as well as any privacy issues raised thereby.

Law/Analysis

The title to the Oconee ordinance in question well summarizes the Ordinance and provides as follows:

An ordinance to amend Chapter 2 of the Oconee County Code of ordinances by adding an Article entitled “protection from mass surveillance”; to prohibit the use of county funds, property, personnel, equipment, contracts, information-technology systems, and other county resources for prohibited mass surveillance systems; to prohibit the placement or operation of such systems on county property and within county-controlled road rights-of-way; to establish eligibility requirements for discretionary county appropriations, recreation funds, accommodations-tax awards, grants, sponsorships and other county-controlled distributions, to include municipally sponsored events and material in-kind municipal support within such eligibility requirements; to prevent circumvention through affiliated or separately incorporated entities; to amend Chapter 30, Article III, by adding permanent accommodations-tax eligibility, disclosure and enforcement provisions; to amend Chapter 26 by prohibiting mass surveillance encroachments within county-controlled rights-of-way; and other matters related thereto.

The Ordinance makes numerous findings, but essentially prohibits Flock cameras on county roads and county-controlled rights-of-way as well as barring the use of county funds for Flock cameras, which it characterizes as a form of “mass surveillance.” As one media outlet summarizes, “[t]he Ordinance prohibits the use of county funds, property, personnel, and road rights-of-way to support systems like license plate readers.” Zachary Rainey, Oconee County bans use of Flock cameras, WYFF (Sept. 16, 2026), <https://www.wyff4.com/article/flock-cameras-banned-oconee-county/73753231>.

We have located an Unpublished Opinion of the South Carolina Court of Appeals which deals with the admissibility of photographs obtained from Flock cameras. In State v. Faile, 2026 WL 1894722 (Ct. App. 2026) (Unpublished), a defendant, convicted of shoplifting, moved to suppress photographs obtained without a warrant from Flock Safety (Flock), a third-party camera surveillance company. The defendant argued that “law enforcement’s warrantless search of the Flock database was an unreasonable search and seizure in violation of the Fourth Amendment of the United States Constitution and Article I, Section 10 of the South Carolina Constitution.” (right to privacy). The Court of Appeals rejected both arguments, concluding that Flock cameras are not unconstitutional.

In Faile, the Court described the use of Flock cameras by the City of Rock Hill as follows:

[a]t trial, Williams testified there were twenty-four Flock cameras located in the City of Rock Hill. He explained the Flock cameras and database aid police in locating stolen vehicles and monitoring vehicles connected with Amber alerts and crime investigations, but it requires human verification of the images. He stated he reviewed the images captured from the exit ramp camera because it was approximately a quarter of a mile from the Belk department store. Williams located a photograph of a truck matching the description of Dotson’s vehicle exiting the interstate approximately thirty minutes before the shoplifting incident.

He testified he used the first image to locate the second image in Flock matching the vehicle's description, which showed the entire license plate number.... Williams provided Darin Swiger, a detective in the Rock Hill Police Department's Property Crimes Division, with the truck photos and information he obtained through Flock. Williams testified that the Rock Hill Police Department paid for access to the Flock database which collects images of vehicles that pass by the Flock cameras and retains the images for thirty days.

Detective Swiger testified SCDMV records revealed the truck Williams identified was registered to Faile. Swiger explained Faile's vehicle registration was linked to a Camden address, which tied Faile to the Flock image of the truck in Camden. He testified that the Flock camera photos confirmed the truck Dotson saw entering the store parking lot was the vehicle associated with Faile's SCDMV registration.

Id. at *1-2. Based upon this evidence, Faile was convicted of shoplifting and sentenced to fifty-four-month imprisonment under the state's enhanced shoplifting law.

The Faile Court's analysis that the use of Flock cameras to assist in the conviction of Faile is instructive here with respect to the argument that the use of Flock camera photographs violated the Fourth Amendment. The Court summarized the law in this area as follows:

[w]hile South Carolina courts have not yet addressed law enforcement's use of Flock, several state and federal courts have found the use of Flock cameras did not violate a defendant's Fourth Amendment rights. See, e.g., United States v. Brown, 2025 WL 2444596, at *5 (W.D. Okla. 2025) (finding "that [the d]efendant ha[d] not met his burden to show that his Fourth Amendment rights were violated by the search of the Flock system for the suspect vehicle"); United States v. Jackson, 2025 WL 1530574, at *7 (D. Kan. 2025) ("The Flock system at issue here lacks the wide and continuous tracking of a defendant which the Supreme Court has stated is constitutionally suspect. In this case, there were only nine distinct points where the Flock system captured the Chevy Cruz on camera, and those photographs occurred over the course of just one day. The photos did not show the identity of anyone inside the car, nor did the photos provide any intimate details of their personal lives."); United States v. Martin, 753 F. Supp. 3d 454, 472-73 (E.D. Va. 2024) (finding Flock camera photos did not violate the defendant's reasonable expectation of privacy because "[t]he Flock system is not meant to 'track' or 'monitor' the entirety of an individual's movements during a particular car trip, much less through the activities of their daily life"); Commonwealth v. Robinson, 2024 WL 5454692, at *7 (Va. Cir. Ct. 2024) (finding defendant's reasonable expectation of privacy was not violated because "the current Norfolk Flock system is not analogous to long-term GPS positioning, ongoing CSLI geolocation, or constant aerial surveillance, i.e., arrangements by which the government can continuously

track an individual's movements.... and there by deduce the activities and routine of individuals").

Id. at *3. Likewise, the Court held that "Faile did not have a privacy interest in the exterior appearance of his vehicle or his license plate." Furthermore, the Court concluded that the potential for abuse and intrusion into the private lives of citizens was not present in the facts before the court. Thus, according to the Court, no Fourth Amendment violation was present.

Similarly, the Court rejected defendant's argument that Art. I, §10 of the South Carolina Constitution, protecting citizens from an unreasonable invasion of privacy, had been infringed. According to the Court in Faile,

Appellant argues that our state's privacy provision is intended to protect citizens from law enforcement's increasingly pervasive use of technology. Faile quotes Chief Justice Kittredge's dissent in Planned Parenthood South Atlantic v. State that "[t]he genesis of the privacy provision related solely to modern technology and the ever-increasing volume and acquisition of data and personal information," 438 S.C. 188, 310, 882 S.E. 2d 770, 835 (2023) (Kittredge, J., dissenting). In opposition, the state argues that law enforcement's use of Flock was reasonable because it serves society's important interest in preventing crimes while still being limited in scope.

Faile was operating his vehicle in plain view on a public road. The Flock camera observed the same information that law enforcement could have obtained from visually noting the license plate number and conducting a routine check of DMV records. Under these facts, we find that law enforcement's Flock search did not constitute an unreasonable search in violation of the South Carolina Constitution.

Id. at *4. Thus, courts, including our own Court of Appeals in an unpublished opinion, generally recognize that the use of Flock cameras does not violate the federal or state constitutions. The argument for these cameras is that they serve "society's important interest in preventing crimes while still being limited in scope." Faile, id. In the judgment of these courts, Flock cameras do not intrude upon a person's privacy nearly so much as in Carpenter v. U.S., 585 U.S. 296 (2018). See United States v. Jackson, *supra*, at *7 ("...there is a distinct difference in the quantity and quality of the photos at issue in this case as opposed to the data at issue in Carpenter..."). In the Faile court's view, "[u]nlike the '12,898 location points data logging Carpenter's movements over 127 days,' officers only found two photos of Faile's car, timestamped one day apart, within Flock's thirty-day retention period." Such did not allow officers to observe any "intimate details" of Faile's movements. Id.

You also seek guidance regarding a county's use of funding to limit or proscribe Flock cameras. Of course, county councils possess broad authority to appropriate funds. As we have consistently stated,

[t]his office on several occasions recognized the General Assembly, through the Home Rule Act, “gave county councils broad authority and discretion appropriate funds for county purposes.” Op. S.C. Att’y Gen., August 3, 1987; Op. S.C. Att’y Gen., February 7, 1978. Section 4-9-30 of the South Carolina Code (1986, Supp. 2005), as part of the Home Rule Act, affords county councils the power [to] levy taxes and to “make appropriations for functions and operations of the county....” Furthermore, section 4-9-140 of the South Carolina Code (1986) provides that county council shall annually adopt “operating and capital budgets for the operation of county government and shall in such budgets identify the sources of anticipated revenue including taxes necessary to meet the financial requirements of the budgets adopted.”

Op. S.C. Att’y Gen., 2006 WL 1376908 at *1 (May 8, 2006).

Further, we must observe that an ordinance is a legislative enactment and thus is presumed to be constitutional. Town of Scranton v. Willoughby, 306 S.C. 421, 422, 412 S.E. 2d 424, 425 (1991). Our Supreme Court “has held that a duly enacted ordinance is presumed constitutional; the party attacking the ordinance bears the burden of proving its unconstitutionality beyond a reasonable doubt.” City of Beaufort v. Baker, 315 S.C. 146, 153, 432 S.E. 2d 470, 474 (1993). Moreover, “[w]hile this office may comment upon potential constitutional problems, it is solely within the province of the courts of this state to declare an act unconstitutional.” Op. S.C. Att’y Gen., 1991 WL 633066 at *1 (October 17, 1991). An ordinance remains enforceable until declared otherwise by a court.

On the other hand, an ordinance is not automatically valid simply because it was adopted under the guise of police powers. See Sandlands C&D, LLC v. County of Horry, 394 S.C. 451, 461, 716 S.E. 2d 280, 285 (2011). [“mere mention of police power rhetoric as part of the preamble to an ordinance does not guarantee that a local government action is a valid exercise of such powers.”] “If the state has preempted a particular area of legislation a municipality lacks power to regulate the field and the ordinance is invalid.” Foothills Brewing Concern v. City of Greenville, 377 S.C. 355, 361, 660 S.E. 2d 264, 267 (2008).

Thus, the county’s broad spending authority is far from being unlimited. As we have advised,

....while a county council has broad authority to appropriate funds under the Home Rule statutes...such authority is not unlimited. For example, council possesses no authority through the appropriations process to divert funds previously appropriated for a specific purpose by the General Assembly. See Op. S.C. Att’y Gen., Op. No. 92-30 (June 11, 1992) [“county council has no authority to divert funds appropriated by the General Assembly for veterans affairs offices, to other purposes.”]. And in Op. S.C. Att’y Gen., Op. No. 91-21 (April 1, 1991), we commented that if § 4-9-140 were interpreted to allow counties to divert funds from

taxes levied for specific purposes, “then the constitutionality of the statute could be seriously questioned.” Citing Article X, §§ 5, 7(b) and 8 of the South Carolina Constitution.

Op. S.C. Att’y Gen., 2003 WL 21471504 at *2 (June 3, 2003).

Moreover, in that same vein, in Op. S.C. Att’y Gen., 2014 WL 3352175 at *3 (June 30, 2014), we have concluded:

[a]s we have previously stated, “a county council is obligated to follow general laws and lacks authority to amend the general laws of this state.” Op. S.C. Att’y Gen., December 1, 1986 (1986 WL 289894). Accordingly... an ordinance adopted by a county council which is repugnant to or inconsistent with the constitution or general laws of this state would be considered void. [citations omitted] All of these authorities point to the clear conclusion that county council possesses no authority with respect to agencies appointed outside of county government....

You point out that the proposed ordinance “is connected to the cities in Oconee as well by preventing the cities from receiving any discretionary tourism money for their festivals if they have LPR technology.” Oconee’s ordinance defines a “participating governmental entity” and states that no such entity is eligible to receive a “discretionary” award or grant administered by the county from accommodations tax revenue to support a “mass surveillance system that systematically records, identifies, analyzes or shares information....” According to the finding contained in the Ordinance, “a municipality or other governmental entity has no entitlement to receive” such funding.

There is no reference in the Accommodations Tax statute (S.C. Code Ann. § 6-4-25) to a right to deny funds on the basis of the use of Flock cameras by a municipality. We cannot conceive of denial of funds on such a basis. The funds must either be granted or denied on the basis of state law, not some other basis.

In addition, we do not believe the county’s appropriation process can be utilized to restrict the Sheriff, a constitutional officer, and the Chief Law Enforcement Officer of the county, in using LPR technology to conduct criminal investigations. As we have previously concluded,

County council has both the authority and the responsibility to make appropriation sufficient for the proper funding of the Sheriff’s Department. In addition, consistent with prior opinions, this office believes the county council may not use its budgetary authority to interfere with the operating decisions of the Sheriff’s Department.

Op. S.C. Att’y Gen., 2020 WL 5259200 at *3 (August 17, 2020) (emphasis added).

Thus, a county council's use of its spending authority to preclude a sheriff's employment of Flock cameras for criminal investigative purposes could be deemed as interfering with the operating decisions of the Sheriff's Department. Such interference, inhibits a constitutional officer, and thus could be deemed invalid.

Finally, we note that Art. VIII, § 14 of the South Carolina Constitution prohibits the setting aside by local governments of general law provisions concerning the "(6) structure and the administration of any governmental service or function, responsibility for which rests with the state government or which requires uniformity." State roads require such uniformity. As we stated in Op. S.C. Att'y Gen., 2015 WL 4596713, at *3-4 (July 20, 2015),

[m]oreover, with respect to Art VIII, § 14(6), the Court, in Brashier v. S.C. Dept. of Transp., 327 S.C. 179, 185, 490 S.E. 2d 8, 11 (1997), overruled on other grounds, On L.L.C. v Town of Mt. Pleasant, 338 S.C. 406, 526 S.E. 2d 716 (2000) further explained the purpose of Art. VIII, § 14(6), by noting that this provision of the Constitution:

"precludes the legislature from delegating to counties (or cities) the responsibility for enacting legislation relating to subjects encompassed by that section." Robinson v. Richland County Council, 293 S.C. 27, 30, 358 S.E. 2d 392, 395 (1987). When construing Article VIII, Section 14, this court has consistently held a subject requiring statewide uniformity is effectively withdrawn from the field of local concern." (citations omitted)

In Town of Hilton Head Island v. Coalition of Expressway Opponents, 307 S.C. 449, 456, 415 S.E. 2d 801, 805 (1992) The court applied Art. VIII, § 14(6) to municipalities. The court there advised:

[m]unicipalities have no authority to set aside the structure and administration of any governmental service or function, the responsibility for which rests with the state government or which requires statewide uniformity. S.C. Const., Art. VIII, § 14. The planning, construction, and financing of state roads is a governmental service which requires statewide uniformity. S.C. Code Ann. 57-3-10 to 30 (1976 and Supp. 1991). The Legislature has declared that collecting tolls is an appropriate method of financing highways and appurtenant facilities. See S.C. Code Ann. § 12-27-1290 (Supp. 1991); see also S.C. Code Ann. §§ 57-5-1310 to 1490 (1991). We find that the initiated ordinance is facially defective in its entirety because it sets aside the structure and administration of the state highway scheme by attempting to limit the authority granted to SCDHPT to consider the collection of tolls

as a method of construction of state roads. When a municipality enacts an ordinance which conflicts with state law, the ordinance is invalid. 307 S.C. at 456, 415 S.E. 2d at 805.

Oconee County, in its ordinance, seeks to walk the proverbial tightrope by limiting the exercise of its police power over Flock cameras solely to “county” roads and county-controlled rights-of-way. We readily acknowledge that the “powers of a county must be liberally construed in favor of the county” and that Home Rule powers are “... limited only by the requirement that the regulation, resolution or ordinance be consistent with the constitution and general law of this state.” Sandlands, supra, quoting Hospitality Assn. of S.C., Inc. v. County of Chas., 320 S.C. 219, 226, 464 S.E. 2d 113, 118 (1995).

Even so, “Home Rule does not allow local governments to ignore legislatively enacted state law because they are in a more suitable position to address an issue.” Pinckney v. Peeler, 434 S.C. 272, 297-98, 862 S.E. 2d 906, 919-20 (2021). Our Supreme Court, in Kleckley v. Pulliam, 265 S.C. 177, 185, 217 S.E. 2d 217, 221 (1975), recognized that “[t]he observation that the mere fact that counties had the function of constructing and maintaining county roads did not circumscribe the power of the General Assembly to establish and maintain a system of highways is well taken.” In other words, the power of counties over county roads is certainly limited, and cannot override the General Assembly’s authority to establish and maintain a system of roads and highways. As one court has concluded, “[t]he Legislature, representing the state, has paramount authority over its public ways, including the streets in cities as well as the county roads, and the Legislature can at any time resume the power.... United R. & Canal Co. v. Jersey City, 58 A. 71 (N.J. 1904).

Indeed, our own Supreme Court has consistently recognized the state’s plenary power over roads, streets and highways in the state. For example, in Leonard v. Talbert, 222 S.C. 79, 83-84, 71 S.E. 2d 603, 604-5 (1952), the Court said the following:

...it may be helpful to refer to certain general principles relating to the control and management of streets and highways. ‘Subject to constitutional limitations, the state has absolute control of the highways, including streets within its borders, even though the fee is in the municipality. Such power of supervision and control may be exercised directly by the legislature or may be delegated by it to subordinate governmental agencies, such as municipalities and quasi-municipalities... and any such delegation may be revoked or changed at will.’ ... “The right of control thus vested in the city, however is derived from the Legislature, which represents the public at large, and has ‘paramount authority over all public ways and public places.’” After all, “a ‘municipal corporation, in the exercise of all its duties, including those most strictly local or internal, is but a department of the state.’” Lillard v. Melton, 103 S.C. 10, 87 S.E. 421, 428.

Thus, in Pinckney v. Peeler, *supra*, the Supreme Court rejected the argument that Home Rule allows local governments to act “on requests for the change, removal or relocation of controversial historic monuments or memorials.” 434 S.C. at 297, 862 S.E. 2d at 920. The Legislature thus possesses the power to “legalize obstructions in streets which otherwise would be deemed nuisances.” See also Chapman v. Greenville Chamber of Commerce, 120 S.E. 2d 584, 587 (1923); Op. S.C. Att’y Gen., 1967 WL 12284 at *3 [“...the Legislature has plenary control of the highways of the state, both urban and rural....”]

The General Assembly has not yet addressed the legality of Flock cameras by statute or attempted to regulate these devices. Bills have been introduced to do so, but have not been enacted. Thus, under state law, Flock cameras remain legal and unregulated.

Indeed, this past legislative session, in Act 261, the General Assembly appropriated funding to several localities and Sheriff’s Departments for Flock cameras. As was reported in the South Carolina Daily Gazette, “[s]tate legislators approved \$365,000 in the state budget for four police and sheriff’s departments seeking to add automated license plate readers to their crime fighting arsenals or expand their existing fleet of Flock cameras.” Jessica Holdman, SC approves state funding for Flock cameras despite growing privacy concerns, South Carolina Daily Gazette (Sept. 11, 2026), <https://scdailygazette.com/2026/09/11/sc-approves-state-funding-for-flock-cameras-despite-growing-privacy-concerns/>. Moreover, Governor McMaster has spoken strongly in favor of Flock cameras, emphasizing that “We should not deprive law enforcement of tools that have the potential to prevent and solve crimes. If and when those tools are misused, those responsible must be held accountable.” *Id.*

Our Supreme Court has emphasized that legislative policy via legislation is paramount and will be upheld “absent a clear constitutional infirmity.” While the Legislature has not spoken definitively on the question of Flock cameras, the fact that the General Assembly has appropriated funds to law enforcement agencies for Flock cameras is significant. Nor has the General Assembly made these devices illegal or regulated their use. Such is certainly an indication of legislative policy. See Connor v. Town of Hilton Head Island, 314 S.C. 251, 254, 442 S.E. 2d 608, 609 (1994) [“We now construe Article VIII, § 14 to prohibit a municipality from proscribing conduct that is not unlawful under state criminal laws governing the same subject.”].

Given this indication of legislative policy and, consistent with Art. VIII § 14(6), it is our view that Flock cameras should be addressed comprehensively by the Legislature rather than on a piecemeal basis by a county ordinance limited to county funding and county roads and county-controlled rights-of-way. As our Supreme Court has emphasized, the General Assembly possesses plenary power over all roads and public places in the state and Home Rule does not displace that the authority. Pinckney v. Peeler, *supra*. Thus, for all the reasons set forth herein, the Oconee ordinance in question is subject to a credible legal challenge and a court could set it aside.

Conclusion

As we understand it, there are currently more than 2,000 automated license plate readers in South Carolina. Courts in other jurisdictions have generally held that the use of Flock cameras by law enforcement does not violate constitutional rights. For example, in State v. Martin, *supra* the federal court concluded that “the Flock system is not meant to ‘track’ or ‘monitor’ the entirety of an individual’s movements during a particular car trip, much less through the activities of their daily life.” State v. Martin, 753 F. Supp. 3d 454, 472-73 (E.D. Va. 2024).

Indeed, our own Court of Appeals, in an unpublished decision, in State v. Faile, 2026 WL 1894722 (Ct. App. 2026), agreed with this analysis, rejecting the application of Carpenter v. United States, 585 U.S. 296 (2018), and concluding that Flock cameras did not, pursuant to the facts presented, violate the federal or state constitutions. In essence, the Faile court accepted the State’s argument that the “use of Flock was reasonable because it serves society’s important interest in preventing crime while still being limited in scope.” *Id.* at *4. Moreover, Faile distinguished Carpenter and found that Flock cameras were not nearly as intrusive as the facts there. Others, however, argue that Flock cameras violate a person’s right to privacy. Degaitas, “The Flock Above Us: The Unconstitutionality of Automated License Plate Readers,” 31 RWULR 484 (2026). We believe our courts will uphold these devices as constitutionally valid.

Of course, Flock cameras, like many other law enforcement tools, are subject to misuse and abuse. As recently reported, “while some law enforcement departments have implemented policies to crack down on inappropriate use of Flock cameras within the agency, there are people who are concerned that other groups might have access to the data and use it with bad intentions.” See Shamira McCray, State of surveillance: What policies are in place to rein in Flock misuse in the Midlands?, The Post and Courier (September 29, 2026), https://www.postandcourier.com/columbia/news/flock-cameras-irmo-lexington-richland-midlands/article_85e9bbd4-3552-48eb-b928-d513f0e03cba.html. The need to regulate misuse of Flock camera technology argues for uniform statewide standards.

With respect to your questions regarding a county’s use of its funding power to prohibit the employment of Flock cameras by your department, we recognize that county councils were given under Home Rule “broad authority and discretion to appropriate funds for county purposes.” Such powers are not unlimited, however. County council may not use its spending authority to set aside general laws enacted by the General Assembly, for example. Nor may council divert funding adopted by the Legislature for a specific purpose.

Further, a county council may not use its spending authority to interfere with the criminal investigative authority of a sheriff, a constitutional officer. This is so even though a cut-off of funding may not target a specific investigation. Based upon these limitations, we doubt that the Oconee County Council could use the appropriations process to withhold tourism monies from municipalities which use Flock cameras, or from a sheriff who uses Flock to investigate potential criminal activity. Such would likely violate state law.

We further note that Art. VIII, § 14(6) of the South Carolina Constitution prohibits local governments from setting aside general law provisions regarding the “(6) structure and the administration of any governmental service or function, responsibility for which rests with the state government or which requires uniformity.” Our Supreme Court has recognized repeatedly that the General Assembly possesses plenary power over all roads in the state, state highways and local roads as well. While it has chosen to delegate authority to counties and municipalities over certain roads, such does not mean that the county or municipality may interfere with the state’s overarching authority in this area. As the Court has stated, “the mere fact that counties had the function of maintaining county roads did not circumscribe the power of the General Assembly to establish and maintain a state system of highways....” Kleckley v. Pulliam, *supra*. For the county to employ its power over county roads to forbid Flock cameras would seem suspect and in conflict with the state’s superior authority in this area. As one court has concluded, a county’s authority over county roads does not give it the right to employ that power to act inconsistent with state policy. Bd. of Cnty. of Logan v. Vandemoer, 205 P. 3d 423, 428 (Colo. App. 2008). In our view, the issue of Flock cameras should be addressed uniformly by the General Assembly not on a piecemeal basis, such as only on county roads or county-controlled rights-of-way. As one commentator has argued, “[i]t is up to the state legislatures... to address the public’s needs and preserve their rights while balancing the government’s legitimate use of ALPR’s [Flock camera technology].” See Hoang, “Smile! You’re on Camera: Police use of Automatic License Plate Readers and the need for statewide Legislation,” 50 U. Dayton L. Rev. 89, 114 (2024).

This is particularly so since the General Assembly is now using its appropriations power in Act 261 of 2026 to fund Flock cameras for use by certain local law enforcement agencies. A court could find that this represents a state policy in favor of the use of Flock cameras as a law enforcement tool.

Indeed, a recent study by two U.S.C. criminology professors has found that Flock cameras are a deterrent to crime. The study found that “fixed ALPR deployment is associated with an 11.0 percent decline in motor vehicle theft and a 15.9 percent increase in arrest clearance.” Mourtgos, S. M., & Adams, I. T. (2026). Working Paper: Automated License Plate Readers, Vehicle Theft, and Clearance. CrimRxiv. <https://doi.org/10.21428/cb6ab371.0dc24006>.

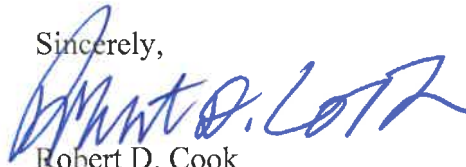
Of course, only a court may conclude that the ordinance in question exceeds the county’s powers under Home Rule. Our opinion herein provides only a legal analysis if the ordinance were challenged in court. However, we believe such a challenge would be credible. In our opinion, while we understand and appreciate Oconee County’s action in adopting the ordinance in question, it is our view that, constitutionally speaking, the General Assembly is best suited to address the issue of Flock cameras or Automated License Plate Readers. The Legislature could provide a system of uniformity and could best address potential abuses of these devices. As has been argued elsewhere, statewide legislation could offer “uniform standards, transparency requirements and enforcement

Sheriff Mike Crenshaw
Page 12
October 2, 2026

mechanisms specifically aimed at preventing the exploitation of license plate data.” Hoang, *supra*. Regulation at the local level does not offer these and thus may be unconstitutional.

The fact that the county possesses police power over local matters is not a license to interfere with the Legislature’s power over statewide matters. In short, if Flock cameras are to be prohibited or regulated, it is the task of the General Assembly to do it.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert D. Cook", is written over the typed name.

Robert D. Cook
Solicitor General