



Personhood + Property = Privacy

Keep government off your digital lawn

Emily Grimmus, J.D. · Privacy Policy Analyst, Libertas Institute · October 21, 2026

The Founders' fight, in new form

1761

The Writs

General warrants let officers search anyone, anywhere

1967

Katz

The Fourth Amendment protects people, not places

2001

Kyllo

New technology can't shrink what the founders protected

2012

Jones

A GPS tracker on your car is a search

2014

Riley

Police need a warrant to search your phone

2018

Carpenter

Seven days of phone location records need a warrant

2026

Chatrie

Even two hours of saved location history needs a warrant

Oct. 2026

Kyle

A Flock search is "indiscriminate mass surveillance"

Paxton's Case, Quincy 51 (Mass. Super. Ct. 1761); *Katz v. United States*, 389 U.S. 347 (1967); *Kyllo v. United States*, 533 U.S. 27 (2001); *United States v. Jones*, 565 U.S. 400 (2012); *Riley v. California*, 573 U.S. 373 (2014); *Carpenter v. United States*, 585 U.S. 296 (2018); *Chatrie v. United States*, 609 U.S. ____ (2026); *United States v. Kyle* (N.D. Okla. Oct. 1, 2026).

The injuries compound downstream

	LEGAL THEORY	CONSTITUTIONAL INJURY	EXAMPLE
	4TH AMENDMENT	Capture is a search	Every car logged, suspected or not
	PROPERTY	Retention is its own injury	Kept about you without consent ¹
	4TH AMENDMENT	Querying is a second search	Queried with no judge
	1ST AMENDMENT	Speech and association chilled	Logged at church, rallies, clinics
	14TH AMENDMENT	Liberty without due process	No notice, no hearing, no remedy

¹ Amy L. Peikoff, *The Record, Not the Lens: ALPR Retention, Property, and the Fourth Amendment* (SSRN 2026)

Misuse is already widespread

6,400+

Salt Lake City police investigations using plate reader data since 2021, none approved by a judge

KUER, Aug. 13, 2026

170

documented plate reader abuse incidents nationwide, including officers tracking partners, exes, and strangers

Institute for Justice ALPR abuse database, 2026

The Institute for Justice is tracking these cases nationally and will walk through the litigation.

And this is only today's technology

The next tools plug into the same cameras and databases, under the same guardrails.



Phones become plates

SignalTrace sensors log signals from phones, watches, and earbuds, then match them to your car.



Face matching on camera data

A vendor is pitching facial recognition for exported Flock images. Flock says it won't add it to its own devices.



Mics that listen for voices

Flock's gunshot sensors are expanding to detect human "distress."



From plate to person

Flock plans to link plate reads to data-broker "people lookup" services.

Leonardo SignalTrace (Android Authority, Aug. 12, 2026); Vidizmo pitch and Flock CEO statement (Biometric Update, Sept. 30, 2026); Raven (EFF, Oct. 2025); people lookup (ACLU, Aug. 2025)

Seven bills. One framework



FLAGSHIP

The SWORN Act

Surveillance Warrants, Oversight, Retention limits, and Notice



Warrantless Data Evidentiary Exclusion Act



Biometric Liberty Act



Biometric Compelled Unlock Protection Act



Surveillance Technology Registry and Approval Act



Government Surveillance Use Policy and Reporting Act



No Government Trespass Act

The SWORN Act: what it does, and doesn't

It does

- ✓ Requires a warrant to search your data
- ✓ Deletes plate data in 24 hours
- ✓ Notifies people whose data was accessed
- ✓ Creates a private right of action
- ✓ Bars vendors from owning your data
- ✓ Requires use policies, access logs, and audits

It does not

- ✗ Ban cameras
- ✗ Stop stolen-car or hotlist alerts
- ✗ Block emergencies or Amber alerts
- ✗ Cover body cams, dash cams, jail cameras
- ✗ Appropriate any new money

The Founders didn't write a vague right to "privacy." They wrote a process: **probable cause, particularity, and a neutral judge.**

We've set time with law enforcement to work through the details.