

Real-Time Intelligence Center: Fact-Checking the Flock and Axon Claims from the April 28 Work Session

Claim 1: A filter prevents the system from being used for immigration enforcement.

- In September 2024, [the San Francisco Standard reported](#) that SFPD shared its Flock data ~1.6 million times in violation of California state law, including with out-of-state agencies working on behalf of ICE.
- This year, the [Ventura County Sheriff's Office](#) discovered data was being shared without authorization after Flock's "National Lookup" feature was reactivated with no explanation. Their data was accessed 364,000+ times — including 299 searches that cited immigration enforcement as the justification.
- **Flock's response:** *"Due to limitations in technical logging, it was impossible to determine the specific cause."*

Claim 2: APD has complete control over who accesses Asheville's data.

- The [287\(g\) program](#) deputizes local and state agencies to act on behalf of ICE. Twenty-nine NC jurisdictions participate, including Henderson County — with which APD has an existing data-sharing agreement. Sharing data with participants is effectively sharing data with ICE.
- ICE has no direct contract with Flock, but routinely accesses Flock data through 287(g) partners. The [Florida Fish and Wildlife Conservation Commission](#), for example, has used its 287(g) authority to run Flock lookups for ICE.
- **Unofficial backdoors exist too.** [404 Media documented](#) how casual networks of officers in Oregon informally share data with ICE in cases where state law prohibits it.

Claim 3: Officers must enter a legitimate law enforcement reason for each search.

- Kansas police lieutenant Victor Heiar used Flock to track his estranged wife, [entering justifications like "test" or "*****"](#). Flock did not flag the searches; internal audits did not catch them.
- Similar misuse has been documented in [a second Kansas case](#), [Milwaukee](#), and [Costa Mesa, CA](#). In each case, victims — not audits — discovered the abuse.
- In Texas, [a police officer used Flock to track a woman seeking reproductive care](#) by reclassifying the search as a "missing person" lookup — accessing Flock data in Washington and Illinois despite both states' laws prohibiting law enforcement from assisting with abortion cases.

Claim 4: Quarterly audits provide transparency and accountability.

- APD's quarterly audits are conducted internally, are not independently reviewed, are not published, and are not subject to public records requests.
- When residents have requested APD's Flock audits, [they have been denied](#), citing G.S. 20-183.31(b): "data obtained by a law enforcement agency... shall be obtained, accessed, preserved, or disclosed only for law enforcement purposes."
- When [Metro Nashville evaluated its Axon Fusus contract](#), it found: "There are no established civil or legal consequences that either party can enforce on the other for not abiding with the terms and conditions."

Claim 5: The City owns and controls what happens to Asheville's data.

- **In December 2025**, Flock's Terms & Conditions granted Flock a "limited, non-exclusive, royalty-free, irrevocable, worldwide license to use the Customer Data... to provide the Flock Services to Customer." The clause ended: "Flock does not own and shall not sell Customer Data."
- **In February 2026**, Flock unilaterally rewrote Clause 4.1. The license is now "perpetual," and the qualifier "to Customer" was removed. Flock now has rights to "use *and disclose*" Customer Data.
- **The explicit statement that** "Flock does not own and shall not sell Customer Data" no longer appears anywhere in their Terms & Conditions.

Claim 6: Axon Fusus does not use facial recognition.

- **True today.** But in December 2025, Axon [announced it is reopening testing of facial recognition software](#) in police body cameras — which APD already uses.
- **No mechanism currently exists** to require public or Council notification if APD chooses to enable facial recognition should Axon make it available to them.

Sources

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- *Footnote4a*, *Flocks Terms and Conditions, February 16, 2026* — <https://footnote4a.org/blog/terms-feb2026/feb-2026-terms.pdf>
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