

Chairman Dale Weighill,  
Genesee County Board of Commissioners,  
324 S. Saginaw Street  
Flint, MI 48502  
FREEDOM OF INFORMATION ACT APPEAL

March 25, 2026

Re: Flock Safety Records FOIA Request (Request 26-313).

Dear Chairman of the Genesee County Board of Commissioners, Commissioner Dale Weighill:

This letter constitutes a formal administrative appeal under Section 10 of the Michigan Freedom of Information Act (FOIA), MCL 15.240, concerning Genesee County's ("County") refusal to disclose certain documents within its control.

Per the County's summary of my request, posted on the FOIA portal, the requested records are:

1. All current contracts, service level agreements, and memorandums of understanding (MOUs) between the County (including the Sheriff's Office) and Flock Group Inc. (Flock Safety), including pricing schedules and addendums.
2. All audit logs, search logs, or usage reports related to the county's use of Flock Automatic License Plate Recognition (ALPR) systems for each available monthly period from October 2025 through February 23, 2026.
3. County policies regarding Flock data such as
  - a. any policies, guidelines, or training materials within the Sheriff's department regarding the use of Flock Safety technology for law enforcement and sharing of data from County-contracted Flock cameras with non-county agencies;
  - b. whether the county-contracted Flock network uses 1:1 sharing with other police departments, or whether the County has entered into Flock's "National Lookup Network"
  - c. any county policy regarding the guidelines of public release through FOIA of ALPR data from Flock cameras contracted by the County
4. A list, spreadsheet, or map detailing the physical locations (e.g., street intersections, addresses, or GPS coordinates) of all Flock Safety cameras contracted by the County.
5. An electronic export of all metadata and associated images captured by county-contracted Flock Safety cameras for the license plate EMJ476 between the dates of February 9, 2026, and February 14, 2026.
6. The contents of (including requester information), and county responses to (including all documents and reasons for denials), all FOIA requests filed with Genesee County between October 1, 2025, and February 20, 2026, that contain the keyword "Flock" or "ALPR", or, if keyword is not available, are otherwise requesting information related to the county's use, retention, sharing, or public release of Flock Safety ALPR data.

Records (items) one and six were fulfilled to my satisfaction, and I am not appealing those. I am appealing the denials of the portions of the request which pertain to items two, three (and all subpoints), four, and five.

The documents relate the history of the County's involvement with and policy regarding Flock Safety. Flock Safety was contracted by the County for the purpose of producing several of the named documents. The County's refusal to disclose the requested items violates the Michigan Freedom of Information Act, MCL 15.231 et seq.

As the County's use of Flock Cameras is being actively and contentiously debated at this time, the disclosure of these documents stand to make a major contribution to the public's understanding of this divisive issue. Thus, a quick resolution of this appeal is of extreme importance. Time is of the essence.

## INTRODUCTION

As noted in my original FOIA request, dated February 23, 2026, I requested that:

“If you deny any portion, or all, of this request, please provide me with a written explanation of the reason(s) for your denial, including a citation to each specific statutory exemption you believe justifies the refusal to release the information”

See, original FOIA request, page 2.

Unfortunately, by a message dated March 18, 2026 (the date of which violated FOIA's response deadline, MCL 15.235 (2)), the County not only failed to disclose the requested material (items 2,3,4, and 5), but also failed to provide explanation of the reasons for their denial. Simply citing the statutory exemptions is not useful, as it's unknown which denied documents/items of my request are covered by each referenced statutory exemption.

Per MCL 15.235 (5), the County's final determination to deny a portion of my request should have included:

- “(a) An explanation of the basis under this act or other statute for the determination that the public record, or portion of that public record, is exempt from disclosure, if that is the reason for denying all or a portion of the request.
- (b) A certificate that the public record does not exist under the name given by the requester or by another name reasonably known to the public body, if that is the reason for denying the request or a portion of the request.
- (c) A description of a public record or information on a public record that is separated or deleted under section 14, if a separation or deletion is made.”

Firstly, the certification that the public records requested do not exist, provided in the County's response to my FOIA request, does not meet the requirement set by MCL 15.235 (5)(b).

“Now, as it pertains to the portions of the request denied, please be advised that the records do not exist in the files of the Genesee County Sheriff's Office based upon information I received from Ms. Mose and Captain Murphy, I hereby certify.”

The County must specify which public records (“*under the name given by the requester, or another name reasonably known to the public body*”) are covered by this certification.

One example of a proper “explanation” as required by law would be the County’s explanation of how releasing FOIA requesters’ personal information per MCL 15.243(1)(b)(iii) would be a violation of their personal information. (Quoting from the County’s response):

“Certain information (dates of birth, home addresses, driver license numbers, etc.) has been redacted in accordance with MCL 15.243(1)(b)(iii) of the Act, which states that a public body may exempt from disclosure an investigating record compiled for law enforcement purposes that would “constitute an unwarranted invasion of personal privacy.” I hereby assert that the release of previous FOIA requesters’ personal information would constitute an unwarranted invasion of individuals’ personal privacy.”

In this excerpt, the County provides:

- a) An explanation of the basis under FOIA that *this specific record*, my request for previous FOIA requests, was being redacted; i.e. the County provided *both* the citation *and* the explanation of how the exemption applies in this instance and which requested document it is being applied to. This satisfies MCL 15.235 (5)(a).
- b) A description of a public record or information on a public record that is separated or deleted under section 14, MCL 15.235 (5)(c), which is satisfied by the County explaining that “previous FOIA requesters’ personal information”, including “dates of birth, home addresses, driver license numbers, etc.” was exempt under this act and thus redacted.

The County, in its March 18 response, cited a total of four statutory exemptions, claiming that “portions of the request are denied because the records requested are exempt pursuant to the Act”:

MCL 15.243(1)(b)(iii) — “constitute an unwarranted invasion of personal privacy”

**MCL 15.243 (s)(v) — “operational instructions for law enforcement officers or agents”**

**MCL 15.233 Sec. 3. (4)(5) — does not require a “a compilation, summary, or report of information”**

**MCL 15.243(1)(d) — “certain information reported from the Law Enforcement Information Network (LEIN) has been redacted pursuant to MCL 28.214(5)”**

Which portions of the request were covered by which exemption? Except for the first statutory exemption, which was properly explained as relating to my request for records of previous FOIA requests regarding Flock, there was no provided explanation for how the other three (bolded) exemptions apply to the portions of my request which were denied.

Overall, I find that the denial dated March 18, 2026, is legally insufficient under MCL 15.235(5), and certainly does not meet the spirit of the law. Per the Michigan Attorney General's FOIA Handbook for citizens:

“The notice must provide a description of the public record that is being withheld or the information on the public record that is redacted, if a redaction is made.”

The County's response fails to provide a full explanation as to why *each* of the four denied records (among the six requested records) was denied or redacted. Specifically, the response lists multiple, distinct statutory exemptions but does not identify which exemption applies to which requested record.

Furthermore, the response states that 'portions' of the request are denied because records do not exist, yet fails to identify which of the six items this refers to. This lack of specificity deprives me of my right to meaningful administrative and judicial review. I request that the County issue a revised response that connects each specific requested item to a specific statutory justification or a certification of non-existence.

(Please also note that I requested this clarification from the FOIA office, in a message sent through the FOIA portal on March 19, 2026, but did not receive a response.)

## DISCUSSION

Because the County has failed to specify the reasons for which each denied record has been denied, at this time I cannot provide an appeal regarding the specific exemptions that the County stated. Instead, I will do my best to provide my opinion on why these documents should be released, in general.

Firstly, in its denial the County claimed that:

*“the Flock Security System is a system that is not owned by Genesee County. Although the Sheriff's Office has a contract with this company and Sheriff personnel, in their official capacity, may access the system, ultimately the data within it does not belong to this public body, i.e., Genesee County.”*

This is blatantly false. Per the County's contract with Flock Safety, which was among the documents released by this FOIA request, the county (Agency) retains all rights to and ownership of the Flock data. The data belongs to Genesee County:

**“Agency Data: As between Flock and Agency, all right, title and interest in the Agency Data, belong to and are retained solely by Agency.”** (Section 4.2)  
(emphasis added)

Agency Data is defined in the contract:

““Agency Data” will mean the data, media and content provided by Agency through the Services. **For the avoidance of doubt, the Agency Data will include the Footage.**”  
(emphasis added)

Furthermore, in the recitals of the contract, outlining the context of the agreement, it is written:

**“WHEREAS, Agency desires access to the Flock Service** on existing cameras, provided by Agency, or Flock provided Hardware (as defined below) **in order to create, view, search and archive Footage”**  
(emphasis added)

It is obvious from the recitals of the contract that the County’s contracts with Flock Safety in order to “create, view, search and archive Footage”; thus, not only is the footage owned by the County but, barring any applicable exemptions (of which there are none, in my opinion) any footage created using this camera system is subject to release under FOIA.

The release of footage or still photos from these cameras is no different then the release of footage from body-worn cameras or dash cameras in the Sheriff’s office. Although the hardware is owned by other companies, the County retains all rights regarding the captured footage, and commonly releases said footage to FOIA requesters.

In fact, it is well established law that surveillance recordings acquired and used by police, *even if they were created by private third parties*, are public records subject to FOIA release, Amberg v. City of Dearborn, 497 Mich 28 (2014). The county need not even own the camera footage, as FOIA defines a public record as any “writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created” MCL 15.232(i).

With regards to item two of the contract, which is requesting “All audit logs, search logs, or usage reports related to the county’s use of Flock Automatic License Plate Recognition (ALPR) systems for each available monthly period from October 2025 through February 23, 2026”, I know for a fact that the County is in possession of these logs. Not only does every Flock customer have their audit logs available to them, but Captain Murphy, in remarks to the Board of Commissioners, has also confirmed that the County has these logs. Fulfilling this portion of my request does not require the County to create “a compilation, summary, or report of information”, rather only to access documents which already exist within the Flock system. Neither are these logs “operational instructions for law enforcement officers or agents” in any manner. Finally, these logs generally do not contain any information from LEIN, which is completely separate from Flock data. Overall, an audit log is the epitome of public record that should be released by FOIA, and the County’s refusal to do so has no legal justification whatsoever.

With regards to item three, which requested County policies regarding Flock data (specifically Sheriff office policies on using the Flock network and County FOIA policies surrounding Flock data requests), I believe this data, particularly Sheriff policies, would not constitute “operational instructions for law enforcement officers or agents”. Law Enforcement policies, by nature, are not operational instructions (*how to use tools*), but rather guidelines on the *circumstances* under which officers should use the tools available to them. Policies such as these are subject to release under FOIA, Hjerstedt v. City of Sault Ste. Marie.

With regards to item four, which is requesting a “list, spreadsheet, or map detailing the physical locations (e.g., street intersections, addresses, or GPS coordinates) of all Flock Safety cameras contracted by the County”, such information is not related to any operational instructions or LEIN information. If the county does not possess any records related to this item, then I would appreciate a certification thereof from Ms. Elston and/or a representative of the Sheriff’s office. However, I highly doubt that the County has no records that pertain to the locations of its Flock cameras in any internal communications or communications with Flock Safety. These cameras are in public view (i.e. the locations of the cameras are in no way confidential), and it is in the public interest to know which cameras are contracted to which government agencies, such that they can properly exercise their political rights if they should so choose.

With regard to item 5, which requests “An electronic export of all metadata and associated images captured by county-contracted Flock Safety cameras for the license plate EMJ476 between the dates of February 9, 2026, and February 14, 2026”, there is no justification that the County provided that would bar the release of footage of my own vehicle. Please note that I provided a copy of my vehicle’s registration to prove that such a release would not constitute an invasion of privacy.

Additionally, I insist, as I have in each previous correspondence, that the County continues maintaining (and protecting from deletion) all records related to item 5 (footage of the license plate EMJ476). The County’s contract with Flock notes in the recitals that the Flock data is deleted on a rolling 30-day basis, and thus the County “is responsible for extracting, downloading and archiving Footage from the Flock System on its own storage devices for auditing for prosecutorial/administrative purposes”, because once the records (relating to item 5) have been deleted, they are unrecoverable.

I need not mention that is unlawful to allow any records related to an active FOIA request to be destroyed, as the purpose of disclosure also implies a duty to “preserve and maintain [a record requested through the FOIA] until access has been provided or a court executes an order finding the record to be exempt from disclosure”, Walloon Lake Water Sys, Inc v. Melrose Township, 415 N.W.2d 292, 295 (1987).

It is by now well-established law (both federally and at the state level, where courts have upheld the Vaughn index), that a plaintiff in a FOIA case is entitled to an index of the documents and/or portions of documents that have been withheld by the defendant agency. Evening News Ass’n v. City of Troy, 339 NW 2d 421; Vaughn v. Rosen, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). Moreover, the description of the withheld material must be “sufficiently specific

to permit a reasoned judgment as to whether the material is actually exempt under FOIA." Founding Church of Scientology v. Bell, 603 F.2d 945, 949 (D.C. Cir. 1979). Of course we are not in the litigation context yet, but to help avoid such an eventuality, it would certainly be helpful if the County were to provide such an index if it were to decide to continue withholding any portions of the requested documents.

## CONCLUSION

It appears that the County has acted arbitrarily and capriciously by improperly denying the disclosure of the requested records.

Because I do not agree that the requested materials are exempt from disclosure, I ask that the Board reverse the denial of my FOIA request. I further request that if any portions of the requested documents are withheld or denied, the Chief should describe the deleted or denied material in detail and specify the statutory basis for the denial, as well as your reasons for believing that the alleged statutory justification applies in this instance; or if a portion of the requested materials do not exist by that name or any other name reasonably known to the County, that the County provide "A certificate that the public record does not exist under the name given by the requester or by another name reasonably known to the public body, if that is the reason for denying the request or a portion of the request".

I look forward to the Board's written response within 10 business days of your regularly scheduled meeting on March 25, 2026, as required by MCL 15.240(2).

Sincerely,

Joshua Tewolde

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