

# Pre-Publication Notice and City Response

Flock Safety Automated License Plate Reader Investigation — City of Texarkana, Texas

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*Note on Recipients: Liberty Ledger Media's pre-publication notice regarding this investigation was sent to City Manager David Orr, Chief of Police Kevin Schutte, Captain Michael Henry, every current member of the Texarkana City Council, and Flock Safety, Inc., inviting written responses in advance of publication. As of this posting, written responses have been received from City Manager David Orr and Council Member Jay Davis (Mayor Pro Tem, Ward 6), both dated July 9, 2026. Chief Schutte, Captain Henry, the remainder of the City Council, and Flock Safety, Inc. did not respond. Given Mr. Orr's role as City Manager, his response likely represents a coordinated position representing the City as a whole, rather than a personal or department-specific reply. Council Member Davis's response was submitted independently, in his individual capacity as an elected representative.*

## Part One — Liberty Ledger Media's Pre-Publication Notice to City Manager David Orr

Dear City Manager Orr,

I am writing to provide you with formal advance notice of an investigative article Liberty Ledger Media intends to publish regarding the City of Texarkana, Texas's contract with Flock Safety for the automated license plate reader surveillance system currently operating in the city.

This notice is being provided to you in your official capacity as City Manager and as the signatory to the five-year renewal contract executed December 19, 2023. I am extending the opportunity to respond to the findings described below before publication. Any response you provide will be published in full alongside the article. If I do not receive a response by the deadline stated at the end of this letter, that non-response will be noted in the publication.

This notice is separate from and parallel to the ongoing Texas Public Information Act request process. It is a media inquiry from a journalist and independent researcher, not a records request.

### Summary of Findings

The following findings are based exclusively on documents produced by the City of Texarkana, Texas in response to TPIA requests filed June 10, 2026.

#### 1. Original Contract Executed Without Council Authorization

The original Flock Safety Services Agreement was signed November 2, 2022 by Chief of Police Kevin Schutte without a preceding city council vote. Resolution 2022-072 (July 11, 2022) authorized only a grant application, not a vendor contract. No resolution authorizing the original contract appears in the produced records. The cameras went live June 1, 2023 and operated for six months before the council voted on anything related to Flock Safety.

#### 2. Purchasing Exemption Filed After Contract Was Signed

The Purchasing Exemption Form for the Flock Safety contract is dated November 15, 2022, thirteen days after the contract was signed November 2, 2022. City purchasing policy requires exemption approval before a purchase is made. The Finance Department approval signature line appears unsigned on the produced document.

#### 3. Perpetual Irrevocable Data License

Sections 4.2 and 4.5 of the Government Agency Agreement grant Flock Safety a non-exclusive, perpetual, irrevocable, worldwide, royalty-free license to use and distribute an anonymized Aggregated Data product derived from citizen movement data captured by Texarkana cameras, including to train machine learning algorithms. This license explicitly survives contract termination.

#### 4. Council Renewal Vote Conducted on Limited Information

The staff briefing document presented to council before the December 11, 2023 vote on Resolution 2023-161 is brief. The produced packet materials do not include the underlying Government Agency Agreement itself — only an Order Form referencing its terms by hyperlink.

#### 5. Resolution 2023-161 Passed as a Consent Agenda Item

The December 11, 2023 council meeting minutes confirm that Resolution 2023-161 was placed on the consent agenda and adopted unanimously at 6:14 p.m. with no recorded discussion, in the same batch motion as a baseball scoreboard purchase and a bond fund ordinance.

#### 6. Audit Provision Never Documented as Implemented

General Order 7.40.1, Section 4D(5) requires that ALPR logs be audited to ensure proper use. The TPIA request for audit review records produced zero responsive documents.

#### 7. Policy-Contract Tension

General Order 7.40.1, Section 4A states ALPR data will not be distributed to non-law enforcement entities. The contract grants Flock Safety, a private company, rights to an anonymized data product derived from that data.

#### 8. Outside Agency Access Undisclosed

No records were produced identifying a complete, itemized list of which agencies have Direct Share or Nationwide Network access to Texarkana's camera data.

I am requesting a written response by July 9, 2026. A copy of the full investigative article with all source citations is available upon request.

Respectfully, Brandon Cowan

## Part Two — City Manager David Orr's Response

City Manager David Orr's full written response, dated July 9, 2026, addresses: (1) Chief Schutte's authority to execute the original contract; (2) the contents of the council packet presented before the renewal vote; (3) the reason Resolution 2023-161 was placed on the consent agenda; (4) the City's position on the Aggregated Data license and its relationship to General Order 7.40.1; (5) the audit provision and pending Attorney General referrals; (6) named example agencies with Direct Share access per the Transparency Portal; and (7) the City's stated intention to review the matters raised. Where his response raises claims not found in the documents produced under the Texas Public Information Act, that is noted directly in the corresponding finding of the full report.

## Part Three — Council Member Jay Davis's Response

*Note on this response: Council Member Jay Davis, Mayor Pro Tem and Ward 6 representative, submitted a written response dated July 9, 2026 — after the response deadline stated in the original notice, and after City Manager Orr's response had already been received. His response is published below in full, as requested, with one exception: a personal postscript unrelated to the investigation's findings has been omitted; the full response is available on request.*

Dear Mr. Cowan,

Thank you for reaching out and providing the opportunity to respond. As the Mayor Pro Tem and the City Council Member for Ward 6, my actions and votes are guided by a commitment to public safety, transparent governance, and strict adherence to the municipal structure of Texarkana.

Below are my direct responses to the questions you submitted.

### **1. What information did you receive about the Flock Safety contract before voting on Resolution 2023-161 beyond the one-page staff briefing document?**

Your assertion that the City Council acted based on a single piece of paper is completely false. In addition to the comprehensive agenda packet, which contained the full contract text, detailed billing schedules, and explicit feature specifications, my vote was informed by months of continuous operational and financial tracking provided directly by city leadership.

Through regular administrative reporting channels, I actively monitored this program from its initial rollout parameters in June 2023. This included reviewing the system's grant funding (\$20,000 from the Texas Motor Vehicle Crime Prevention Authority with a \$4,000 city match) and its strict 30-day data retention standard. I also reviewed specific data confirming the cameras capture only public vehicle features (type, make, color, and license plate) without photographing occupants.

More importantly, the council received consistent, quantifiable proof of the system's efficacy in keeping Texarkana safe prior to our renewal vote. Within its first days of operation alone, the system logged nearly 70,000 unique plate reads and yielded immediate enforcement successes. I voted to approve the contract expansion because I had a direct paper trail of documented results, including stolen vehicle recoveries, interceptions of stolen license plates, and multiple apprehensions of individuals with outstanding felony warrants right here in our community.

### **2. Were you aware before the vote that the original contract had been executed without city council authorization?**

I am fully aware of the statutory and administrative framework under which our city operates. Under the Council-Manager form of government and the Texas law in effect at that time, municipal purchases under \$50,000 did not require a separate City Council vote.

Furthermore, the Chief of Police was authorized to execute all necessary documentation to accept and administer the initial public safety grant. The Chief acted entirely within his lawful, administrative boundaries. Characterizing this standard administrative procedure as a "lack of council authorization" is procedurally inaccurate.

### **3. Were you aware before the vote that the contract grants Flock Safety a perpetual, irrevocable license to citizen movement data that survives contract termination?**

The specific text governing master terms and conditions was not printed out within the council's physical agenda packets, as it was incorporated by reference via an external hyperlink on the signature page of the official Order Form. The council evaluated and voted on the concrete proposal before us: the specific device counts, billing schedules, and proven operational utility of the system.

From a foundational policy perspective, driving takes place on public roadways where a driver cannot expect absolute privacy from legitimate law enforcement verification. The technology captures public vehicular movement for law enforcement verification purposes to keep our streets safe. I support maintaining appropriate oversight frameworks and ensuring that the necessary operational safeguards are in place to fully protect our

community.

#### **4. Were you aware that Resolution 2023-161 included a 24-month auto-renewal provision that could obligate the city to an additional \$56,000 beyond the five-year term?**

Yes, I was fully aware. This information was clearly listed right at the top of Exhibit A (the official Order Form) within our agenda packet, which outlined the 60-month initial term and the 24-month renewal term alongside our annual subtotal of \$28,000.

Standard auto-renewal clauses are entirely routine in technology subscription and digital infrastructure contracts. It ensures continuity of software updates and critical system access without arbitrary service blackouts. Suggesting this is an unexpected hidden obligation ignores standard business procurement practices for ongoing technology infrastructure.

#### **5. Now that you are aware of these findings, what action if any do you intend to take in your capacity as a council member?**

The definitive action I intend to take is to continue providing my full, unwavering support to our City Manager and Chief of Police as they lead our municipal operations, protect our streets, and continuously work to serve the citizens of Texarkana. I have complete confidence in the integrity, professional diligence, and competence of David Orr and Kevin Schutte. At no time has the city manager ever misled me, and he has been completely transparent in his actions. Our administrative and police leadership thoroughly prepared the council to take necessary action as required.

In my capacity as the representative for Ward 6, my focus is to ensure our city continues to utilize the technological tools necessary to deter crime responsibly. I fully support the administration's proactive commitment to routinely review vendor contract language and departmental practices to ensure complete consistency with evolving data privacy standards and statutory requirements. My commitment remains exactly where it has always been: protecting our neighborhoods, upholding transparent governance, and effectively representing the residents who elected me.

Per your request, I expect this response to be published in its entirety alongside your article to ensure your readers have complete and accurate context.

Respectfully,

Jay Davis

Mayor Pro Tem / Ward 6 Council Member

City of Texarkana, Texas

## **Part Four — Notes on Claims Not Found in Produced Records**

**PACKET CONTENTS — AN INTERNAL INCONSISTENCY:**

*Council Member Davis's response contains two different characterizations of the same packet. Responding to Question 1, he states the packet "contained the full contract text." Responding to Question 3, he states the master terms and conditions "were not printed out within the council's physical agenda packets... it was incorporated by reference via an external hyperlink." The second statement matches this investigation's finding. The documents produced under the Texas Public Information Act contain only the Order Form (Exhibit A) — pricing, billing schedule, product descriptions, and feature specifications, ending in a hyperlink to Flock's Terms of Service. The Government Agency Agreement itself, containing the data-rights, termination, and survival provisions discussed in the full report, was not among the documents produced as part of this packet.*

#### **UNVERIFIED OPERATIONAL CLAIMS:**

*Council Member Davis's response states his vote was informed by months of continuous operational and financial tracking, regular administrative reporting channels dating to June 2023, a review confirming the system's 30-day retention standard and that it does not photograph occupants, and a specific figure of nearly 70,000 unique plate reads logged in the system's first days of operation. None of these reporting channels, tracking records, or figures were identified among the documents produced to this investigation under the Texas Public Information Act. This investigation can neither confirm nor dispute Council Member Davis's account of his own review process or the figures cited; they are presented here as his personal characterization, not documented fact.*

#### **SCHUTTE'S AUTHORITY AND THE DATA LICENSE:**

*Both City Manager Orr and Council Member Davis argue Chief Schutte's execution of the original contract was legally authorized under the grant resolution and the dollar threshold then in effect. Neither response disputes that no resolution specifically named Flock Safety, the vendor contract, or its terms; both take the position that no such specific authorization was legally required. On the data license, Council Member Davis does not dispute the contract's terms; his response offers a policy position about privacy expectations on public roads, not a factual challenge to what the contract says.*