RECEIVED
SEP 28 2026
TOWN OF NEWBURGH
TOWN CLERKS OFFICE

Joshua Huckabee

[redacted], Newburgh, NY 12550
[redacted] mail@joshhuckabee.com

DATE September 28, 2026

TO Mark C. Taylor, Town Attorney, Town of Newburgh; Rider, Weiner & Frankel, P.C., 655 Little Britain Road, New Windsor, NY 12553 (by hand)

RE **Appeal under Public Officers Law § 89(4)(a) and Town Code § 144-7, FOIL 2026-00936**

Dear Mr. Taylor:

I appeal, under Public Officers Law § 89(4)(a) and Town Code § 144-7, the Town's denial of access to records requested under FOIL 2026-00936.

I address this appeal to you because § 144-7(C) of the Town Code provides: "The Town Attorney shall hear appeals for denial of access to records under the Freedom of Information Law." My request asked that any denial "state the specific exemption per record and advise of appeal rights per § 89(4)(a)." Neither Lt. Adam Zeilberger's letter for the Police Department of September 23, 2026 (the September 23 letter) nor the Town's letter of September 25, 2026 marking the request filled (the September 25 letter) advised me of the right to appeal, as § 144-7(A) and 21 NYCRR § 1401.7(b) require, or identified the appeals officer, as § 1401.7(b) requires.

As § 144-7(D) of the Town Code requires:

- **Date of this appeal:** September 28, 2026.
- **Date and location of the request:** FOIL 2026-00936, submitted through the Town's online FOIL request form to the Town Clerk's office, Town of Newburgh, and received on August 21, 2026, as the Town's acknowledgment of that date shows.
- **Records denied:** the records set out in Grounds 1 to 4 and in the relief requested below.
- **Form of denial:** category (5) was denied in writing by the September 23 letter. The other records were denied in writing by the September 25 letter, which marked the request filled without producing them. If that letter is not treated as a written denial of them, they are denied under § 144-7(B) for failure to provide them within a reasonable time, and under § 89(4)(a), because the Town gave no date certain under § 89(3)(a) and, since closing the request on September 25, has given no date by which it will grant or deny access to them.
- **Name and return address:** Joshua Huckabee, [redacted] Newburgh, NY 12550.

What is appealed

1. **The denial of category (5)** by the September 23 letter, under § 87(2)(e)(iv).
2. **The denial of every other record listed in this appeal** by the September 25 letter. That letter states that the request "has been filled" and that "Everything you've requested should have been sent/picked up by/to you." The records listed in Grounds 2 to 4 and in the relief requested were not produced. No certification under § 89(3)(a) was given for any of them, and none was withheld under a stated

exemption. A determination that a request is complete while records remain unproduced is a denial of those records. Section 89(4)(a) provides that "Failure by an agency to conform to the provisions of subdivision three of this section shall constitute a denial."

The request is not pending under an extension. The Town's email of September 18 relayed the Police Department's request for "a 30 day extension," but gave no date certain by which the request would be granted in whole or in part, which § 89(3)(a) requires when a request cannot be granted within twenty business days of its acknowledgment. I did not dispute the need for more time, but I asked in writing for a date certain on September 22 and twice on September 23, and none was given. That failure is itself a denial under § 89(4)(a), whatever the status of the September 25 letter. The Police Department's records were delivered to the Clerk's office on September 24, the September 23 letter responded to the request by item number, and on September 25 the Town followed its letter of September 18, headed "REQUEST PARTIALLY FILLED," with one stating that the request "has been filled."

This appeal covers the whole request as filed. Nothing in it narrows the request: every category stands as filed, and each record named below is a record within a filed category, not a new request. If you regard any record as outside the request, please say which in your determination, and do not hold back the rest because of it.

I raise no issue with category (4), the payment records, in this appeal.

Ground 1. Category (5): the denial gives no reason specific to most of what it denies, and the exemption does not apply

Category (5) asks for "the Deployment Plan under section 10.2, device location lists, and installation permits."

The September 23 letter says the information "has been deemed to be law enforcement sensitive." The only record its reasoning names is the deployment plan: "To provide you with the flock camera deployment plan would give you a detailed depiction of the investigatory process undertaken by law enforcement personnel." The rest of the letter speaks generally of "any such documentation." It gives no reason specific to the device location lists or the installation permits.

Section 87(2)(e)(iv) applies to records compiled for law enforcement purposes whose disclosure would "reveal criminal investigative techniques or procedures, except routine techniques and procedures." The Court of Appeals has held that the exemption covers only non-routine techniques, and that a substantial likelihood that violators could evade detection is an indicator of a non-routine technique, though not necessarily a decisive one (*Matter of Fink v. Lefkowitz*, 47 N.Y.2d 567 (1979)). It has also held that an agency must give a particularized and specific justification for any record it withholds (*Matter of Gould v. New York City Police Department*, 89 N.Y.2d 267 (1996)). Section 87(2) itself now provides that "A denial of access shall not be based solely on the category or type of such record and shall be valid only when there is a particularized and specific justification for such denial." Restating the test is not a particularized justification, and a denial based solely on the category of record is what the statute and *Gould* rule out.

The Appellate Division, Second Department, has applied that test to license plate readers. In *Matter of Lane v. Port Washington Police District*, 221 A.D.3d 698 (2d Dept 2023), it held that the police district had not justified withholding records of the "number and location" of its readers, which "are constantly gathering data and information on the public, indiscriminately and not in connection with any specific investigation or target in mind," and are "tantamount to speed or red light cameras." The Town's cameras are of the same kind. The Police Department's "Flock Facts" presentation (slide 2, enclosed) says: "Each detection or 'read' is a point-in-time vehicle record created when a vehicle passes a camera." The Committee on Open Government relied on *Lane* in advisory opinion FOIL-AO-19882 (October 27, 2025), for a spreadsheet of proposed Flock camera locations that were never installed, noting that "In Lane, the cameras actually existed." It found that the harms asserted fell short of showing that disclosure "would, not could, reveal non-routine criminal investigative techniques or procedures." The Town's cameras, like those in *Lane*, exist and are in use.

Of the fifty-eight devices on the Order Form, fifty-six are Falcon cameras that Flock installs at designated locations. Under § 10.1 of the Master Services Agreement between the Town and Flock (the agreement), the Town may not "remove, reposition, re-install" Flock Hardware except as the agreement expressly states, and under § 10.3 any later relocation is a change to the Deployment Plan, for a fee. Section 10.2 has Flock "advise Customer on the location and positioning of the Flock Hardware for optimal product functionality," and gives Flock "final discretion to veto a specific location" where the hardware will not work well. The "strategic geographic mapping" it describes is mapping "of the location(s) and implementation of Flock Hardware." A list of where the equipment is mounted reveals no investigation, and the placement of a mounted camera is not a non-routine technique. The September 23 letter says disclosure would let violators "deliberately tailor their future criminal conduct," but it does not say how knowing where a camera stands would let anyone evade detection, and *Lane* found no such showing for readers that gather data indiscriminately. A general assertion is not the particularized and specific justification *Gould* requires.

I do not ask where the two Falcon Flex devices, which the Order Form describes as "location-flexible," are or have been placed. I ask for their network's sharing settings and for the records of outside access to it, under Ground 2. Nor do I ask for Flock's or the Department's reasons for choosing any location. Section 87(2) permits withholding only "those records or portions thereof" that fall within an exemption. If the Town withholds any part of category (5), it must identify that part, give a particularized and specific justification for it, and produce the rest.

The Police Department's own document set, delivered with the September 23 letter, includes Flock invoice INV-37295 (page 30, enclosed). It prints a line labeled "Link to Location of Services" with an address on planner.flocksafety.com, as do three other invoices. So a record of the service locations is kept for the Town's account, and § 86(4) makes it a Town record.

The installation permits are the records of the Town's authority to place equipment where it stands. Under § 10.4 of the agreement the Town "represents and warrants that it has, or shall lawfully obtain, all necessary right title and authority" to have the hardware installed "at the designated locations." The Town Board's minutes of October 15, 2024 record the Chief of Police reporting that cameras had been installed "at locations where we received permission from businesses and property owners," and that Phases 2 and 3 would follow "as we obtain permits from the State and County for the remaining locations." For cameras on

poles on County routes, the record is the executed license with Orange County that the Town Board authorized on August 26, 2024. For cameras placed under State authority, it is any permit or authorization from the State, including the New York State Department of Transportation, which the Chief's reference to "permits from the State" and the invoices' "Contract Splits DOT Phase 3" label indicate. These are records of property rights and contract, not records compiled for law enforcement purposes, so § 87(2)(e) does not reach them at all. Nor does any of them reveal an investigative technique. A business's name is not personal information; I do not object to redaction of a private individual's name and home contact details.

On the same reasoning, the Non Standard Pole Attachment Agreement with Central Hudson Gas & Electric, to which paragraph 1(c) of the County license form refers, is a record of the Town's authority for cameras on Central Hudson poles. In my letter of September 22 I offered to request it separately if the Town read category (5) not to include it, and the Town has not said that it does. Please produce it, or state in your determination that the Town reads category (5) not to include it.

Ground 2. Category (7): no record of outside access was produced, and the Town has not certified that none exists

Category (7) asks for "records of data access: all records identifying any federal, state, county, municipal, or non-governmental agency or entity that has requested or obtained access to Town data, including the approved requests retained under Policy 424.7(c) and the access records described in Policy 424.6(a)," and expressly excludes "any plate data, images, or information identifying any vehicle or person."

The Town's own records show that access to its data can extend beyond its own users. The agreement defines "Flock Network End User(s)" as "any user of the Flock Services that Customer authorizes access to or receives data from" (§ 1.8), and provides that, "As between Flock and Customer, all right, title and interest in the Customer Data, belong to and are retained solely by Customer" (§ 4.1). The Police Department's "Flock Facts" presentation (slide 5, enclosed) says the Department "owns 100% of the LPR data and decides who can access it, how it is shared, and when access is revoked," lists "Agency-controlled sharing settings in place" and "Audit logs utilized for departmental review," and says that "any one-to-one federal sharing must be authorized locally."

The 570 pages of audit logs produced record searches run by Town of Newburgh users. I have read the Org Name column on every page where it appears, in all seven files. Every entry reads "Town of Newburgh NY PD." None names another agency.

The same vendor's system, as used by the City of Newburgh, records searches of a customer's network by other agencies and lets the customer retrieve them. Chief Brandon Rola of the City of Newburgh Police Department set out the columns of the City's audit in his memorandum of August 27, 2026 (pages 1 to 3 enclosed), and the columns of the report I received correspond to his list. He describes Org Name as "Organization running the search," and says the City's report identifies searches that included the City's network "by CNPD personnel and by numerous outside law enforcement agencies." A search by another agency that includes the Town's network is a request for access to Town data, which is what category (7) asks about, whether or not it returned a detection.

Either the report run for me was limited to the Town's own users, or the Town holds no record of any agency or entity other than the Town that has requested or obtained access to Town data, by a search that included the Town's network or by sharing or any other means. If the first, the records category (7) asks for exist and have not been produced. If the second, § 89(3)(a) requires the Town to certify that it has none, for the whole period of the request.

A record in Flock's system is not outside the request because Flock stores it. Section 86(4) defines a record as information "kept, held, filed, produced or reproduced by, with or for an agency." Section 89(3)(a) provides that "When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, it shall be required to do so," and that the programming needed to do so "shall not be deemed to be the preparation or creation of a new record." The City Police Department answered a Council member's email request of August 7, 2026 with "the complete Flock LPR search audit records" of searches that included its network, and its Chief reports that he "configured the Flock system" to control which outside agencies could search it (memorandum, pages 1 and 3). A certification that the Town does not have possession does not answer for a record it can retrieve from its own account. If the Town's position is that it cannot retrieve these records, please say so in your determination, and say what was done to obtain them, including any request to Flock.

For searches by other organizations, I ask for the records identifying the organization and the date and time of each search. I do not object to redaction of another agency's reason, case number or search terms, if the Town states the exemption for them.

One fact bears on the second possibility. Chief Rola's memorandum quotes the attestation he says the City was required to give on accepting its Division of Criminal Justice Services (DCJS) Law Enforcement Technology award, under which data generated by equipment bought with the award "must be shared with the New York State DCJS Crime Analysis Center Network." The Town was awarded $439,239 under the same program, by Grant Award Notice of May 31, 2024. The Town produced that notice in answer to this request, and it lists "License Plate Readers (Mobile/Fixed)" among the items the funds may be used for. The Town's signed attestation is requested under category (9).

Category (6) asks for the Town's network sharing settings, which would show whether outside agencies can search the Town's data at all. They were not produced either. The settings are data kept in the Town's account, and retrieving them is not the creation of a record. Nor was any agreement under which an agency or entity has obtained access, such as a sharing agreement with the regional Crime Analysis Center under Policy 424.7(d). Item 3 of my request 2026-00989 also asks for the sharing settings. That request does not replace category (6) of this one or change the time for deciding this appeal.

These facts are the basis for believing that the records in this Ground exist: the Department's statements on sharing settings and audit logs, the agreement's provision for outside users, the Town's DCJS award, and the outside-agency report the same vendor's system produced for the City. Any certification should account for them.

Ground 3. The audit logs cover seven of the twenty-nine months since the first installation

The audit logs are within category (7) as the "access records described in Policy 424.6(a)," which describes a system "capable of documenting all access of information by name, date and time." That is a record of all access, whoever the user, so these logs are within category (7) by its own words. The Department says Policy 424 took effect in 2025, but the reference describes the kind of record, the system's log of access by name, date and time; it does not limit the request to the months after the policy took effect. The Police Department produced these logs in answer to the request and gave no reason for leaving out the earlier months. They answer part of category (7), not all of it (Ground 2).

The request covers "March 1, 2024 to present," as the Town's acknowledgment of August 21 reproduces it. The September 23 letter states that "04/26/2024 was the first installation and validation date." The logs produced are seven monthly files, January through August 2026; May 2026 is missing from the middle of that range. Nothing was produced for April 26, 2024 through December 2025, and no exemption or certification was given for any of it.

Retention does not explain the gap. The agreement's recitals apply the thirty days to footage: "Flock deletes all Footage on a rolling thirty (30) day basis." Nothing in the agreement provides for deleting records of searches after thirty days, and the Town's own production includes logs from January 2026, months older than thirty days. Chief Rola's memorandum likewise applies the thirty days to detections, which "are retained within the Flock system for 30 days and are then automatically deleted," and reports that the City Police Department is providing its Council "the complete Flock LPR search audit records covering October 2024 through August 2026," twenty-three months from the same vendor. The memorandum describes the October 2024 records as "the first month showing" the City Police Department's training and test searches, so the City's report reaches back to its first use of the system.

The February file is incomplete. Each monthly report was printed in sets of pages that list the same records in the same order, each set showing different columns. A set with entries in it runs as many pages as the first set: January has four sets of 14 pages, March four of 43, April three of 27, and June three of 20. In February the sets run 23 pages, 10 pages and 1 page. The first set (the identification columns) runs pages 1 to 23. The second (Reason, Case # and Filters) runs pages 24 to 33, 13 pages short of the first. The third (the search times and search types) is only page 34: a full page of entries from February 28 back to February 26, with no header row, although the first page of every other set in these files carries one. So the third set is missing its first page and everything after page 34, and the second set stops after 10 of 23 pages. None of the other files contains the missing February pages. Several hundred searches in a file the Town did produce appear without their reason, case number or search time. (July and August are complete when read together: August's last set is a single header page because its two columns are empty, and most of July's third set and all of its fourth are printed in the August file, pages 28 to 91.)

Ground 4. The other records not produced

For each record below, I ask for the record, or a certification under § 89(3)(a) for that record, as set out in relief items 4 and 5.

- **Category (1).** Any sole-source or procurement records, including any written sole-source determination made by the Town and any record of compliance with General Municipal Law § 103.

The Chief of Police's memorandum of March 19, 2024 and Flock's sole-source letter were produced. If the Town holds no written sole-source determination other than that memorandum, please certify so under § 89(3)(a).

- **Category (2).** Any amendments, and any Special Terms under § 11.7 of the agreement. This includes any amendment, change order or statement of work behind the separate billing phases the invoices label "Falcon Contract Split (Phase 1)," "Contract Split Phase 2 Existing Infrastructure" and "Contract Splits DOT Phase 3." It also includes the Statement of Work that the Order Form (Exhibit A) names as the start of the Falcon Flex term, if that is a document other than the Order Form. These are also procurement records under category (1). The Order Form was produced. The Town Accountant, Ronald Clum, wrote on September 24, in an email the Town Clerk's office forwarded to me, that the Town does not use purchase orders and that the numbers on the invoices may have come from the vendor or the Police Department. His email addresses Accounting's records only. If the Police Department holds any purchase order, please produce it, or certify that it holds none.
- **Category (3).** All renewal records, including any record showing the current term expiration date, or when any billing phase's term began or will renew, such as a Flock validation or activation notice. The invoices from August 2025 onward bill a 24-month renewal term. The September 23 letter answered the first installation and validation date (its item #2).
- **Category (6).** Records showing which features are enabled on the Town's account, the network sharing settings for the Falcon cameras and the Falcon Flex devices, and the criteria for and count of any privacy opt-out list. The September 23 letter answered the Transparency Portal status.
- **Category (8).** Policy 424's full revision history and effective dates; the retention schedule referenced in Policy 424.5; and the policy in effect on March 25, 2024. The Department says Policy 424 took effect in 2025. It answered category (8) by supplying General Order 11-31 of 2011 and saying that order "would have been the same" as the policy in effect on March 25, 2024. It also says it does "not currently have access to the exact copy of the policy that was in effect on 03/25/2024," because it is "locked out of the program we used for our policies at that time." That exact copy is the record requested. A statement that two documents would have matched is not the record, and a record the Department is locked out of is not a record that cannot be found. A record kept for the Town is the Town's record wherever it is held (§ 86(4)), and § 89(3)(a) requires its retrieval with reasonable effort. Please retrieve it, with the vendor's help if needed, or certify under § 89(3)(a) that the Town does not have possession of it or that it cannot be found after diligent search. If the retention schedule referenced in Policy 424.5 is a published State schedule, identifying it will do.
- **Category (9).** Any signed or certified copy of the resolution authorizing the County license, as adopted. The copy produced is an unsigned form captioned "26th day of March, 2024," with an unsigned Clerk's certificate stating adoption on August 26, 2024, the day the minutes record the Board's vote. Category (9) also asks for any other Town Board resolution after March 25, 2024 referencing this system; any no-cost trial agreement; and the online attestation form that, according to the Grant Award Notice, the Town had to sign and return in place of a DCJS grant contract for the Law Enforcement Technology award, with any other page of that notice. The attestation is part of this request. On September 23, 2026, as a precaution only, I filed a separate request, FOIL 2026-01060, for the attestation, the Crime

Analysis Center sharing agreement and any data-sharing agreement. That request does not replace this one for any record it names, and does not change the time for deciding this appeal.

Relief requested

1. **Category (5).** Reverse the denial. Produce the device location lists for the Falcon cameras, including the location record linked from the invoices' "Link to Location of Services" line; the installation permits, including the executed license with Orange County, any permit or authorization from the State, the property owners' permissions and the other records of the Town's authority for each location (Ground 1), and the Central Hudson pole attachment agreement unless the Town states that category (5) does not include it; and the Deployment Plan. If any part of category (5) is withheld, identify that part, give a particularized and specific justification for it, and produce the rest.
2. **Category (7).** For March 1, 2024 through August 21, 2026, the date of the request, produce the records identifying every federal, state, county, municipal or non-governmental agency or entity that has requested or obtained access to Town data, which show the dates of access, including any whose searches have included the Town's Flock network, its Falcon cameras or its Falcon Flex devices. For searches by other organizations, this means the organization and the date and time of each search. Produce the approved requests retained under Policy 424.7(c) and the access records described in Policy 424.6(a). Produce any sharing agreement with the regional Crime Analysis Center under Policy 424.7(d), any other agreement under which an agency or entity has obtained access, and the network sharing settings under category (6). If the Town holds no such records, certify that under § 89(3)(a) for the whole period, as Ground 2 sets out, and please say in the certification what was searched, including the Flock account's records of searches by other organizations and its sharing records.
3. **The audit logs.** Produce the logs from March 1, 2024 (or the date the Town's account was opened, if later) through December 2025, the May 2026 log, and the February 2026 file in full. Produce the same audit logs, for March 1, 2024 through August 21, 2026, as run for every organization whose searches included the Town's network, and not only for Town users, subject to item 2 for other organizations' searches. Section 89(3)(a) requires the Town to retrieve or extract them with reasonable effort, and doing so is not the creation of a new record. This item is in addition to item 2 and does not replace it. Whether or not this item is granted, please preserve, and if necessary export now, every audit record that existed on August 21, 2026, so that nothing requested is lost while this appeal or any review is pending.
4. **The records in Ground 4.** Produce each record listed in Ground 4, or certify as item 5 provides.
5. **Certification record by record.** Where the Town does not hold a record listed in this appeal, certify so under § 89(3)(a) for that record, naming it and the period searched, and stating whether the Town does not have possession of it or it cannot be found after diligent search.
6. **Format.** Produce the missing February pages and all further records electronically, as my request asked under § 87(5).
7. **Withholding.** For anything withheld, state the exemption relied on for each record, with a particularized and specific justification.

8. **Determination.** Issue a written determination within ten business days of receiving this appeal, as § 89(4)(a) and § 144-7(F) require, and send a copy of this appeal and of your determination to the Committee on Open Government, as § 89(4)(a), § 144-7(E) and (F), and 21 NYCRR § 1401.7(g) and (h) require. Reopening the request, or giving a new estimated date, does not decide this appeal: within ten business days you must provide access or fully explain in writing the reasons for further denial (§ 89(4)(a)).

If no determination is made within ten business days, I will treat this appeal as denied (21 NYCRR § 1401.7(f)). Records that are ready may be sent as they become available; that does not extend the time for the determination.

Enclosed: the Town's acknowledgment of August 21, 2026; the September 23 letter (page 1 of the Police Department's document set); the September 25 letter; Flock invoice INV-37295 (page 30 of the same set), showing the "Link to Location of Services" line; pages 1 to 3 of Chief Rola's memorandum of August 27, 2026 to the City Council; and slides 2 and 5 of the Police Department's "Flock Facts" presentation.

Respectfully,

[redacted]

Joshua Huckabee
[redacted]Newburgh, NY 12550

Copy: Supervisor Gilbert J. Piaquadio and the Town Board; Lisa M. Vance Ayers, Town Clerk and Records Access Officer; Committee on Open Government, NYS Department of State

Joshua Huckabee
[redacted]
Newburgh, NY 12550

RE: FOIL Reference #2026-00936
Town Clerk, Flock Safety ALPR contract, payments, deployment, configuration, and data-access records

RE: Pursuant to Article 6 of the Public Officers Law, I request records concerning the Town's Flock Safety ALPR system, March 1, 2024 to present, in nine categories:

(1) sole-source and procurement records including any written sole-source determination and GML § 103 compliance;
(2) all order forms, purchase orders, amendments, and any section 11.7 Special Terms;
(3) the first camera installation and validation date and all renewal records;
(4) all invoices and payment records;
(5) the Deployment Plan under section 10.2, device location lists, and installation permits;
(6) system configuration records including which features are enabled, network sharing settings, Transparency Portal status, and the criteria and count for any privacy opt-out list;
(7) records of data access: all records identifying any federal, state, county, municipal, or non-governmental agency or entity that has requested or obtained access to Town data, including the approved requests retained under Policy 424.7(c) and the access records described in Policy 424.6(a) - expressly excluding any plate data, images, or information identifying any vehicle or person;
(8) Policy 424 as in effect on March 25, 2024, its full revision history and effective dates, and the retention schedule referenced in 424.5;
(9) Town Board resolutions after March 25, 2024 referencing this system, and any grant or no-cost trial agreements.

Please provide records electronically per § 87(5), certify non-possession per § 89(3)(a) where applicable, and for any denial state the specific exemption per record and advise of appeal rights per § 89(4)(a).

FREEDOM OF INFORMATION - ACKNOWLEDGEMENT LETTER

08/21/2026

Dear Joshua Huckabee:

Your FOIL request dated 08/21/2026 was received by the Town of Newburgh on 08/21/2026. The request is being reviewed and we anticipate you will be contacted regarding your request no later than 09/18/2026.

Access to the records, in whole or part, will be determined in accordance with Article 89 section 5 of the Freedom of Information Law.

Once the research has been completed and the requested documents are made available to the Town Clerk's office, we in turn will forward the information via email. However, some information requested, such as full property inspections or property survey's, are too large to be sent by email and will need to be reviewed or picked up in person at the Town Clerk's office. Pursuant to FOIL, a fee of $.25 per page for photocopies not exceeding 9'x14' will be charged. All other fees will be based on the material requested. You may make an appointment to view the records prior to copying to avoid cumbersome fees.

Thank you in advance for your cooperation. If you have any questions, or require further information, please do not hesitate to contact us.

TOWN OF NEWBURGH POLICE DEPARTMENT

300 Gardnertown Road, Newburgh, New York 12550

Donald B. Campbell
CHIEF OF POLICE

Ph: (845)564-1100
Fax: (845)566-8477

September 23, 2026

To: Joshua Huckabee

Re: Foil request 2026-936

Please find the enclosed USB flash drive with the items that you requested.
In reference to item #2 - 04/26/2024 was the first installation and validation date.
In reference to #5- This information has been deemed to be law enforcement sensitive and release is denied under public officers' law **87(2)(e) (iv)**. To provide you with the flock camera deployment plan would give you a detailed depiction of the investigatory process undertaken by law enforcement personnel. Disclosure of any such documentation to you would create an avenue for future violators of the law to evade detection of their criminal activity by investigating law enforcement officials. The documents if disclosed, would give violators the information they would need to deliberately tailor their future criminal conduct in anticipation of avenues of inquiries pursued by law enforcement personnel.
In reference to item #6- The transparency portal is currently still pending, and will be accessible in the near future.
In reference to item# 8- Policy 424 (ALPRs) was not in effect as of 03/25/2024 as this policy was put into effect when we switched to a new policy management system, (Lexipol) in 2025. The attached old policy from 2011 would have been the same as was in effect on 03/25/2024, with the only difference being Donald Campbell was the Chief of Police in 2024. We do not currently have access to the exact copy of the policy that was in effect on 03/25/2024, as we are locked out of the program we used for our policies at that time.

Respectfully,

Lieutenant Adam Zeilberger
Town of Newburgh Police Department
300 Gardnertown Rd
Newburgh, NY 12550
845-564-1100
azeilberger@townofnewburghpd.org

Joshua Huckabee
[redacted]
Newburgh, NY 12550

RE: FOIL Reference #2026-00936
Town Clerk, Flock Safety ALPR contract, payments, deployment, configuration, and data-access records

FREEDOM OF INFORMATION (F.O.I.L) REQUEST HAS BEEN FILLED

09/25/2026

Dear Joshua Huckabee,

The Freedom of Information records request that you submitted to Town of Newburgh as referenced above has been filled.

Everything you've requested should have been sent/picked up by/to you.
Thank you for your patience

If you have any questions, or require further information, please do not hesitate to contact us.

Sincerely,

Lisa M. Ayers - FOIL Officer
Dominique Rivera - Deputy FOIL Officer

flock safety

INVOICE

Flock Group Inc dba Flock Safety
www.flocksafety.com

Invoice Number	INV-37295
Invoice Date:	3/27/2024
Due Date:	4/26/2024
Payment Terms:	Net 30
PO#:	03262024

Bill To: NY - Newburgh Town PD
300 Gardnertown Rd
Newburgh, New York, 12550

Ship To: NY - Newburgh Town PD
300 Gardnertown Rd
Newburgh, New York 12550

Billing Company Name: NY - Newburgh Town PD
Billing Contact Name: Adam Zeilberger
Billing Email Address: azeilberger@townofnewburghpd.org

Payment Terms: Net 30
Contracted Billing Structure: 100% at First Camera Validation

Notes: NY - Newburgh Town PD - Town Funded

ITEMS	QTY	UNIT PRICE	SALES TAX	TOTAL
Flock Safety Falcon ®	56	$3,000.00	$0.00	$168,000.00
Flock Safety Falcon ® Flex	2	$3,500.00	$0.00	$7,000.00

Unless otherwise noted on the Order Form, the Term shall commence upon first installation and validation of Flock Hardware.
Link to Location of Services: https://planner.flocksafety.com/public/5417acea-6183-4529-aeaa-5efb6dfa42f1

Subtotal:	**$175,000.00**
Sales Tax:	**$0.00**
Credit:	**$168,000.00**
Payments:	**$0.00**
Balance Due:	**$7,000.00**

If you have questions about your invoice or need to update your billing contact information, please email billing@flocksafety.com or call 866-901-1781, option 3.

City of Newburgh Police Department

55 Broadway, Newburgh, NY
845-561-3131 (Emergency)
845-569-7405 (Main)
www.cityofnewburgh-ny.gov

Date: August 27, 2026

To: Interim City Manager Morris, Mayor & City Council

From: Brandon Rola, Chief of Police

RE: Audits Records of Flock LPR Searches That Included the CNPD LPR Network

PURPOSE

This memorandum further explains the Flock LPR search audit records being released and summarizes outside agency searches that included the CNPD LPR network from October 2024 through 2026.

BACKGROUND

Resolution No. 144-2026 of July 22, 2024, authorized the City Manager to enter into a contract with Flock for 1 mobile Flock Falcon Flex license plate reader (LPR) and to install 86 fixed LPRs within the City of Newburgh. The contract was signed by the City of Newburgh and Flock on August 6, 2024.

From August 6, 2024, to date, Flock has been working with the CNPD to install the agreed upon license plate readers within the City. Permitting requirements with Central Hudson and Verizon created significant installation delays in this process. As of January 1, 2026, 52 of 86 license plate readers have not yet been installed in compliance with the Flock LPR contractual agreement.

FLOCK LPR AUDIT REPORTS

On August 7, 2026, Councilmember Shakur requested the Flock Audit log via email. In response to that request, CNPD is providing the entire City Council with the complete Flock LPR search audit records covering October 2024 through August 2026.

DEFINITIONS

1. **CNPD Network** – For purposes of this memorandum, "CNPD network" means the group of CNPD Flock LPRs and the available license plate detections associated with those LPRs. A search that included the CNPD network could search available CNPD LPR detections within the selected time frame, up to the applicable 30-day retention period.

Inclusion of the CNPD network in a search does not establish that the search returned or displayed a CNPD LPR detection.

2. **Unauthorized** - For purposes of this memorandum, "unauthorized" means that an outside law enforcement agency included the CNPD LPR network within a search without CNPD's specific permission. It does not mean that the search returned a CNPD LPR detection, that CNPD information was viewed, or that the searching agency acted improperly or unlawfully.

What the Audit Records Show

The audit records identify searches that included the City of Newburgh LPR network by CNPD personnel and by numerous outside law enforcement agencies.

Each audit record entry documenting a search of the LPR network does not automatically mean the search was conducted in connection with a separate investigation or offense. When conducting a search, each change to a search filter setting generates a separate audit search entry number. For example, narrowing a four-day search to three days, or adding a vehicle color, or removing a previous filter creates another search entry number, even though the search activity relates to one investigation and occurs within minutes. Accordingly, the number of audit entry numbers does not equal the number of separate investigations, incidents or cases.

What the Audit Records Do Not Show

The audit records do not, by themselves, establish that any given search which included the CNPD LPR network produced a detection, or an investigative lead, or that CNPD LPR data was actually viewed, or that enforcement action resulted.

Flock LPR detections are retained within the Flock system for 30 days and are then automatically deleted. When a detection is relevant to a law enforcement investigation, an authorized user may download it before deletion and retain it separately as part of the applicable case file.

The Audit Record Columns Explained

- **ID** – The unique identifier assigned to the audit entry for a search.
- **Name** – User running the search.
- **Org Name** – Organization running the search.
- **Total Networks** – Total number of LPR networks included within a search.
- **Time Frame** – Date range used to limit the search of the LPR database.
- **License Plate** – License plate of the vehicle searched.
- **Reason** – Reason for search.
- **Case #** - Corresponding case number for a search.
- **Filters** – Filters added to a search, e.g, vehicle make, color, body type, etc.

- **Search Time** – Time a search was conducted.
- **Search Type**:
    - **Standard (search)** – A search performed where the license plate is only partially known or not known at all, e.g. searches of the LPR data using only a vehicle description including vehicle make, model, color, year, etc.
    - **Lookup** – A search performed where the license plate is fully known.
    - **Freeform** – A search performed allowing the user to type in free text description, e.g., "a red truck with a trailer towing a boat"
    - **Convoy** – Search performed to identify a specific vehicle "hitting" an LPR directly behind the searched vehicle.
    - **Geo Search** – A search selecting specific LPRs within a specific timeframe.
    - **Mobile** – added after any of the above search types to signify the search was completed on a mobile device.
    - **Text Prompt** – Additional information added to search criteria to help filter search results.
    - **Moderation** – Directly related to the freeform search function. Would allow, warn, or block the search based on the freeform text added.

CITY OF NEWBURGH FLOCK TIMELINE

- The October 2024 audit records are the first month showing City of Newburgh Police Department Flock LPR training and implementation TEST searches, as well as investigative searches.

- On December 9, 2025, after learning more about the extent of network sharing within the Flock license plate reader system, I took steps to restrict outside agencies from including the CNPD's LPR network within a search. I configured the Flock system so that no outside law enforcement agency, other than the New York State Crime Analysis Center (NYS CAC), could include CNPD's LPR network within a search. These restrictions were initiated in December 2025, well before the City began receiving the first negative public comments concerning Flock on March 23, 2026.

    NOTE: The NYS CAC is a Department of Criminal Justice Services funded and operated agency. The Flock LPR project was originally funded by the NYS DCJS Law Enforcement Technology Grant, which has the following required attestation upon grant award acceptance:

    > "As a condition of this funding award, any relevant data or information generated by technology or equipment procured with these funds must be shared with the New York State DCJS Crime Analysis Center Network to enable them to support investigations more fully. This data includes but is not limited to license plate reader data, gunshot detection system data, surveillance camera feeds (where appropriate), records management system (RMS) data, computer aided dispatch (CAD) system data, body-

FLOCK FACTS

LPRs record vehicles—NOT identities

Each detection or "read" is a point-in-time vehicle record created when a vehicle passes a camera.

PLATE

License Plate Information

A still image and the characters or digits read from a publicly displayed license plate.

VEHICLE

Vehicle Details

Make, color, body type, and visible distinguishing characteristics that can help narrow a search.

TIME + PLACE

A *Single* Sighting

The date, time, and camera location associated with that one vehicle event.

The LPR data record itself does *not* identify the driver or passengers.

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FLOCK FACTS

TNPD controls access to ALL owned data

LOCAL CONTROL

Under Flock's policy and contract framework, the customer (TNPD) owns 100% of the LPR data and decides who can access it, how it is shared, and when access is revoked.

Flock does not sell customer LPR data.

ACCESS IS CONTROLLED

- Authorized users only
- A documented search reason and designated Incident Number associated to the search
- Searches are tied to individual users
- Agency-controlled sharing settings in place
- Audit logs utilized for departmental review

ICE / FEDERAL ACCESS

TNPD does not share data with ICE through the Flock Portal. ICE has no direct access to Flock, federal agencies are excluded from statewide and national lookup, and any one-to-one federal sharing must be authorized locally.

Town of Newburgh Police Department · Follow

Flock LPR Information

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