Joshua Huckabee

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

DATE November 9, 2026

TO Mark C. Taylor, Town Attorney, Town of Newburgh; Rider, Weiner & Frankel, P.C., 655 Little Britain Road, New Windsor, NY 12553 (filed with the Town Clerk and sent by email)

RE **Appeal under Public Officers Law § 89(4)(a) and Town Code § 144-7, FOIL 2026-00989**

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 2026-00989. This is a separate request from 2026-00936 and 2026-00988, whose appeals you decided on October 13 and November 6, 2026. Thank you for both decisions. I am filing this appeal with the Town Clerk and sending it to you by email.

Neither the Town of Newburgh Police Department's (the Department's) letter of October 1, 2026, signed by Sergeant Christopher Sluszka, nor the Town's letters marking this request "partially filled" and then "filled," advised me of the right to appeal or identified the appeals officer, as Town Code § 144-7(A) and 21 NYCRR § 1401.7(b) require.

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

- **Date of this appeal:** November 9, 2026.
- **Date and location of the request:** FOIL 2026-00989, dated September 3, 2026, submitted through the Town's online FOIL request form to the Town Clerk's office, Town of Newburgh, and received on September 4, 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:** in writing, by the letter attached to the Town's email of October 22, 2026, which states that the request "has been filled" without producing these records or certifying under § 89(3)(a) that they cannot be found. 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." If that letter is not treated as a written denial, the records are denied under § 144-7(B) for failure to provide them within a reasonable time.
- **Name and return address:** Joshua Huckabee, [redacted] Newburgh, NY 12550.

What is appealed, and why now

The Town answered this request in two parts. On October 1, 2026 it sent the Department's letter and a letter from the Records Access Officer headed "REQUEST PARTIALLY FILLED," which said: "For items 3 and 7, it will take about 3 weeks to complete them." On October 22, 2026 the FOIL office emailed four screenshots for item 3, a screenshot of Sgt. Sluszka's email about items 3 and 7, and a new letter headed "REQUEST HAS BEEN FILLED," and offered a USB drive, which I picked up on October 23. That letter bears the date 10/01/2026, but I first received it on October 22.

The October 1 letters did not deny any item and gave no reasons. The request remained open until October 22, when the Town first said it had been filled. I have counted the time to appeal from that date (21 NYCRR § 1401.7(d); Town Code § 144-7(C)). Because no letter advised me of the right to appeal, the time to appeal should not run from any earlier date.

This appeal concerns items 3, 4, 5 and 7. I do not appeal items 1, 2 and 6. If you consider any part of this appeal untimely, please treat that part as a new request under § 89(3), received on the date of this appeal, and refer it to the Records Access Officer, so that the records can be found without a further round of letters. As a precaution I am filing a separate request today for the item 4 and item 5 records; it does not withdraw or narrow any part of this appeal, and records produced under either should be identified as answering both.

The request covers "June 1, 2026 to date except where noted." Item 7 notes its own period, March 1, 2024 to date. Each record named below is within a filed item, not a new request. I read the period to include a record that was in effect or in use during it, such as a setting, directive or sharing arrangement adopted earlier and still in force, as the Department did when it produced current screenshots for item 3. Item 3 itself asks for "the date any such setting was last changed," which can reach a setting made before the period. If you regard any record as outside the request, please say which, treat it as a new request as above, and do not hold back the rest because of it.

Ground 1. Item 3: the sharing settings that were produced are not the ones asked for

Item 3 asks for "Records reflecting the Department's Flock network sharing settings, including any setting excluding federal agencies from statewide or national lookup, and the date any such setting was last changed."

The Department produced four undated screenshots, sent October 22, of the settings for requests coming in from other agencies, for its two networks ("Town of Newburgh NY PD" and "Town of Newburgh NY PD (Flex)"). They show data retention, auto-approval of incoming requests (disabled), network discoverability, and which permissions other agencies may request. They do not show:

- **The networks the Town shares with, and what it shares.** The screenshots themselves say: "Outbound sharing of any permission will still be available." They also say that auto-accepted requests "will appear in your Shared Networks table." Which agencies the Town's network is shared with, and with what permissions, is a separate Flock setting in the same account. The Department holds a record of it. Under FOIL 2026-01060 the Department produced a Flock sharing screen, scanned on October 13, 2026, showing the Town's network shared with "CAC - Hudson Valley NY" with a share date of 5/1/2024 (page 15 of the file "CAC agreement and settings.pdf"). That screen was not included in the October 22 response to item 3, nine days later. The complete list of shared networks, and the permissions granted to each, is responsive.
- **Any setting excluding federal agencies.** The Department's "Flock Facts" presentation, produced under item 2 (page 26 of the mailbox file), states that "federal agencies are excluded from statewide and national lookup, and any one-to-one federal sharing must be authorized locally." The request's words come from that statement. The Department's reply of September 24, 2026 from the flock-questions-comments mailbox, also produced under item 2 (page 12 of the mailbox file), says: "We do not provide

ICE with images collected from our cameras and they are not authorized to check license plate numbers against our data." The only references to federal agencies in the screenshots are in the descriptions of the two auto-approve features, both disabled. If a setting or other record gives effect to these statements, it is responsive. If none exists, please certify so.

- **The date any setting was last changed.** No date was given, and the screenshots are undated. If Flock's system or the Department's records show when these settings were set or last changed, please produce that record. If not, please certify that no such record can be found.

Your decision of October 13, 2026 granted the appeal of 2026-00936 category 6, which includes "network sharing settings." Where one production answers both requests, I ask only that it be identified as answering both.

Ground 2. Item 5: search logs were produced, not audits

Item 5 asks for "Any audit of ALPR system use conducted under Policy 424.6(c), and any record of departmental review of Flock audit logs." Policy 424.6(c) provides: "ALPR system audits should be conducted on a regular basis."

The Department's letter of October 1 says: "In reference to item # 5, audit records are included on the attached USB." The files on that USB were the seven monthly Flock audit logs already produced under 2026-00936, identical file for file. Those logs are the system's record of each search. They are what an audit would examine, not an audit, and not a record that anyone reviewed them. No audit report, finding, review note or record of review was produced, and no certification was given that none exists.

The Department has said, in writing and in public, that audits are done and the logs are reviewed:

- Its "Flock Facts" presentation, produced under item 2 (page 26 of the mailbox file), lists "Audit logs utilized for departmental review." Item 5's second part asks for the record of that review.
- Its reply of September 24, 2026 from the flock-questions-comments mailbox, produced under item 2 (page 11 of the mailbox file), says: "Aside from supervisory oversight, system administrators review usage and we have instituted regular audits."
- At the Department's public presentation on October 29, 2026, streamed on the Town's YouTube channel, the Chief said "we do do the audits," that "Flock has introduced some audit assistance tools to help us to audit anything that's a red flag," and, later in the presentation, that "we are doing audits and audits have been done. And those audit logs are being released."

If audits have been done, records of them exist: reports, findings, notes, emails, or outputs of Flock's audit tools. Those from the request period are responsive and should be produced. If, when the Department says "audits," it means only the search logs, please say so in your determination and have the Records Access Officer certify under § 89(3)(a) that no record of an audit under Policy 424.6(c), and no record of departmental review of the audit logs, can be found after diligent search for the period.

Ground 3. Item 7: case totals were not answered

Item 7 asks for "Aggregate totals for searches of Flock data run by Department users, and Department cases in which Flock data was used, March 1, 2024 to date. Totals only, no case-identifying information."

Sgt. Sluszka's email of October 22 says: "The information requested in item 7 can be obtained from the audit logs included on the USB." I accept the thirty-nine monthly audit logs on the USB I picked up on October 23 as the Department's response on searches, and do not appeal that part.

The logs record searches, not cases. Nothing was produced on "Department cases in which Flock data was used," and no certification was given. The Department holds that information or can retrieve it:

- Its reply of September 24, 2026, produced under item 2 (page 11 of the mailbox file), says the system "has led to dozens of arrests for incidents that may never have been solved."
- Its "Flock Facts" presentation of September 2026 (slide 8, "Local results show the tool's value," page 29 of the mailbox file) lists cases it attributes to the system.
- At the October 29, 2026 presentation, a detective showed slides of "cases closed by investigation" and "cases closed by arrest," and said that a case closed by investigation can be one resolved "as a result of the assistance of our LPR system."

Please produce any existing record of the number of Department cases in which Flock data was used from March 1, 2024 to the date of the request, including any tally or list from which the statements above, or the statistics shown on October 29, were prepared, covering that period. If the number is held in the Department's records management system or in Flock's system, § 89(3)(a) requires that it be retrieved with reasonable effort: it 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 "Any programming necessary to retrieve a record maintained in a computer storage system" is not "the preparation or creation of a new record." If the Department holds no such record and cannot retrieve one, please certify so under § 89(3)(a). No case-identifying information is sought.

Ground 4. Item 4: the directive and configuration record were not produced

Item 4 asks for "Records reflecting whether a documented search reason and incident number are required for each search, including any configuration record or directive imposing it." The Department answered by producing Policy 424. Policy 424 does not require that a search reason or incident number be entered for a search.

The Department has described the requirement in its own words. Its "Flock Facts" presentation (page 26 of the mailbox file) lists, under "Access is controlled," "A documented search reason and designated Incident Number associated to the search." Its reply of September 24, produced under item 2, says: "Whenever searching for a vehicle, a report number must be entered as well as the type of incident" (page 11), and "In order for us to view these 'bread crumbs' we are required to put in the exact plate #, complaint # and reason for the search" (page 12). Please produce the records on which these statements rest, or certify under § 89(3)(a) that none can be found.

At the October 29 presentation the Chief described both kinds of record item 4 names. I offer his statements to show that records of the kind item 4 names are likely to exist, and that the requirement has changed since the Department first used Flock:

- **A directive.** He said that "in our training, we required officers to put that complaint number associated with the case in the description box." If that requirement is in writing, in a training document, order, memorandum or email, it is the directive item 4 asks for.
- **A configuration record.** He said that "when we first got the flock system, the complaint number was not a required field in the flock system," and that "They have since modified that to make it a requirement." Whether the case number or search reason field was required during the request period is a configuration setting in the Department's Flock account, like the settings produced for item 3.

Relief requested

1. **Item 3.** Produce the Department's shared-networks settings, listing each agency or network the Town's network is shared with and the permissions granted to each; any setting or record excluding federal agencies from statewide or national lookup; and any record of when the sharing settings were set or last changed. Certify under § 89(3)(a) for any of these that cannot be found.
2. **Item 5.** Produce every record of an audit of ALPR system use under Policy 424.6(c), and every record of departmental review of the Flock audit logs, in the request period, including reports and outputs of Flock's audit tools; or certify that none can be found after diligent search.
3. **Item 7.** Produce or retrieve the number of Department cases in which Flock data was used, March 1, 2024 to the date of the request, as totals only; or certify that the Department cannot.
4. **Item 4.** Produce the written directive or training material requiring a complaint number, the Flock configuration record showing whether the case number and search reason fields were required during the request period, and the records on which the Department's statements quoted in Ground 4 rest; or certify that none can be found.
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, as your decisions of October 13 and November 6, 2026 directed for 2026-00936 and 2026-00988.
6. **Withholding.** For anything withheld, state the exemption relied on for each record, with a particularized and specific justification.
7. **Format.** Produce records electronically, as my request asked under § 87(5).
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. If you grant this appeal in whole or in part, please state a date by which the records will be produced and any certification made.

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. As the request said, I am not requesting plate data, images, video, audio or any investigative file.

Enclosed: the Town's acknowledgment of September 4, 2026; the Records Access Officer's letter and the Department's letter of October 1, 2026; the FOIL office's email of October 22, 2026 and its attachments; pages 10 to 12 of the mailbox file produced under item 2 (the Department's reply of September 24, 2026; the date appears on page 9 of that file) and pages 26 and 29 of the same file (slides 5 and 8 of the "Flock Facts" presentation); and page 15 of "CAC agreement and settings.pdf," produced under 2026-01060.

Respectfully,

/s/ Joshua Huckabee

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

Enclosures to the appeal of November 9, 2026, FOIL 2026-00989

Joshua Huckabee

1. The Town's acknowledgment of September 4, 2026.
2. The Records Access Officer's letter of October 1, 2026, "Request Partially Filled."
3. The Police Department's letter of October 1, 2026.
4. The FOIL office's email of October 22, 2026 (transcribed on the next page), and its attachments: the letter headed "Request Has Been Filled," the four screen images of item 3, and the screenshot of the Department's email of October 22 (its other attachment, the Department's letter of October 1, is item 3).
5. Pages 10 to 12, 26 and 29 of the mailbox file produced under item 2, "Flock-questions-comments.pdf" (the Department's reply of September 24, 2026, and slides 5 and 8 of the "Flock Facts" presentation). Page 9 is left out because it carries a resident's message.
6. Page 15 of "CAC agreement and settings.pdf," produced under 2026-01060.

Email received October 22, 2026

From: foilofficer@townofnewburgh.org
To: mail@joshhuckabee.com
Date: Thu, 22 Oct 2026 11:15:49 -0400
Subject: Record Request 2026-00989 : Completion Letter
Attachments: 2026-00989 Item #3 FLEX 1.jpg; 2026-00989 Item #3 FLEX 2.jpg; 2026-00989 Item #3 TNPD 1.jpg; 2026-00989 Item #3 TNPD 2.jpg; Screenshot 2026-10-22 105459.png; 2026-00989.pdf; CompletionLetter.pdf

Hi Josh,

This is Oscar. Here are images and screenshots which should answer the missing items noted on the letter. There is also a USB available for pickup for this foil. It'll be $15 plus a surcharge of $1.80 should you decide to use a card.

Thank you

Joshua Huckabee
[redacted]
Newburgh, NY 12550

RE: FOIL Reference #2026-00989
TNPD Flock question mailbox and records behind presentation claims

RE: Under Article 6 of the Public Officers Law I request the following, June 1, 2026 to date except where noted, held by the Police Department or any Town office. Administrative records only; I am not requesting plate data, images, video, audio or any investigative file.

1. Records reflecting the creation of flock-questions-comments@townofnewburgh.org: date created, at whose direction, and who receives and administers it.
2. All messages to and from that address, and any template response used to answer them. Private individuals' contact details may be redacted.
3. Records reflecting the Department's Flock network sharing settings, including any setting excluding federal agencies from statewide or national lookup, and the date any such setting was last changed.
4. Records reflecting whether a documented search reason and incident number are required for each search, including any configuration record or directive imposing it.
5. Any audit of ALPR system use conducted under Policy 424.6(c), and any record of departmental review of Flock audit logs.
6. Any written directive, order, policy or memorandum implementing the statement in the September 2026 "Flock Facts" presentation that "No enforcement action will be taken on an unverified LPR alert alone." If Policy 424.4(f) is the only responsive record, please so state.
7. Aggregate totals for searches of Flock data run by Department users, and Department cases in which Flock data was used, March 1, 2024 to date. Totals only, no case-identifying information.

Provide records electronically in the format maintained per Sec. 87(5), certify non-possession per Sec. 89(3)(a) where applicable, and for any denial state the specific exemption per record, its particularized basis, and my appeal rights and appeal officer per Sec. 89(4)(a).

FREEDOM OF INFORMATION - ACKNOWLEDGEMENT LETTER

09/04/2026

Dear Joshua Huckabee:

Your FOIL request dated 09/03/2026 was received by the Town of Newburgh on 09/04/2026.

The request is being reviewed and we anticipate you will be contacted regarding your request no later than 10/02/2026.

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.

Joshua Huckabee
[redacted]
Newburgh, NY 12550

RE: **FOIL Reference #2026-00989**
TNPD Flock question mailbox and records behind presentation claims

FREEDOM OF INFORMATION- REQUEST PARTIALLY FILLED

10/01/2026

Dear Joshua Huckabee,

In response to your request on 09/03/2026 for the above records, our office was able to partially fill your request for the following reason(s):

Please refer to the attached document in regard to what the USB drive contains. For items 3 and 7, it will take about 3 weeks to complete them. Sgt. Sluszka will be handling foils for the time being, as Lt. Zeilberger is away.
Thank you
Thank you

Attached you will find the information we were able to provide.

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

Sincerely,

_____
Lisa Ayers
Records Access Officer
Town of Newburgh

TOWN OF NEWBURGH POLICE DEPARTMENT

300 Gardnertown Road, Newburgh, New York 12550

DONALD BRUCE CAMPBELL
CHIEF OF POLICE

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

October 1, 2026

To: Joshua Huckabee

Re: Foil Request 2026-00989

In reference to item # 1, the flock-questions-comments@townofnewburgh.org email was created at the direction of Supervisor Piaquadio on or about September 3, 2026. Chief Campbell receives and responds to the emails.
In reference to item # 2, all messages and responses are included on the attached USB.
In reference to item # 3, I am in the process accessing this data from the individual who is in charge of the program, I will need more time to complete this.
In reference to item # 4, please see the included Automated License Plate Readers policy. Policy 424
In reference to item # 5, audit records are included on the attached USB.
In reference to item # 6, this is included in Policy 424. 424.4(f)
In reference to item #7, I am in the process accessing this data from the individual who is in charge of the program, I will need more time to complete this.

Respectfully,

SGT C

Sergeant Christopher Sluszka
Town of Newburgh Police Department
300 Gardnertown Rd
Newburgh NY, 12550
845-564-1100
csluszka@townofnewburghpd.org

Joshua Huckabee
[redacted]
Newburgh, NY 12550

RE: FOIL Reference #2026-00989
TNPD Flock question mailbox and records behind presentation claims

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

10/01/2026

Dear Joshua Huckabee,

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

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

Town of Newburgh NY PD

Data Retention: 30 Days

Auto Approve Requests by Radius

50 miles

Enabling this preference will automatically accept any incoming request to share your camera data with Law Enforcement agencies, **excluding Federal organizations,** within the selected distance of your organization address.

These auto-accepted requests will not appear in your Requests Inbox, but they will appear in your Shared Networks table. This network-level preference can be overridden by other preferences.

Disabled

Auto Approve Requests Within My State

Enabling this preference will automatically accept any incoming request to share your camera data with Law Enforcement agencies, **excluding Federal organizations,** within your organization's state.

These auto-accepted requests will not appear in your Requests Inbox, but they will appear in your Shared Networks table. This network-level preference can be overridden by other preferences.

Disabled

Network Discoverability

Enabling this preference will make this network discoverable to Law Enforcement agencies, based on the selected distance, so that other organizations can request access to your camera data.

Disabling this preference will hide this network, based on the selected distance, and other organizations will not be able to request access to your camera data.

Within 50 Miles

Within My State

Permission Preferences

Select the permissions to show/hide and auto-approve on inbound share requests from external agencies. Outbound sharing of any permission will still be available.

Permission	Available for Request	Auto Approve
Search Enables shared device access to the Search experience.		
Alerts Enables shared device access to the Alerts experience.		

Network Discoverability

Enabling this preference will make this network discoverable to Law Enforcement agencies, based on the selected distance, so that other organizations can request access to your camera data.

Disabling this preference will hide this network, based on the selected distance, and other organizations will not be able to request access to your camera data.

Within 50 Miles

Within My State

Within Nationwide

Permission Preferences

Select the permissions to show/hide and auto-approve on inbound share requests from external agencies. Outbound sharing of any permission will still be available.

Permission	Available for Request	Auto Approve
Search Enables shared device access to the Search experience.		
Alerts Enables shared device access to the Alerts experience.		
VMS Go-Live Enables shared device access to view live video feed.		
VMS Historical Enables shared device access to view recorded video feed.		
VMS Download Enables shared device access to download recorded video feed.		

VMS PTZ and Imaging permissions can only be shared outbound.

Analytics Enables shared device access to analytics in Traffic Analytics within Insights.		

Town of Newburgh NY PD (Flex)

Data Retention: 30 Days

Auto Approve Requests by Radius

50 miles

Enabling this preference will automatically accept any incoming request to share your camera data with Law Enforcement agencies, **excluding Federal organizations,** within the selected distance of your organization address.

These auto-accepted requests will not appear in your Requests Inbox, but they will appear in your Shared Networks table. This network-level preference can be overridden by other preferences.

Disabled

Auto Approve Requests Within My State

Enabling this preference will automatically accept any incoming request to share your camera data with Law Enforcement agencies, **excluding Federal organizations,** within your organization's state.

These auto-accepted requests will not appear in your Requests Inbox, but they will appear in your Shared Networks table. This network-level preference can be overridden by other preferences.

Disabled

Network Discoverability

Enabling this preference will make this network discoverable to Law Enforcement agencies, based on the selected distance, so that other organizations can request access to your camera data.

Disabling this preference will hide this network, based on the selected distance, and other organizations will not be able to request access to your camera data.

Within 50 Miles

Within My State

Permission Preferences

Select the permissions to show/hide and auto-approve on inbound share requests from external agencies. Outbound sharing of any permission will still be available.

Permission	Available for Request	Auto Approve
Search Enables shared device access to the Search experience.		
Alerts Enables shared device access to the Alerts experience.		

Network Discoverability

Enabling this preference will make this network discoverable to Law Enforcement agencies, based on the selected distance, so that other organizations can request access to your camera data.

Disabling this preference will hide this network, based on the selected distance, and other organizations will not be able to request access to your camera data.

Within 50 Miles

Within My State

Within Nationwide

Permission Preferences

Select the permissions to show/hide and auto-approve on inbound share requests from external agencies. Outbound sharing of any permission will still be available.

Permission	Available for Request	Auto Approve
Search Enables shared device access to the Search experience.		
Alerts Enables shared device access to the Alerts experience.		
VMS Go-Live Enables shared device access to view live video feed.		
VMS Historical Enables shared device access to view recorded video feed.		
VMS Download Enables shared device access to download recorded video feed.		

VMS PTZ and Imaging permissions can only be shared outbound.

Analytics Enables shared device access to analytics in Traffic Analytics within Insights.		

Re: 2026-00989

Christopher Sluszka <CSluszka@townofnewburghpd.org>
To foilofficer@townofnewburgh.org

Reply | Reply All | Forward | ...

Thu 10/22/2026 10:45 AM

FLEX 1.jpg 189 KB | FLEX 2.jpg 128 KB | TNPD 1.jpg 189 KB | TNPD 2.jpg 128 KB

The information requested in item 7 can be obtained from the audit logs included on the USB. I am attaching screenshots which should cover item 3.

Sgt. Christopher Sluszka
Town of Newburgh Police Department
300 Gardnertown Rd
Newburgh, NY 12550
(845)564-1100

****CONFIDENTIALITY NOTICE****
Information contained in this e-mail is confidential and may be privileged and exempt from disclosure. If the reader of this message is not the intended recipient, the reader is hereby notified that any dissemination, distribution, or copying is strictly prohibited. All information contained within should be considered law enforcement sensitive unless otherwise noted. If the reader has received this in error, please immediately destroy all copies and attachments and notify this office by replying to this e-mail or by calling (845) 564-1100.

Dear resident

There has been much misinformation dispersed regarding the use of Automatic License Plate Readers (ALPR) and the Flock system. While I cannot explain or defend some of the negative incidents that have occurred around the country that have been attributed to ALPR's and Flock specifically, I will try my best to explain how they are being utilized in the Town of Newburgh.

Why are there license plates on cars?

Allow me to first clarify some of the reasons license plates are issued (and mandatory) on all vehicles operated on public roadways. Registering a vehicle is a requirement in New York State. License plates are issued by and remain the property of NYS Department of Motor Vehicle. If you have ever taken a vehicle off the road you are probably aware that you are fined every day that you do not return the plates and your license could be suspended if you fail to return those plates. Plates are issued so that, in the event of an accident or a crime, the vehicle can be identified and associated to a responsible party by the police. No warrant is needed nor would it be practical to obtain a warrant for every vehicle stop, accident, parking complaint etc.... When a police officer runs a license plate through Ejustice(the state run database that accesses Department of Motor Vehicle records) they can see the registered owners name, address, date of birth, along with the vehicle information (year make model etc....). If the vehicle or the registered owner is associated to a crime there may also be an alert when the registration is run, notifying the officer (stolen vehicle, child abduction, warrant etc....). Although the license plate itself does not belong to the individual, the personal information associated with that registration does belong to the individual. We as law enforcement must protect that information, as we have authorization to access it, pursuant to our duties as police officers. Keep in mind that when vehicles are involved in an accident the vehicle(s) and driver(s) license information as well as any occupants appear on the accident report and is obtainable by all interested parties including insurance companies.

What do the cameras do?

First, a little bit about how they work. These ALPR cameras are mounted on poles at various points around the Town of Newburgh with an emphasis on the heaviest traffic areas and those roads that lead in and out of town. Whenever a vehicle passes one of these cameras a photo is generated of the exterior of the vehicle. There is no live feed or video, it is a snapshot of the exterior of the vehicle with a focus on capturing the license plate number. Artificial intelligence is used to read the characteristics of the license plate(identify the state, and number and letters) and the make and color of the vehicle. That information is sent to the cloud(Flock) and is encrypted on both ends. At this point, the information associated with the license plate is not extracted. In other words, your license plate is not "run" meaning Flock does not get a name, address, date of birth etc.... associated to the vehicle. It is just a picture of the exterior of a vehicle with no individual's identity or personal information attached. No different than if someone was standing on the street taking pictures. The courts have consistently ruled that there is no reasonable expectation of privacy in a public place and that this does not violate anyone's 4th Amendment.

How is this beneficial to law enforcement?

Once a vehicle or the registered owner is identified as being involved in a crime, the license plate number of a suspect vehicle can be entered into the Flock system in what is known as the "Hot List". Hot lists contain license plate numbers associated with legitimate law enforcement alerts or investigations such as stolen vehicles, wanted persons, missing or endangered persons or vehicles identified during criminal investigations. If a vehicle on the "Hot List" passes a camera the system will alert the police. The officer can then respond to the area, considering the direction of travel, and attempt to locate the vehicle. If the officer spots the suspect vehicle he is required to run the plate through Ejustice (a separate NYS run database that accesses motor vehicle records) to ensure he has the correct vehicle prior to initiating a traffic stop. This protects the public from any misreads that may have occurred with the

Flock system. For example; if NY reg# ABC1234 was entered as a stolen vehicle and Flock alerted on A8C 1234, the officer will run the plate on the observed vehicle and NOT initiate a vehicle stop. To date we have no reported incidents of stopping the wrong vehicle because of a Flock alert.

The Flock system is also a valuable tool for identifying suspect vehicles after an incident has occurred. Sometimes, when a crime occurs we are fortunate enough to have a witness write down the license plate number and provides it to us. That certainly makes identifying the suspect much easier. Flock essentially works as that eyewitness. With a description of a vehicle, direction of travel and exact date and time of an incident, we can obtain a photo and plate number of the suspect vehicle as it flees the scene (provided it passes a Flock camera). The system can further narrow down our searches if we know other vehicle characteristics like a roof rack or a bumper sticker. This is a game changer considering that we live in an area known as the "Crossroads of the Northeast" where two major interstates intersect and a suspect can be miles away before police can identify what happened. This has led to dozens of arrests for incidents that may never have been solved and presumably prevents additional crimes and additional victims.

Why do we share data?

The sharing of data with other agencies has been a difficult problem to navigate. On one hand you want to assist other agencies, as fellow law enforcement, with the same goal of protecting the public and upholding the law. On the other hand, the more individuals allowed to access the data the harder it is to control the information. Though we want to believe every officer has the best of intentions we are not so naïve as to believe the potential for abuse is not present.

Any data that is recorded from cameras in the Town of Newburgh is the sole property of the Town of Newburgh Police Department. We have tailored our permissions so that we do not allow other agencies to "scroll" our data. We do however allow an agency that has a valid law enforcement reason and complaint number to search for a specific plate #. This means that the other law enforcement agency has identified a suspect vehicle and they wish to see if that vehicle travelled through our jurisdiction. Though we call this sharing data what is actually happening is that the outside agency is comparing a plate with our data. If the vehicle was captured on one of our cameras it will provide them with that photo. If the vehicle was not captured on our cameras they will get nothing. Considering our geographical location it is certainly reasonable to believe that a vehicle that committed a crime in Pennsylvania, New Jersey or Connecticut could pass through our area in a short period of time. These outside agencies DO NOT have access to plates hits unless they identify the plate EXACTLY and they will only get a photo of the vehicle and plate. They must be authorized to access Department of Motor Vehicle database in order to get any information associated with the plate. They cannot see the license plate photos of vehicles that randomly pass our cameras.

Data Retention

The current retention setting for our ALPR cameras is set for 30 days. Flock has recently given us the option of reducing the retention period to as short as 7 days. We are currently reviewing our cases to see if there are many cases that required longer than 7 days of storage and will adjust our settings accordingly. Again, the data we are referring to is nothing more than still images of vehicles passing these ALPR's and that data is only searched for law enforcement purposes.

How do we protect your information?

All users have independent password protected sign-ins with mandatory multi-factor authentification. Whenever searching for a vehicle, a report number must be entered as well as the type of incident. This information is easily cross referenced and trackable. Aside from supervisory oversight, system administrators review usage and we have instituted regular audits. Flock itself has initiated additional safeguards in response to some of the incidents that have brought negative feedback. Any individual caught abusing any database operated by the Town of Newburgh Police are

subject to disciplinary action including suspension, termination and even criminal prosecution. This fact is incorporated into their training and rules and regulations. To date no officer has been accused or found to be misusing the Flock system or Ejustice.

Additional facts

The ALPR cameras record when you go past them. They do not follow you to the store, doctor, pharmacy, friends house or work. The system could be used to determine a route by essentially mapping "bread crumbs" of cameras a vehicle passed, but that information only puts a vehicle in a particular area and not a final destination. The cameras do not identify the driver or passengers and cannot determine where you stop or if you ever exited your vehicle. In order for us to view these "bread crumbs" we are required to put in the exact plate #, complaint # and reason for the search. Again, we placed the cameras in locations to cover the main roads in and out of town and with the highest volume of traffic. It is not an efficient way to "follow" a vehicle as the cameras are too far from each other. It does not work like GPS that sends out a signal every few seconds. We can only see when a vehicle passes a camera and we only see the registration information if we run the plate through ejustice.

The cameras do not have facial recognition, do not record cell phone data and do not record speed or traffic violations.

Some HOA's and private businesses are now purchasing and utilizing license plate readers to protect their neighborhoods and businesses. Those HOA's and businesses do not have the authorization to obtain vehicle registration information for any vehicles captured on camera. They turn over the image of the vehicle and license plate to law enforcement when a crime is suspected of occurring just as they would video surveillance from security cameras. Only law enforcement can obtain the personal information associated with the license plate registration.

NYS Department of Motor Vehicles does not associate immigration status with driver's license or vehicle information. In other words, Immigration status cannot be determined from "running" a driver's license and/or license plate. Social Security numbers are not included in the information an officer obtains when running a license plate through NYS DMV. Flock does not work with ICE. We do not provide ICE with images collected from our cameras and they are not authorized to check license plate numbers against our data.

I hope this addresses the majority of concerns. Law enforcement is not interested in tracking law abiding citizens and will not do so unless there is a legitimate purpose. Our interests are in protecting all citizens and bringing offenders to justice.

Donald B Campbell

Chief of Police

[Quoted text hidden]

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.

FLOCK FACTS

Local results show the tool's value

TNPD has Flock-assisted success in major *AND* day-to-day cases. The system supports—but never replaces—an officer's work, witnesses, records, video, and other evidence.

TPND Major Crime Success

- Drive-By Shooting at children getting off a school bus
- Armed Bank Robbery
- Gas Station Robbery with shots fired
- Armed Home Invasion
- Violent Stabbing – Federal Hate Crime
- Multi-jurisdictional burglary crew apprehension

$25K

Elder-Scam Investigation

Vehicle information helped support an investigation involving a reported $25,000 elder-fraud loss.

DAY TO DAY

Routine public-safety value

- Missing and endangered people
- Hit-and-run crashes
- Shoplifting investigations
- Stolen vehicles
- Etc.

Case descriptions are intentionally limited to protect victims, investigations, and due process.

CAC - Hudson Valley NY

I'm sharing	Permissions	Share Date
Town of Newburgh NY PD	Search, Alerts, VMS Go-Live, VMS Historical, VMS Download, VMS Imaging Settings, VMS PTZ, VMS PTZ Settings, Analytics	5/1/2024