Assembly Standing Committee on Consumer Affairs and Protection
Assembly Standing Committee on Governmental Operations
Assembly Standing Committee on Local Governments

November 9, 2026 Public Hearing
Subject: Automated License Plate Reader Systems

Prepared Statement of Brendan James Gilbert, Esq.

Thank you for the invitation and opportunity to testify on this subject.

Because of the efforts of grassroots organizations and uniform student resistance, the University at Buffalo's new President just placed an indefinite pause on their plan to pilot twenty Flock cameras at University entrances and exits.

At an October 27, 2026 community meeting, a presenting Officer gave an example of searching Flock databases for "passenger-side damage." At this meeting, the University police chief described hearing about "outsiders" and directed participating questioners to state their name and affiliation—apparently to discourage the not-quite-tenure-tracked from speaking—I gave mine: bachelors in computer science, 2006; JD / MBA 2010; self-employed public aid criminal defense and privacy/ information security civil rights lawyer. So I could ask my question: "How can an 'automated license plate reader' system provide a meaningful result for a search including 'passenger-side damage?' " The Officer said he never made the claim that Flock was just looking at license plates. He then said that the Flock system views the whole car.

This captures the essence of the problems with these alleged systems.

First: I cannot testify about what Flock Group, Inc. hides from me.

The problem is that Flock (and competitors) pitch law enforcement, who then become co-opted PR to pitch the public and "dispel myths" regarding a "tool," placed in the hands of fools, with no instruction manual and no guiderails. New Yorkers are denied the honest perspective of their law enforcement, who all pronounce the tool "useful," and act as though their role is to "consider" or "respect" privacy interests with the same fashion as one delivers "thoughts-and-prayers" towards America's rampant, exceptional and deranged gun violence.

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The tool is also not transparent. Flock has security attestation documentation, but they don't allow the public to view their security documentation who don't provide a "work" email address associated with a prospective client of theirs. ***What do they have to hide?*** A responsible government contractor would be publishing these documents. I would know, I saw them as a risk assessor and auditor at Deloitte & Touche and KPMG among other security risk advisory firms. Privately-owned Flock Group, Inc. takes the fly-by-night Silicon Valley approach of disruption without transparency.

Second: I can testify about what Flock Group, Inc. hides from you.

They aren't magicians. New technology does not make existing legal precedent experience a disappearing act, like David Copperfield did the Statue of Liberty. Because automated license plate reader systems enable police to make police-initiated interactions towards civilians, People v. DeBour (40 NY2d 210 (1976)) applies, and it requires the police officer to have an objective, credible reason to make an inquiry into an automated license plate reader system regarding a civilian—the exact same as they would for a street encounter. The technology migrating the police activity from occurring on the sidewalk to the camera database does not matter.

Third: I can testify what New York municipalities have revealed.

The Town of Cheektowaga's audit logs show that since deployment, the Police Department has tolerated vague, generic searches from their Officers with zero consequences or discipline. One writes "crime" for the reason for every search. Many choose "inv." Some use one period, others multiple. One uses one letter, apparently at random.

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Cheektowaga Internal Affairs Report 2026-01 reveals that underneath the generic Flock query reasons are misuse and abuse between three public safety dispatchers, one of whom became a police officer. The Report minimizes the involvement of Police Officer Robert Dombrowski because he attended police academy and obviously, the Department doesn't want him to be on a Brady list at the beginning of his career as an Officer. The fact is that the Officers only received between 30 and 60 minutes of training on the system in 2023 when it was first deployed.

Fourth: I can testify about what the voters have revealed.

People ran for office on the platform of regulating or removing these automated license plate reader systems, and they are going to want to deliver for their voters on their promises.

I represent a grassroots organization that wants removal. We do not trust the government to operate domestic mass surveillance. We do not believe the government when it concludes that system abuse and misuse is motivated by gossip and soap opera logic.

Notwithstanding my desire for removal, I believe the incoming, honorable Member-elect for the 143rd District will have perspectives on reform that deserve the full consideration of the New York Assembly. Please take heed and act accordingly. Thank you.

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