WRITTEN TESTIMONY

Submitted by Chief (Ret.) Patrick Phelan, Executive Director, on behalf of the New York State Association of Chiefs of Police

Joint Public Hearing of the Assembly Standing Committees on Consumer Affairs and Protection, Governmental Operations, and Local Governments

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Chair Rozic, Chair McDonald, Chair Solages, and members of the Committees:

Thank you for the opportunity to submit testimony on behalf of the New York State Association of Chiefs of Police regarding the collection and use of data generated by automatic license plate reader systems.

The Association represents police executives serving communities of every size and character throughout New York State. Our members lead departments with different operational needs, different resources, and different experiences with public safety technologies, such as automatic license plate reader (ALPR) systems.

Our purpose in submitting this testimony is not to defend any individual deployment or any particular vendor manufacturing ALPR technology. Each agency is responsible for its own policies and practices.

Our purpose is broader. We believe it is important that this critical discussion begin with a clear acknowledgement about the power of this technology; that the privacy, access, retention and misuse concerns associated with the technology must be taken seriously; an understanding of the legitimate public-safety value that APLRs provide; and that any standards developed by the State preserve both public confidence and the ability of police agencies to investigate crime, locate vulnerable people, and protect the communities they serve. Those objectives are not mutually exclusive.

Addressing ALPR Concerns

It is the Association's position that law enforcement should acknowledge the public's concern that ALPR technology is significant and capable of being misused. It is powerful technology.

That is precisely why it deserves strong governance. There are legitimate questions when it comes to APLRs about who can access the information, when information should be shared with another agency, how misuse can be detected, and what consequences should follow when someone abuses access.

Those are not reasons, however, to abandon technology. They are reasons to supervise its use well.

Clear policy, legal process, training, human review, oversight, auditing and transparency can preserve valuable public-safety capabilities while establishing meaningful boundaries around their use.

The Association strongly believes that any responsible ALPR framework should address several core principles:

- **Clear public-safety purpose.** Police Departments and law enforcement agencies should articulate why they use ALPR technology and the legitimate public-safety and investigative purposes for which the data may be accessed.
- **Defined permitted and prohibited uses.** Policies should identify authorized investigative purposes and expressly prohibit personal use or any use not related to addressing crime and investigations.
- **Auditability and supervisory review.** Systems should maintain reliable audit records, and departments should periodically review searches for compliance with policy. The appropriate answer to a concern about access and use should not be: "Trust us." The stronger answer is that the system is designed so improper access can be detected, attributed, reviewed and addressed.
- **Responsible retention.** Retention should be no longer than reasonably necessary to serve legitimate investigative, evidentiary, legal and accountability purposes. At the same time, retention rules should account for the reality that the significance of plate data may not be known immediately after it is collected. A rigid rule that destroys relevant information before investigators, prosecutors, defense counsel or complainants could reasonably know it exists may create its own problems. Retention policies should therefore balance privacy with preservation, discovery and accountability obligations.
- **Managed information sharing.** Interagency sharing is an important part of modern policing because crime does not stop at municipal, county or state boundaries. That does not mean, however, unrestricted access. Departments should be able to determine who may, and who **may not**, receive or query their information, for what purposes, subject to what conditions, and with what audit trail.
- **Transparency, security and consequences for misuse.** As with other technologies and public safety tools, departments should maintain written policies, train personnel, protect systems from unauthorized access, periodically review their practices and impose meaningful consequences when employees misuse the technology.

Police executives should expect scrutiny, and the Association supports safeguards, accountability, and transparency surrounding ALPR use. Good governance, however, should constrain misuse without eliminating legitimate use.

Rules that are so restrictive that investigators cannot use ALPR information in ordinary criminal investigations, cannot share information when a dangerous offender crosses jurisdictional lines, or must destroy potentially important information before anyone reasonably knows its significance would not represent a balanced approach. Nor should police agencies be placed in the position of choosing between compliance with a statutory retention requirement and their separate (and also statutory) responsibilities to preserve evidence, comply with discovery obligations, respond to court orders, investigate misconduct or defend the integrity of an investigation.

The details matter. That is why law enforcement needs to be part of this discussion.

ALPRs are critical to public safety

As you know, ALPRs have become critically important to public safety across New York and the country. They assist officers and investigators in locating stolen vehicles, identifying vehicles associated with crimes, locating missing and endangered people, developing leads in shootings, robberies, and other serious offenses, locating wanted persons, and reconstructing relevant vehicle movements after an incident has occurred.

They can also assist officers in narrowing their investigations. A vehicle record may corroborate an alibi, establish that a vehicle was somewhere other than where a witness believed it to be, or help investigators determine quickly that an investigative theory is wrong. Like many forms of objective evidence, ALPR information can be both inculpatory and exculpatory.

An ALPR alert or historical search result should be understood for what it is: an investigative lead that must be verified and considered alongside other evidence. That distinction is important. Technology can assist an investigation. It should not replace the judgment, verification and legal obligations of the officers conducting it.

Conclusion

The New York State Association of Chiefs of Police welcomes the Legislature's attention to these issues and stands ready to be a constructive partner as New York considers the appropriate framework for ALPR technology.

Our shared objective should be straightforward: preserve the ability of law enforcement to use legitimate technology to protect New Yorkers while ensuring that the public can understand, and have confidence in, the rules governing that technology.