

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RENSSELAER

THE COUNCIL OF THE CITY OF TROY,
NEW YORK and CITY OF TROY,
NEW YORK AUDITOR

Petitioners,

For a Judgment Under Article 78 of the
Civil Practice Law and Rules,

-against-

AFFIDAVIT OF POLICE
CHIEF DANIEL P. DEWOLF

EF2026-282983
Hon. Noel Mendez, ASCJ

MAYOR CARMELLA MANTELLO in her official
capacity as Mayor of the City of Troy, New York,

Respondent.

DANIEL P. DEWOLF, being duly sworn, deposes and says:

1. I am the Chief of Police of the City of Troy and the head of the Bureau of Police. As such, I have command and management of the entire police force of the City. I am responsible for maintaining the peace of the City, preventing crime and enforcing the laws of the state and the ordinances of the City. *See* Troy City Charter § C-53 (F – I).
2. I have served as a police officer for the City of Troy for more than thirty years, starting as a patrolman on February 27, 1995, and then promoting through the ranks until becoming Chief on July 16, 2021.
3. I am fully familiar with the Troy Police Department's operational use of License Plate Readers and make this Affidavit upon my personal knowledge in support of Respondent. I believe the Petition should be denied.
4. The Troy Police Department ("TPD") has used mobile License Plate Readers since around 2011, initially deploying them in patrol vehicles and other mobile units.
5. TPD first contracted with Flock Safety in or about August of 2021 for stationary Automatic License Plate Recognition ("ALPR") cameras to be mounted on fixed poles.

6. There are currently 26 Flock ALPR cameras deployed throughout the City. They capture millions of images throughout the year, but Flock's records retention system stores captured images for no longer than 30 days. Records that TPD wants to preserve must be extracted, downloaded, and archived on our own storage devices for investigative, prosecutorial, and administrative purposes. Under the contract with Flock, TPD retains full control over camera usage, access permissions, and the data we retain.
7. Flock ALPRs are also used by other law enforcement agency subscribers throughout the Capital District and the State of New York.
8. Flock cameras do not record continuous video, they are motion activated and designed to capture specific vehicle information as vehicles pass through a defined location, including license plate number, vehicle make, model, color and body type, and date, time, and location of detection.
9. The Flock camera system focuses solely on the vehicle when it passes by. The system does not employ technologies that identify people based on physical characteristics. No facial recognition software is used and biometric data is not collected. Flock ALPRs identify vehicles not people.
10. ALPRs are an integral part of TPD's crime fighting arsenal and have become an essential tool for daily police operations.
11. Many crimes involve vehicles. Flock cameras provide objective vehicle information in a searchable format that allows TPD investigators to develop leads quickly - sometimes even in real time - without the necessity of sorting through hours of video footage, and often supplementing incomplete witness descriptions. Simply put, identification of vehicles involved in crimes leads to the identification of criminals.
12. The Flock ALPR system is used regularly by TPD to locate suspects' vehicles, to find missing or endangered persons, including subjects of Amber or Silver alerts, to identify and locate stolen vehicles or other vehicles involved in crimes, to corroborate witness or suspect statements, and to investigate multi-jurisdictional incidents and patterns of criminal activity.
13. The information gathered is paramount in our ability to investigate and solve violent crimes as well as relatively minor incidents such as motor vehicle crashes and other property damage involving vehicles.
14. TPD's 2026 budget, which the City council approved and passed in 2025, properly provided for payment of the Flock annual subscription of \$78,000 as an expenditure appropriated under line 405-0091.

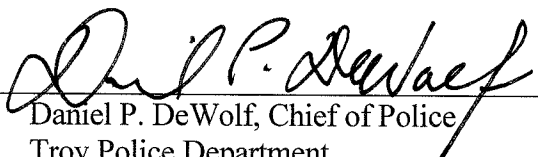
15. I attended the City Council meeting on March 19, 2026, to support Resolution # 35. At that meeting, the Council heard from about three dozen speakers who gave voice to wild, unfounded fears and complaints completely removed from the daily operation of the Flock ALPR camera system in Troy.
16. The Council also heard from me and my command staff. We advised that the Flock ALPRs in Troy are only used for legitimate investigatory purposes such as crimes, vehicle accidents, and locating missing or endangered persons. Any unauthorized use is strictly prohibited and would subject the user to discipline. We are not unmindful of the privacy rights of the motoring public and we strive to honor those rights in our daily operations. But the expectation of privacy in a vehicle being operated in plain view on the public roads is necessarily narrowly circumscribed and must be balanced against the needs of law enforcement and the right of the public to be free from criminal activity, especially when, as in the case of ALPRs, the invasion of privacy is as minimal as recording the public location and exterior characteristics of a vehicle.
17. At the meeting on March 19, 2026, the City Council did not vote either for or against Resolution # 35. Instead, it voted to “table” the Resolution, which I am advised by counsel is merely setting the Resolution aside and not taking any action upon it. The City Council did not reject Resolution # 35 or the Flock contract. It punted.
18. Unfortunately, that non-action left TPD in a legal and operational limbo. The contract that was in effect on March 19 had an expiration date of March 31, 2026. In addition, as Councilperson Struber pointed out in the public discussion on the Resolution, the same contract contained a clause providing that, “This agreement will automatically renew for successive renewal terms of the greater of one year or the length set forth on the Order Form (each, a “Renewal Term”) unless either Party gives the other Party notice of non-renewal at least thirty (30) days prior to the end of the then-current term.” No notice of non-renewal was ever given.
19. The question for TPD and the Mayor’s Administration then became whether the Council was allowing the contract to automatically renew as provided by the prior contract and as the Council had discussed during the March 19 meeting, or whether the Council was going to take the Resolution from the table on or before the March 31 expiration date and act upon it at a Special Meeting, voting it up or down or amending it. There was also the question of whether TPD would continue to have operational access to the Flock system in Troy on and after April 1, if there was no definitive action taken by the Council.

20. On March 26, the Council President sent an email to the Mayor and me, as well as other Troy officials, requesting a 30 day delay in the Flock contract's expiration. I had no power to unilaterally change the contract and I do not believe that the request was communicated to a Flock representative by the Council President or anyone else.
21. In any event, Flock did not offer an extension and the City Council took no further action on Resolution # 35. From my perspective, that meant the contract was going to renew automatically on April 1 and payment would then be due.
22. Without payment, Flock would have had the right to remove or disable the Flock ALPR cameras in the City. If that happened, it would have interfered with both regular operations and ongoing investigations and would have been a completely unacceptable result for TPD and the people we protect, threatening public safety by disrupting an intelligence service and infrastructure that we rely on almost every day to do our work.
23. TPD initiated payment of the renewed Flock contract by issuing a requisition that I signed on April 2, 2026, after the Mayor declared the emergency on April 1, 2026. Payment was ultimately issued by the City on April 17, 2026. Because of the Mayor's declaration, the Auditor's approval was not required for payment. Attached as Exhibit "A" are the City's payment records.¹
24. The Mayor's April 1, 2026, Declaration of Emergency ensured the continuity of "operation, proper functioning, and uninterrupted service of the City's ALPR system from Flock Safety." That was an emergent matter of public safety that needed to be addressed responsibly because the City Council had chosen to take no action on Resolution # 35.
25. As far as I know, the City Council is still free to take any legislative action it wants with respect to the Flock contract and TPD's use of the Flock camera system in the City of Troy. In fact, it has proposed a Local Law to regulate ALPRs, which was introduced at the regular City Council Meeting on May 7, 2026, and which is attached hereto as Exhibit "B".

¹ The Flock Order Form signed by me bears the date of March 31, 2026, but the Declaration of Emergency dated April 1, 2026, is attached to it in my file. At this point, I think I signed the Order Form on April 1 after I received the Declaration but somehow wrote the wrong date.

WHEREFORE, your affiant demands judgment dismissing the Petition herein together with the costs, disbursements, and attorney's fees of this action, and such other, further, and different relief as the Court deems just and proper.

Date: July 23, 2026


Daniel P. DeWolf, Chief of Police
Troy Police Department
55 State Street
Troy, New York 12180

Subscribed and Sworn before Me
This 23rd Day of July 2026



Notary Public - State of New York

RICHARD T. MORRISSEY
Notary Public - State of New York
Reg. No. 02MO5053021
Qualified in Rensselaer County
Commission Expires 12-11-29

To: **Ian H. Silverman (via ECF)**
Attorney for Petitioners
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