

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER**

YUKIKO ANN UMEMOTO, SARAH MOORE,
LEAH NELSON, and LORA NELSON, on behalf
of themselves and all others similarly situated,

Plaintiffs,

v.

WESTCHESTER COUNTY, NEW YORK;
WESTCHESTER COUNTY DEPARTMENT OF
PUBLIC SAFETY aka WESTCHESTER
COUNTY POLICE DEPARTMENT;
TERRANCE RAYNOR, in his official capacity as
Commissioner of Westchester County Department
of Public Safety aka Westchester County Police
Department; and JAMES LUCIANO, in his
official capacity as Chief of Westchester County
Department of Public Safety aka Westchester
County Police Department.

Defendants.

Index No.

COMPLAINT

INTRODUCTION

1. This civil rights action challenges the Westchester County Police Department's ("WCPD") unconstitutional operation of an extensive vehicle surveillance system that captures detailed and intimate information about the lives of millions of innocent New Yorkers not suspected of committing any crimes (the "Vehicle Surveillance System"). WCPD's Vehicle Surveillance System is one of the largest in the country, encompassing a sophisticated network of hundreds of specialized cameras that blanket Westchester County ("Westchester" or the "County") and indiscriminately record each passing vehicle—24 hours a day, 365 days a year. The system is

unlawful because it violates the constitutionally protected privacy rights of people across the County and because Defendants created and continue to operate it without any statutory authority.

2. Named Plaintiffs in this action are public servants, advocates, and taxpaying New Yorkers whose long-term travel patterns have been captured, stored, analyzed, and disseminated by WCPD through its Vehicle Surveillance System. The system's cameras have recorded Named Plaintiffs and their vehicles as they travel to work, political organizing events, medical appointments, protests, reproductive health clinics, and religious services across Westchester County and the surrounding areas. In doing so, the cameras collect and store numerous specific details about each of their vehicles—not only pinpoint location data, but also license plate numbers, makes and models, colors, and other unique characteristics like bumper stickers. The cameras even have the ability to capture photographs and video of the faces of drivers and their passengers.

3. The information collected in this dragnet amounts to a digital dossier on the comings and goings of Named Plaintiffs and all other drivers in Westchester County. In 2024 alone, WCPD's system created and collected over *264 million* time-stamped recordings of vehicles. And yet, by WCPD's own admission, over 99 percent of those records lacked any connection to any suspected criminal activity. In 2023, WCPD estimated that the Vehicle Surveillance System contained roughly 1.6 billion recordings.

4. By default, WCPD stores all of these vehicle surveillance data in a centralized, searchable database for *at least two years*—though WCPD retains data about some law-abiding drivers, like Plaintiffs Ann Umemoto and Lora Nelson, for even longer, without notice or explanation. WCPD maximizes its exploitation of these data by contracting with a surveillance corporation named Rekor Systems, Inc. (“Rekor”) to provide it with proprietary software that

enables database searches and sophisticated analyses powered by artificial intelligence (“AI”) and other tools.

5. WCPD’s Vehicle Surveillance System allows law enforcement agencies to surveil and investigate people at a scale and speed that would have been impossible even a decade ago. The system’s vast amount of data and AI-powered analytics reveal habits, associations, and insights that go far beyond what any human could perceive on their own. As Rekor puts it, “we see more than points on a map—we see families moving . . . and people interacting.”¹

6. At the same time, the system reflects and perpetuates historical patterns of over-policing and over-criminalization that long predate it. The cameras are heavily concentrated in non-white-majority neighborhoods near the Westchester-Bronx border, where residents are predominantly Black and Latine, resulting in disproportionate surveillance of all those who live, work, and commute throughout those areas.

7. WCPD imposes no meaningful safeguards on the use of this powerful Vehicle Surveillance System. WCPD officers are not required to obtain warrants or identify any level of criminal suspicion to use the system. Additionally, WCPD does not provide officers with any explicit written guidance or training materials on permissible uses of the system’s database and does not conduct oversight to ensure that officers are using the data for legitimate purposes.

8. WCPD also makes the data available to out-of-state and federal law enforcement entities, including Immigration and Customs Enforcement (“ICE”), without meaningful restrictions. Consequently, New Yorkers engaged in lawful conduct are at risk of having their movements shared with and tracked by law enforcement agencies in other jurisdictions. This

¹ *Rekor - Intelligence Driven Innovation*, at 00:13, Rekor Sys., Inc., <https://www.rekor.ai/about> (<https://perma.cc/WG9M-XM3H>).

includes Plaintiff Lora Nelson, who drives through Westchester County to volunteer as a clinic escort for women seeking reproductive health care, and Plaintiff Sarah Moore, who drives throughout Westchester to observe and document federal immigration enforcement operations. The threat that this kind of data will be misused and exploited by outside law enforcement entities is not hypothetical. Similar databases elsewhere have been exploited by out-of-state and federal law enforcement to investigate a woman who obtained an abortion, to surveil protesters, and to support the Trump administration's mass deportation operations.

9. The breadth and sophistication of WCPD's Vehicle Surveillance System enable it to capture and analyze the long-term travel patterns of drivers throughout Westchester County. Combined with the lack of safeguards on its use and misuse, Defendants' operation of this Vehicle Surveillance System violates the New York State Constitution's protections against unreasonable searches and seizures.

10. Independently, WCPD lacks any statutory authority to operate this unconstitutional Vehicle Surveillance System. Executive agencies like WCPD possess only the power granted to them by legislatures. Yet neither the Westchester County Board of Legislators nor the New York State Legislature has granted WCPD the power to establish this sprawling surveillance system. No law gives WCPD the authority to surveil the movements of drivers in Westchester County who have no connection to crime and to store hundreds of millions of vehicle records for at least two years in a searchable database accessible to thousands of officers both inside and outside the County. And because there is no law granting authority, there are no statutory guardrails to protect against violations and harm. Defendants' operation of this Vehicle Surveillance System exceeds their authority and constitutes an *ultra vires* exercise of executive power.

11. Named Plaintiffs bring this lawsuit to put an end to this lawless, unconstitutional, and wasteful dragnet surveillance and to ensure that Westchester County and New York State residents—through their elected representatives—have a voice in how they are policed.

PARTIES

Plaintiffs

12. **Plaintiff Yukiko Ann Umemoto (“Ann Umemoto”)** is a resident of White Plains, Westchester County, New York and a citizen of New York. Ms. Umemoto regularly drives in Westchester County. Defendants have used WCPD’s Vehicle Surveillance System to unlawfully capture, retain, search, analyze, and share data that reveal personal and intimate details about her life, routines, daily habits, and long-term travel patterns. She has paid, is paying, and/or will pay state income and sales taxes. She was assessed and paid Westchester County property taxes in the amount of at least \$1,000 within one year before the commencement of this action.

13. **Plaintiff Sarah Moore** is a resident of Peekskill, Westchester County, New York and a citizen of New York. Ms. Moore regularly drives in Westchester County. Defendants have used WCPD’s Vehicle Surveillance System to unlawfully capture, retain, search, analyze, and share data that reveal personal and intimate details about her life, routines, daily habits, and long-term travel patterns. She has paid, is paying, and/or will pay state income and sales taxes. She was assessed and paid Westchester County property taxes in the amount of at least \$1,000 within one year before the commencement of this action.

14. **Plaintiff Leah Nelson** is a resident of Putnam Valley, Putnam County, New York and a citizen of New York. She regularly drives in Westchester County. Defendants have used WCPD’s Vehicle Surveillance System to unlawfully capture, retain, search, analyze, and share

data that reveal personal and intimate details about her life, routines, daily habits, and long-term travel patterns. She has paid, is paying, and/or will pay state income and state sales taxes.

15. **Plaintiff Lora Nelson** is a resident of Cold Spring, Putnam County, New York and a citizen of New York. She relocated to Cold Spring in February 2026, after residing for 13 years in Westchester County, where she owned a home in Hastings-on-Hudson. Lora Nelson regularly drives in Westchester County. Defendants have used WCPD's Vehicle Surveillance System to unlawfully capture, retain, search, analyze, and share data that reveal personal and intimate details about her life, routines, daily habits, and long-term travel patterns. She has paid, is paying, and/or will pay state sales taxes. She was assessed and paid Westchester County property taxes in the amount of at least \$1,000 within one year before the commencement of this action.

Defendants

16. **Defendant Westchester County, New York**, is a political subdivision of the State of New York.

17. **Defendant Westchester County Department of Public Safety**, also known as the **Westchester County Police Department**, is an agency of Westchester County.

18. **Defendant Terrance Raynor** is the Commissioner of the Westchester County Department of Public Safety, also known as the Westchester County Police Department. He is the head of the WCPD, is responsible for overseeing its operations, and has final policy-making authority with respect to the contracts for the vehicle surveillance technology that WCPD uses. He is sued in his official capacity.

19. **Defendant James Luciano** is the Chief of the Westchester County Department of Public Safety, also known as the Westchester County Police Department. He is the highest-ranking sworn member of the WCPD and is responsible for overseeing the operations of the WCPD. He

has final policy-making authority over WCPD's operation of the Vehicle Surveillance System. He is sued in his official capacity.

FACTUAL ALLEGATIONS

A. WCPD conducts indiscriminate and invasive surveillance on vehicles across Westchester County—illegally capturing detailed and intimate information about millions of New York drivers.

i. Background

20. WCPD's Vehicle Surveillance System is one of the largest and most technologically advanced in the United States. This indiscriminate surveillance system records the long-term travel patterns, daily habits, and intimate information of millions of law-abiding New Yorkers and other motorists who travel through Westchester.

21. WCPD's Vehicle Surveillance System is comprised of: (1) hundreds of specialized surveillance cameras known as "Automated License Plate Readers" ("ALPRs"); (2) a searchable database that retains vast amounts of data collected by the ALPRs for at least two years; and (3) analytical software, including software powered by AI.

22. WCPD runs the Vehicle Surveillance System out of its Real Time Crime Center ("RTC"). Created in 2017, the RTC gives law enforcement officers throughout Westchester County, including almost 40 local police departments, immediate access to current and historical information maintained and derived from WCPD's Vehicle Surveillance System.



Figure 1: Real Time Crime Center logo

23. WCPD also provides access to the data collected by its system to numerous other federal, state, and local law enforcement entities, including regional police departments in nearby Putnam County and Rockland County, the New York City Police Department, the New York State Police, other state and local police departments across the country, and federal agencies like ICE, the Federal Bureau of Investigation (“FBI”), and the U.S. Drug Enforcement Administration (“DEA”).

24. There are no laws, regulations, or WCPD policies that meaningfully govern or limit when, how, and why law enforcement officers can use the Vehicle Surveillance System to: (1) collect or retain information about vehicles and drivers; (2) access, search, or analyze information in the database; or (3) share information they retrieve from the database.

ii. WCPD’s extensive Vehicle Surveillance System blankets the County.

25. WCPD currently has at least 575 ALPRs connected to its Vehicle Surveillance System. This is a dramatic expansion since WCPD initiated the system in 2013, when that number was 36.

26. WCPD’s ALPRs geographically blanket Westchester County and are located in at least the following municipalities: Ardsley, Bedford, Briarcliff, Bronxville, Cortland, Croton, Dobbs Ferry, Eastchester, Greenburg, Harrison, Hastings, Irvington, Larchmont, Lewisboro,

Mamaroneck, Mt. Kisco, Mt. Pleasant, Mt. Vernon, New Rochelle, North Castle, North Salem, Ossining, Peekskill, Pelham, Pelham Manor, Pleasantville, Port Chester, Pound Ridge, Rye, Rye Brook, Scarsdale, Sleepy Hollow, Tarrytown, Tuckahoe, White Plains, Yonkers, and Yorktown.

27. The photo below shows a partial map of WCPD's Vehicle Surveillance System in use:



Figure 2: View of WCPD's Vehicle Surveillance System in use

28. The majority of WCPD's ALPRs are stationary, mounted on traffic light poles, overpasses, or other fixed structures. The photographs below show examples of stationary ALPRs in Westchester County:



Figure 3: Stationary ALPRs in Westchester County

29. WCPD further expands the reach and pervasiveness of its Vehicle Surveillance System by using mobile ALPRs. At least 39 of the ALPRs connected to the system are mobile,

such as those attached to police cars or mounted on trailers. The photographs below show examples of vehicle-mounted ALPRs in Westchester County:



Figure 4: Vehicle-mounted ALPRs in Westchester County

30. WCPD enlarges and varies the Vehicle Surveillance System's coverage by changing the locations of both mobile and stationary ALPRs.

31. While the stationary ALPRs are located throughout Westchester, they are particularly concentrated in the southern portion of the County, in the neighborhoods near the border between Westchester and the Bronx. Years of redlining, restrictive covenants, and exclusionary zoning have systematically concentrated Black and Latine residents in jurisdictions like Yonkers, Mount Vernon, and New Rochelle, where WCPD's cameras are especially prevalent.

32. WCPD's deployment of this new and invasive vehicle surveillance technology in majority non-white areas reinforces historic practices of over-surveillance by police and traps these communities in cycles of excessive enforcement. This uneven distribution of ALPRs poses a significant risk of automating racial profiling and perpetuating discrimination.

iii. WCPD's ALPRs capture an astounding amount of surveillance data about Westchester drivers and their vehicles.

33. WCPD uses its extensive network of powerful ALPRs to surveil Westchester drivers. WCPD's ALPRs are specialized cameras that continuously sweep up granular and sensitive information about every passing vehicle into the Vehicle Surveillance System. That

information is then catalogued and processed using Rekor Scout, surveillance software that WCPD licenses from Rekor.

34. Each time a vehicle drives past an ALPR, the camera takes a high-resolution photograph of the vehicle and records a video. Within seconds, Rekor Scout processes the captured media and encodes metadata about the exact location of the ALPR that captured the vehicle's data and the time of the recording. Rekor Scout identifies numerous characteristics about the vehicle, such as the license plate number, make, model, year, color, body type, registration, speed, and direction of travel. Rekor Scout also records visual identifiers like bumper stickers, decals, roof racks, roll bars, spare tires, and damage. Together, these observations comprise a "vehicle read."

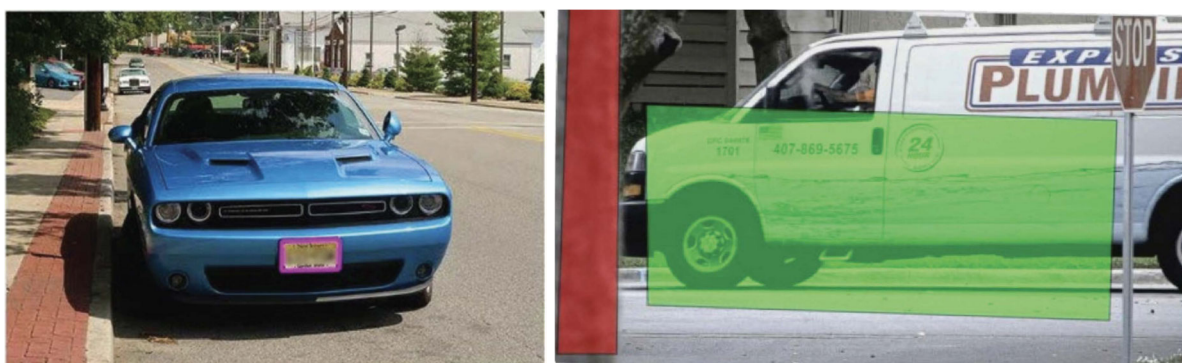


Figure 5: Examples of vehicle characteristics detected by Rekor Scout²

35. According to Rekor, one unique feature of Rekor Scout is that it can capture video clips of a vehicle's driver and passengers and determine the vehicle's occupancy. The software may even employ facial recognition technology to identify individuals in the recording. As former WCPD lieutenant and RTC commanding officer Brian Hess observed, the video clips allow WCPD to "get a better image of who's driving the car or what they're wearing."

² Rekor Sys., Inc., *Rekor Scout User Manual: Version 1.15.1*, at 14, 59 (2025), <https://docs.rekor.ai/rekor-pdf-library> (<https://perma.cc/5XLS-UHKH>).

36. At the same time, this surveillance technology can be flawed and inaccurate. ALPR software frequently misreads vehicle information such as license plate information and vehicle make, model, and color. A randomized controlled trial by BetaGov, a research initiative at New York University, and the Vallejo, California Police Department found that in over a third of sampled instances, ALPRs misidentified passing vehicles.

37. In fact, the vehicle reads of Named Plaintiffs' cars are riddled with inaccuracies. For example, WCPD's Vehicle Surveillance System misidentified the color of Plaintiff Leah Nelson's dark blue vehicle in 95 percent of reads. The system also mistook Plaintiff Ann Umemoto's vehicle body type in almost 50 percent of reads, incorrectly identifying her sedan as a van, a motorcycle, a tractor trailer, and a truck.

38. Such errors amplify the risk that Westchester drivers will be wrongfully stopped or investigated. The consequences of these misidentifications are significant. People across the country have been pulled over, handcuffed at gunpoint, and detained based on ALPR misidentifications.

39. In response to a Freedom of Information Law ("FOIL") request, WCPD stated that it does not possess any records reflecting the technical capabilities of its Vehicle Surveillance System technology, including the accuracy or error rates of its ALPRs or any software tools used to analyze vehicle surveillance data.

iv. WCPD's Vehicle Surveillance System reveals the long-term travel information of New Yorkers.

40. WCPD's Vehicle Surveillance System collects millions of vehicle reads per week. In 2024 alone, WCPD collected 264,303,687 vehicle reads—a weekly average of over 5 million reads. In 2023, WCPD estimated that its Vehicle Surveillance System contained roughly 1.6 billion reads. The vast majority of these data pertain to people who are not suspected of any involvement

in criminal activity. Indeed, of the more than 264 million vehicle reads collected by WCPD in 2024, only 0.8 percent of them even appeared on a “hotlist”—that is, a list of vehicles of interest to law enforcement, such as vehicles alleged to be stolen or connected to a criminal investigation. This means that over 99 percent of the vehicle reads collected, stored, and analyzed in 2024—more than 262 million reads—did not relate to any law enforcement investigation or purpose when WCPD gathered the data.

41. WCPD chooses to retain these vehicle surveillance data in a massive database for *at least two years*. This exceptionally long retention period enables WCPD and other law enforcement entities with access to these data to track not only where drivers traveled around Westchester yesterday or last week, but also their routines over hundreds of days.

42. WCPD retains some data for even longer than two years, as is the case with Plaintiffs Ann Umemoto and Lora Nelson. It is unclear if this longer retention is because of a lack of proper oversight. WCPD purportedly retains for longer periods data “connected to a criminal case,” but this is a vague standard that WCPD does not define—and there is no indication whatsoever that the data of any Named Plaintiff is connected in any way to a criminal case.

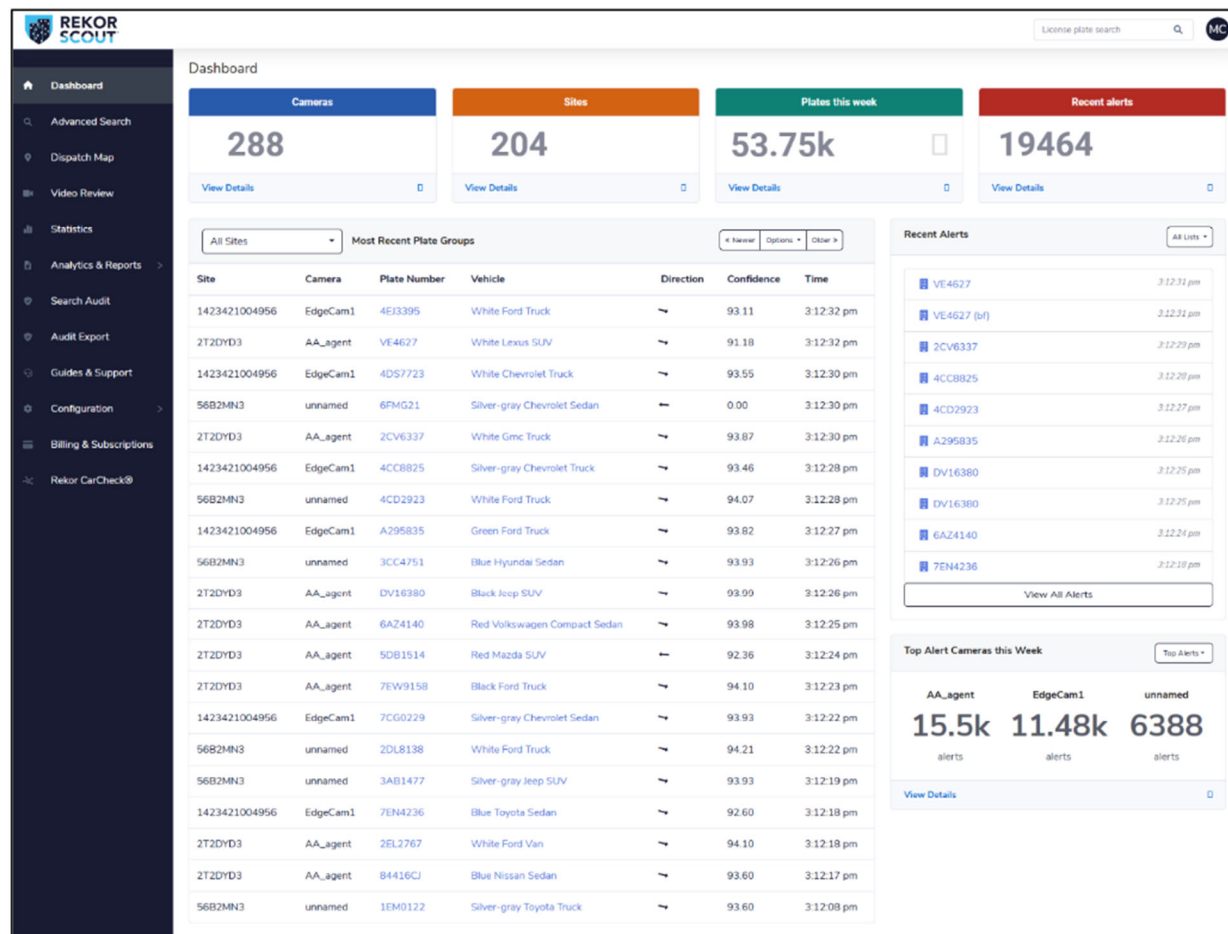


Figure 6: Rekor Scout sample dashboard displaying captured vehicle surveillance data³

43. Rekor has acknowledged that the long-term retention of vehicle reads “raises personal privacy concerns” and offers customers like WCPD the option to retain data for much shorter periods of time.⁴ In a patent, Rekor claimed that its software “permit[s] the customized setting and adjustment of retention periods . . . of any duration, including no duration. Where a retention is of no duration,” a vehicle read “is not saved, or is otherwise deleted immediately.”⁵

³ *Id.* at 3.

⁴ See Systems and Methods for Policy Centric Data Retention in Traffic Monitoring, U.S. Patent No. 12,548,437 col. 1 l. 38–39 (filed Sept. 30, 2021) (issued Feb. 10, 2026).

⁵ *Id.* col. 1 l. 54–44, col. 5 l. 40–44.

44. Rekor's technology also allows WCPD to set separate retention periods for vehicle reads that are associated with vehicles of interest to law enforcement and for vehicle reads that are not so associated. In other words, WCPD could reduce the retention period and delete vehicle surveillance data where there is no alleged connection to a criminal investigation. Instead, WCPD opts to indiscriminately retain all vehicle reads in its database for at least two years.

45. Law enforcement officers can search WCPD's entire vehicle surveillance database using a wide variety of terms, including license plate number or partial license plate number, state that issued the license plate, vehicle color, make, body type, direction of travel, location of the camera that captured a vehicle read, and time period. For example, the Vehicle Surveillance System allows officers to conduct a search as broad as "all red Toyotas." Officers can click on any entry in the database and receive high-resolution images of the vehicle and the surrounding areas, pinpoints of where that vehicle was spotted on a map (as demonstrated in the image below), and videos of the vehicle.

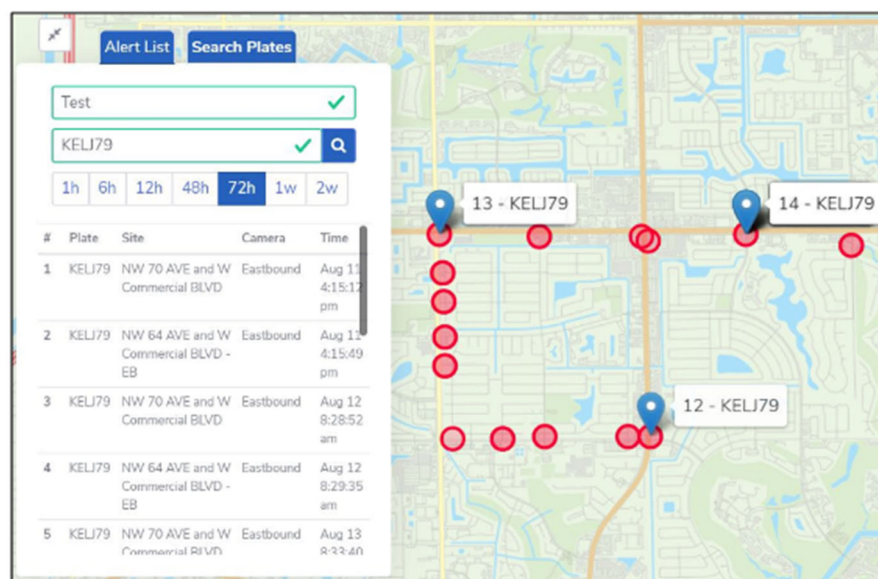


Figure 7: Rekor Scout sample interface showing pinpoint locations of a vehicle⁶

⁶ Rekor Sys., Inc., *supra* at 25.

46. With its dense ALPR network and its two-year trove of every Westchester driver's vehicle surveillance data, WCPD invades people's privacy by revealing their long-term travel patterns and intimate details about their lives. The location histories captured by the data paint comprehensive and granular pictures of the lives of people whom WCPD has no reason to suspect of any crime, including their professional and personal contacts, where they take their families and loved ones, their political affiliations, their legal appointments, where they shop, what religious services or political protests they attend, and which medical professionals they visit. And any time WCPD searches its database, it rifles through the vehicle surveillance data of a vast number of drivers.

B. WCPD's use of Rekor's advanced AI and data analytics tools exacerbates the invasiveness of its Vehicle Surveillance System.

47. WCPD utilizes Rekor Scout's powerful AI and data analytics capabilities, which include "common vehicle analysis," "convoy analysis," and "interdiction analysis." These tools comb through the vast amounts of data stored in the Vehicle Surveillance System to reconstruct, analyze, and make inferences about the routines, habits, and lives of people who drive in Westchester.

48. Common vehicle analysis uses AI to identify the vehicles that pass by certain ALPRs or certain locations most frequently.

49. Convoy analysis uses AI to identify vehicles that appear to travel together on the same roads at approximately the same times. This reveals individuals' intimate associations. In fact, WCPD officers use this tool to identify and track people they believe are associated with each other.

50. Interdiction analysis allows WCPD to find vehicles that have been captured by multiple ALPRs within a specified duration of time. This analysis purports to determine that

certain vehicles are traveling routes that are “suspicious” and flags them for WCPD officers. But some of the routes that the Vehicle Surveillance System deems “suspicious” merely involve, for example, traveling across the New York City border from Westchester for short periods of time.

51. The bases and methodology for designating a travel pattern as “suspicious” or identifying a “convoy” are not publicly known. The public, therefore, cannot question or scrutinize these determinations. There is no evidence that these methods have been tested for accuracy in the data they reveal or the inferences they draw. It is unknown whether any members of WCPD are involved in reviewing or designing these methods. It is unclear whether WCPD even has a robust understanding of how these tools work.

52. Nevertheless, WCPD and other local law enforcement agencies in Westchester take enforcement actions based on Rekor Scout’s analysis, including performing traffic stops based at least in part on Rekor Scout’s analysis.

53. The scale and speed of these AI-driven analyses allow officers to engage in extensive location tracking, filtering through millions of vehicle reads at the click of a button. Even with multiple officers working without breaks to search the database, this degree of tracking would be impossible without these AI-driven tools.

C. WCPD does not impose any meaningful safeguards on the operation of its Vehicle Surveillance System.

54. WCPD has not adopted or implemented any meaningful written policies to regulate who can access its vehicle surveillance database and for what reasons, or the collection, retention, search, analysis, and other uses of the data in the database. The only restriction imposed on the use of its vehicle surveillance database comes from a generic policy on “Use of Department Information Assets.” That policy states that all law enforcement databases, including the vehicle surveillance database, must be used for “law enforcement purposes or authorized background

investigation[s].” These terms are not defined and are so vague as to allow for subjective and discriminatory interpretation by officers searching the database.

55. Indeed, there is no evidentiary threshold—such as probable cause or reasonable suspicion—that an officer must satisfy before accessing the database, conducting a search of the database, or analyzing the vehicle reads in the database. Officers certainly do not need a judicial warrant to search the database or conduct analyses.

56. The result is an unconstrained free-for-all that allows law enforcement officers—not only within WCPD, but at other federal, state, and local agencies across the country with which the data are shared—to track and conduct suspicionless searches of innocent New York drivers.

57. WCPD shares direct access to the data in its vast vehicle surveillance database with users from at least 55 different federal, state, and local law enforcement agencies. These include ICE, the FBI, and the DEA. WCPD does not publicly identify the law enforcement agencies that have access to its vehicle surveillance database. Nor has WCPD entered into written agreements with any of these agencies regarding their access, use, or sharing of the data collected and stored by WCPD in the Vehicle Surveillance System.

58. WCPD also has chosen to enroll in Rekor’s Public Safety Network, which shares real-time and historical vehicle surveillance data with every other law enforcement agency that uses Rekor software and enrolls in the network. Through Rekor’s network, dozens of other law enforcement agencies across the country can access WCPD’s vast vehicle surveillance data, and WCPD can access vehicle surveillance data from these agencies. Rekor does not provide a public list of the law enforcement agencies with access to its network.

59. There are immense real-world risks to WCPD’s permitting such unfettered access to its Vehicle Surveillance System and the long-term travel patterns and intimate information of

Westchester County drivers. For example, in 2025, sheriff's deputies in Texas accessed tens of thousands of vehicle surveillance records from Illinois, Massachusetts, and Washington while attempting to locate a woman who allegedly had an abortion. In Virginia, a public records request from 2025 revealed that law enforcement conducted nearly 3,000 searches related to immigration enforcement on Virginia's vehicle surveillance system over a 12-month period and that roughly 90 percent of these searches were conducted by out-of-state law enforcement agencies. And in Illinois, the Secretary of State discovered that U.S. Customs and Border Protection had gained access to Illinois' vehicle surveillance system data through the private vendor managing Illinois' system, in violation of state law. Similar incidents have occurred throughout the country.

60. By sharing information with outside agencies and participating in the Rekor Public Safety Network, WCPD exposes New Yorkers to exploitation by outside law enforcement entities and threatens legal protections guaranteed by Westchester County and New York laws. For example, in violation of County law,⁷ WCPD assists federal immigration authorities with enforcing federal immigration laws by giving Homeland Security Investigations, the investigative component of ICE, access to WCPD's vehicle surveillance database.

61. Because WCPD relies on a third-party vendor to administer its Vehicle Surveillance System and permits additional third parties to access this trove of sensitive data, the information in the database is susceptible to unauthorized dissemination regardless of WCPD's own policies and internal safeguards, even if it were to implement any.

⁷ See Immigrant Protection Act, Local Law No. 19-2018 of the County of Westchester §§ 5, 9.

D. WCPD operates its Vehicle Surveillance System without democratic authorization.

62. WCPD has installed and operated its Vehicle Surveillance System without authorization from the Westchester County Board of Legislators or the New York State Legislature.

63. As an executive department, WCPD may only exercise the powers granted to it by the relevant legislative bodies.

64. The Westchester County Department of Public Safety was established in the Westchester County Charter (the “Charter”) in 1979. The Charter empowers the Department to “perform all duties and functions required by law and regulations of competent authority, including all duties and functions heretofore performed by the elected Sheriff, and . . . issue orders as are necessary and proper for the performance of said duties and the operation of the Department” (Charter of the County of Westchester § 173.01).

65. The Board of Legislators has empowered WCPD to perform “[a]ll the law enforcement and police powers, duties and obligations presently or hereafter granted or imposed on the Sheriff by law” (Administrative Code of the County of Westchester § 273.31).

66. No New York State or Westchester County statute or ordinance authorizes WCPD to conduct indiscriminate surveillance that tracks the movements of individuals not suspected of any criminal conduct whatsoever. Nor was conducting unjustified dragnet surveillance a duty or function traditionally performed by the elected Sheriff, as those responsibilities were understood when the Charter was enacted in 1979.

67. WCPD is thus exceeding its statutory authority by operating its unauthorized Vehicle Surveillance System. Striking the proper balance between public safety and personal privacy is a uniquely legislative function. By deploying the Vehicle Surveillance System without

legislative authorization, WCPD has made consequential policy choices that significantly and negatively impact the daily lives of New York citizens, and the department is therefore operating outside of its proper sphere of authority.

68. In contrast to Westchester County, legislative bodies across the country, including in Minnesota, New Hampshire, and Washington, have expressly authorized vehicle surveillance systems in their jurisdictions via legislation. As one would expect of such legislative authorization, these laws impose specific and detailed restrictions on the collection, retention, access, use, and dissemination of data collected by those systems.⁸ Because no law authorizes WCPD's Vehicle Surveillance System, there are no stated legal restrictions of any kind.

⁸ See Minn. Stat. § 13.824, subd [3] [a] [limiting data retention to 60 days and, absent exigent circumstances, requiring a warrant before using ALPRs to track individuals]; N.H. Rev. Stat. § 261:75-b [prohibiting recording the occupants of vehicles, limiting data retention to 3 minutes, restricting use to investigations of enumerated crimes, providing that a hotlist hit alone does not create reasonable suspicion for a stop, and requiring annual reports]; S.B. 6002 § 3–5, 69th Leg., Reg. Sess. [Wash. 2026] [limiting data retention to 21 days, restricting use to specific purposes, and prohibiting use for federal immigration enforcement or monitoring constitutionally protected activities]; *see also, e.g.*, Ark. Code Ann. §§ 12-12-1803 [b], 1804 [a] [restricting law enforcement use to criminal investigations or comparison to specific hotlists and limiting data retention to 150 days]; Cal. Civ. Code § 1798.90.54 [providing individuals harmed by data breaches with private right of action]; Cal. Veh. Code § 2413 [b] [limiting data retention to 60 days]; Idaho Code § 49-1432 [restricting use to investigations of crimes or traffic accidents and searches for missing or endangered persons, requiring clearance for officers to retrieve data, imposing penalties for data misuse, and imposing audit procedures]; Iowa Code Ann. § 321P.4 [limiting data retention to 30 days]; Md. Code Ann., Pub. Safety § 3-509 [b] [2] [ii], [c] [2] [prohibiting sale of data and imposing internal procedures to ensure appropriate use of the system, including audits and detailed annual reporting to the legislature]; Me. Rev. Stat. tit. 29-A, § 2117-A [5] [limiting data retention to 21 days]; Mont. Code Ann. §§ 46-5-117 [d] [V], 46-5-118 [1] [restricting use to investigations of specific, enumerated crimes and limiting data retention to 90 days]; N.C. Gen. Stat. Ann. § 20-183.32 [limiting data retention to 90 days]; Neb. Rev. Stat. Ann. § 60-3206 [1], [3] [limiting retention to 180 days and requiring detailed public reports concerning the collection and use of data]; Tenn. Code § 55-10-302 [b] [same]; Va. Code § 2.2-5517 [limiting data retention to 21 days, limiting data sharing with federal and out-of-state law enforcement, and restricting use to investigations and alerts for missing or endangered persons or stolen vehicles].

E. WCPD illegally expends public funds on its Vehicle Surveillance System.

69. WCPD has spent, is spending, and will spend public funds to create and implement its unconstitutional and unauthorized Vehicle Surveillance System, including, but not limited to: purchasing and licensing ALPR cameras and vehicle surveillance software; paying salaries for WCPD personnel to operate the system; and maintaining the system itself.

70. WCPD pays for its Vehicle Surveillance System through a combination of New York State, Westchester County, and federal funds. For example:

- a. WCPD received a 2023–2024 Law Enforcement Technology Grant from the New York State Division of Criminal Justice Services for \$751,900. WCPD spent approximately \$435,263 of this grant on its Vehicle Surveillance System.
- b. In 2025, WCPD allocated at least \$50,000 from its Westchester County operating budget for vehicle surveillance software and supplies for camera installations.
- c. From 2022 to 2024, WCPD received multiple grants from DHS—including through the Urban Area Security Initiative and State Law Enforcement Terrorism Prevention Program—that WCPD has expended at least in part to support Vehicle Surveillance System operations and data costs.

71. WCPD has paid, is paying, and will pay much of these public funds to Rekor and other third parties to administer its Vehicle Surveillance System. From 2022 to 2024, WCPD provided nearly half a million dollars in public funds to third-party vendors for goods and services related to the hardware, software, installation, supplies, and ongoing maintenance of the Vehicle Surveillance System.

72. WCPD contracts with Rekor for its Vehicle Surveillance System software. In 2025, WCPD budgeted at least \$35,000 for access to Rekor Scout. In 2023, WCPD spent \$30,000 for access to Rekor Scout and \$44,400 for annual software maintenance fees. And in 2022, WCPD spent over \$18,000 for access to Rekor Scout and annual software maintenance fees.

73. WCPD also buys ALPRs and related hardware from various other companies. These companies include: Digital Surveillance Solutions, LLC and A+ Technology & Security Solutions, Inc., to which WCPD has paid more than \$92,700 and \$68,000, respectively, for specialized Mobotix cameras and related hardware; and ICT Resources and Wisecom Technologies Inc., to which WCPD has paid more than \$26,750 and \$24,750, respectively, for Nvidia computing boards that enable AI applications.

74. WCPD's use of these public funds to operate its unconstitutional and unauthorized Vehicle Surveillance System constitutes illegal official acts and illegal expenditures. Absent an order from this Court, Defendants will continue to illegally expend public funds on the Vehicle Surveillance System.

F. WCPD has violated Named Plaintiffs' rights through its unconstitutional and unauthorized Vehicle Surveillance System.

Ann Umemoto

75. Ann Umemoto is a 74-year-old Asian American retired public health professional and grandmother who has lived in White Plains, Westchester County, New York for the last 40 years. Until recently, Ms. Umemoto served as President of the Board of Directors of the Westchester Children's Association ("Children's Association"), a non-profit organization that advocates for policies that support youth and families in Westchester. She is also a member of the Westchester Asian American Democrats, for which she frequently attends meetings, activities, and political events throughout Westchester.

76. Ms. Umemoto regularly drives through Westchester County many times per week to perform all of life's necessities, including grocery shopping and routine medical appointments. She also drives to a weekly photography class at the State University of New York—Purchase College. Ms. Umemoto continues to support and lead the Children's Association's work as a member of its Board of Directors, and a few times a month, she drives to the office of the Children's Association to attend meetings, discuss initiatives, and identify ways to support ongoing advocacy.

77. As a member of the Westchester Asian American Democrats, Ms. Umemoto drives through Westchester County to attend meetings, canvass for political candidates, and attend protests and demonstrations led by allied organizations. The Westchester Asian American Democrats regularly meet online and occasionally meet in person at various locations around Westchester, including the Westchester Democratic headquarters in White Plains. Ms. Umemoto has represented the group through tabling at Westchester County's Asian American Heritage Festival.

78. During the last election year, Ms. Umemoto traveled to New York's 17th congressional district in Northern Westchester to canvass door to door. She anticipates traveling during the upcoming 2026 general election to continue her canvassing efforts in this district, including the areas of Peekskill, Ossining, Yorktown, Somers, and Mount Kisco. Last year, Ms. Umemoto attended several protests led by Indivisible, a civic engagement and advocacy organization with an active Westchester chapter. Two protests she attended were located outside Mount Kisco and at the federal courthouse in downtown White Plains.

79. Ms. Umemoto is worried about surveillance of her routines and the privacy implications of unchecked, long-term surveillance throughout her community. She is concerned

about a vehicle surveillance system that lacks guardrails, and she feels obligated to intervene to help safeguard her own and fellow Westchester residents' privacy.

80. In response to a FOIL request, WCPD revealed that its Vehicle Surveillance System has recorded Ms. Umemoto and the vehicle she owns at least 1,134 times and has retained some of these vehicle reads for over two years.

81. These over 1,100 recordings give WCPD, local police departments in Westchester County, and other law enforcement agencies throughout the country a mosaic of Ms. Umemoto's daily habits and routines for the past two and a half years, including her activism. The Vehicle Surveillance System has tracked Ms. Umemoto across Westchester County and the surrounding region, and the database includes captures made by cameras located in White Plains, Yonkers, Pleasantville, and Mamaroneck, among many other areas. The Vehicle Surveillance System captures, stores, and reveals, and will continue to capture, store, and reveal, a detailed mosaic of her daily routines and long-term travel patterns.

82. Using data in the vehicle surveillance database, WCPD can figure out the people with whom Ms. Umemoto socializes, volunteers, attends classes, and otherwise associates. So can the thousands of law enforcement officers from other federal, state, and local agencies to whom Westchester has given access to its database, as well as anyone with access to the Rekor Public Safety Network.

83. Ms. Umemoto reasonably expects that she should be able to drive around Westchester County without disclosing the details of her lawful activities and social connections to police in Westchester and around the country. By operating its unauthorized Vehicle Surveillance System, WCPD violates Ms. Umemoto's right to privacy and her right to be free from unreasonable searches guaranteed by Article I, Section 12.

84. As a Westchester County resident and taxpayer, Ms. Umemoto has an interest in preventing the illegal expenditure of public funds on WCPD's unconstitutional and unauthorized Vehicle Surveillance System.

Sarah Moore

85. Sarah Moore is a 41-year-old high school humanities teacher who resides in Peekskill, Westchester County, New York. For almost 20 years, she has taught at public schools in the Bronx. She engages in activism in her free time because she wants to make the world safer for her three young children and her students.

86. Ms. Moore regularly drives around the County to visit her parents, grandparents, and other relatives who similarly reside in the County. Ms. Moore also drives her young children to social events and for all of life's necessities, including grocery shopping to doctor's visits.

87. Since 2020, Ms. Moore has driven the length of Westchester County to get from her home in Peekskill to the school where she works in the Bronx. She also makes this commute some weekends to help her students participate in community service projects.

88. In addition to her full-time teaching job, Ms. Moore is involved in multiple efforts to advocate for immigrants. She is a member of a mutual aid organization that seeks to connect immigrants in Peekskill and Ossining, with social services to provide for necessities such as food, clothing, and diapers. Ms. Moore drives throughout Peekskill and Ossining for events organized by this group.

89. Ms. Moore is concerned that under the Trump administration, federal immigration officers are violating the rights of Westchester County residents. Since July 2025, she has used Westchester County roadways to observe ICE officers during enforcement operations and to serve

as a witness in case federal law enforcement officers violate the law. She ensures that when observing ICE officers, she does not interfere in any law enforcement operation.

90. Because she fears unlawful retaliation by ICE officers, Ms. Moore has tried to avoid putting her vehicle license plate on the agency's radar. However, earlier this year, an ICE agent followed her car and detained her for several minutes before releasing her. Now that ICE officers know her license plate number, they have the ability to track her long-term travel patterns and observe intimate details about her life through their access to WCPD's Vehicle Surveillance System.

91. Ms. Moore is deeply troubled by the lack of guardrails on how WCPD shares data in the Vehicle Surveillance System, including with federal immigration authorities in violation of Westchester law. Knowing that ICE agents now have access to her license plate number and can use the Vehicle Surveillance System to track her everywhere she drives in Westchester has left Ms. Moore deeply uneasy. She experiences feelings of paranoia and wonders if her car is on a hotlist of people considered "troublemakers" by ICE. Her fears are well founded, as ICE agents have used technological tools to track people who protest the Trump administration's immigration enforcement tactics. She finds that she is always looking over her shoulder. When she drives, she is aware that she is being watched. This terrifies her.

92. Upon information and belief, WCPD's Vehicle Surveillance System has recorded Ms. Moore and the vehicle she owns at least hundreds if not thousands of times and has retained some of these vehicle reads for at least two years. The Vehicle Surveillance System captures, stores, and reveals, and will continue to capture, store, and reveal a detailed mosaic of Ms. Moore's daily routines and long-term travel patterns, including for ICE observation.

93. Using data in the vehicle surveillance database, WCPD can figure out the people with whom Ms. Moore socializes, volunteers, and engages in ICE observation. So can the thousands of law enforcement officers from other federal, state, and local agencies to whom Westchester has given access to its database, as well as anyone with access to the Rekor Public Safety Network.

94. Ms. Moore reasonably expects that she should be able to drive around Westchester County without disclosing the details of her lawful activism and social connections to police in Westchester and around the country. By operating its unauthorized Vehicle Surveillance System, WCPD violates Ms. Moore's right to privacy and her right to be free from unreasonable searches guaranteed by Article I, Section 12.

95. As a Westchester County resident and taxpayer, Ms. Moore has an interest in preventing the illegal expenditure of public funds on WCPD's unconstitutional and unauthorized Vehicle Surveillance System.

Leah Nelson

96. Leah Nelson is a 63-year-old lifelong New Yorker, retired union stagehand, and Broadway head prop master who has lived in Putnam Valley, New York for the last 26 years.

97. Since retiring, she has engaged in activism in Westchester County focused on racial justice, police reform, immigrants' rights, and Palestinian human rights. She is on the executive committee of an Ossining-based antiracist group called ENU Builds Inc., which is focused on empowering Black, African American, Caribbean, and Indigenous youth. Leah Nelson is also on the steering committee of the Westchester Coalition for Police Reform, which is headquartered in White Plains, New York.

98. As part of her police reform advocacy, Leah Nelson has focused on reforming the Ossining Police Department. She was actively involved in the Ossining Police Department's efforts to comply with former Governor Andrew Cuomo's Executive Order 203 for local police departments to adopt police reform plans. In 2021, the Ossining Police Department produced a reform plan pursuant to the executive order, and organizers formed an Ossining-based group called the Police Reform Advisory Committee to ensure these reforms were implemented. Leah Nelson has supported the Police Reform Advisory Committee's work. For example, she has attended public meetings in Ossining to encourage elected officials to pass resolutions implementing policing reforms, such as ending qualified immunity for police officers. Additionally, she submitted a public records request to the Ossining Police Department seeking records relating to officer misconduct.

99. Ossining has cameras connected to WCPD's Vehicle Surveillance System, and the Ossining Police Department has access to the Westchester County RTC. Leah Nelson feels frightened that the Ossining police can study her daily habits by accessing her vehicle surveillance data. She worries that WCPD's collection and sharing of her personal information could lead to attempts to suppress or curtail her activism.

100. Leah Nelson's activism takes her throughout the County; she regularly drives around and through Westchester County to attend protests in both the County and New York City. She has participated in activism in downtown Ossining, and she continues to participate in activism in Peekskill. Downtown Ossining is dotted with ALPRs at major intersections within view of places where Leah Nelson has gathered with other activists. She passes cameras connected to WCPD's Vehicle Surveillance System as she attends protests and drives to events.

101. In addition to engaging in activism, Leah Nelson regularly attends a Unitarian Universalist church in Croton-on-Hudson. To reach her church, she drives past ALPRs in Peekskill.

102. Leah Nelson also travels through Westchester County, past cameras connected to the Vehicle Surveillance System, to visit a friend in the Washington Heights neighborhood of New York City.

103. In response to a FOIL request, WCPD revealed that its Vehicle Surveillance System has captured Leah Nelson and the two vehicles she owns at least 897 times and has retained some of these vehicle reads for two years.

104. These nearly 900 recordings give WCPD, local police departments in Westchester County, and other law enforcement agencies throughout the country a mosaic of Leah Nelson's daily habits and routines for the past two years, including her activism. The Vehicle Surveillance System has tracked Leah Nelson across Westchester County and the surrounding region, and the database includes captures made by cameras located in Putnam County, Peekskill, Yorktown, and Yonkers, among many other areas. The Vehicle Surveillance System captures, stores, and reveals, and will continue to capture, store, and reveal, a detailed mosaic of her daily routines and long-term travel patterns.

105. Using data in the vehicle surveillance database, WCPD can figure out the people with whom Leah Nelson socializes, worships, and engages in activism. So can the thousands of law enforcement officers from other federal, state, and local agencies to whom Westchester has given access to its database, as well as anyone with access to the Rekor Public Safety Network.

106. Leah Nelson reasonably expects that she should be able to drive around Westchester County without disclosing the details of her lawful activism, religious observance,

and social connections to law enforcement in Westchester and around the country. By operating its unauthorized Vehicle Surveillance System, WCPD violates Leah Nelson's right to privacy and her right to be free from unreasonable searches guaranteed by Article I, Section 12.

107. As a New York resident and taxpayer, Leah Nelson has an interest in preventing the illegal expenditure of public funds on WCPD's unconstitutional and unauthorized Vehicle Surveillance System.

Lora Nelson

108. Lora Nelson is a 62-year-old lifelong New Yorker and retired nonprofit program manager who lived in Westchester County, New York for 13 years prior to moving to Putnam County in February 2026.

109. Since she retired, Lora Nelson has been engaged in activism and community service dedicated to gender equality and reproductive healthcare access. As a member of a leading Westchester women's advocacy group, Lora Nelson organizes educational events, participates in protests, and conducts outreach to voters and legislators on policies promoting gender equality. These activities require her to drive throughout Westchester, including to Brewster, Briarcliff Manor, Elmsford, Hastings-on-Hudson, Elmsford, New Rochelle, Pleasantville, White Plains, and Yonkers.

110. Prior to moving to Putnam County, Lora Nelson drove through Westchester County multiple times per week for all of life's necessities. Since her move, she continues to drive through Westchester County at least weekly for shopping, social visits, community events, and protests. For example, Lora Nelson has attended and continues to attend political protests in Westchester County, including No Kings protests in Hastings-on-Hudson and Brewster in 2025. She has also attended gender equality events in Elmsford, Briarcliff Manor, Pleasantville, White Plains,

Hastings-on-Hudson, and New Rochelle. Additionally, she has canvassed voters in Westchester County to generate support for the Equal Rights Amendment. She passes cameras connected to WCPD's Vehicle Surveillance System as she runs errands, attends protests and political events, and reaches out to voters. Additionally, Lora Nelson drives directly through Westchester each month to volunteer as a clinic escort at a reproductive health clinic in the South Bronx.

111. Lora Nelson is deeply concerned that WCPD's Vehicle Surveillance System is tracking her. She worries that WCPD's collection and sharing of her personal information could lead to attempts to suppress or curtail her volunteer work as a clinic escort and reproductive rights advocate. She is also concerned that law enforcement in other states can use WCPD's vehicle surveillance data to target people seeking lawful abortions as well as their advocates.

112. In response to a FOIL request, WCPD revealed that its Vehicle Surveillance System has recorded Lora Nelson and the vehicle she owns at least 2,439 times and has retained some of these vehicle reads for more than two years.

113. These over 2,400 recordings give WCPD, local police departments in Westchester County, and other law enforcement agencies throughout the country a mosaic of Lora Nelson's daily habits and routines for the past two years, including her activism. The Vehicle Surveillance System has tracked Lora Nelson across Westchester County and the surrounding region, and the database includes captures made by cameras located in Hastings, Yonkers, Mount Vernon, and Dobbs Ferry, among many other areas. The Vehicle Surveillance System captures, stores, and reveals, and will continue to capture, store, and reveal a detailed mosaic of Lora Nelson's daily routines and long-term travel patterns, including to support abortion seekers.

114. Using data in the vehicle surveillance database, WCPD can figure out the people with whom Lora Nelson socializes, volunteers, and engages in activism. So can the thousands of

law enforcement officers from other federal, state, and local agencies to whom Westchester has given access to its database, as well as anyone with access to the Rekor Public Safety Network (which may include police officers in states where abortion is criminalized).

115. Lora Nelson reasonably expects that she should be able to drive around Westchester County without disclosing the details of her lawful activism and social connections to police in Westchester and around the country. By operating its unauthorized Vehicle Surveillance System, WCPD violates Lora Nelson's right to privacy and her right to be free from unreasonable searches guaranteed by Article I, Section 12.

116. As a former Westchester County and current New York resident and taxpayer, Lora Nelson has an interest in preventing the illegal expenditure of taxpayer funds on WCPD's unconstitutional and unauthorized Vehicle Surveillance System.

CLASS ALLEGATIONS

117. Named Plaintiffs bring this action as a class action pursuant to section 901 of the Civil Practice Law and Rules ("CPLR") on behalf of the following proposed class and subclass:

- a. A class of all New York State citizens whose vehicle surveillance data have been or will be captured by WCPD's Vehicle Surveillance System (the "Class"); and
- b. A subclass of all New York State citizens whose vehicle surveillance data are currently maintained or will be maintained in WCPD's Vehicle Surveillance System in violation of Article I, Section 12 of the New York State Constitution (the "Subclass").

118. The proposed Class and Subclass are sufficiently numerous that joinder of all members is impracticable. In 2024 alone, WCPD collected more than 264 million vehicle reads

into its vehicle surveillance database. The cameras capture the same vehicles repeatedly, but this figure still represents at least thousands of drivers, given that 86 percent of Westchester's 375,000-plus households own cars. Further, thousands of New Yorkers from outside Westchester commute through the County on a daily basis. WCPD will continue to collect vehicle reads of New York drivers as long as WCPD continues to operate its unconstitutional and unauthorized Vehicle Surveillance System.

119. Defendants are excluded from the proposed Class and Subclass.

120. The proposed Class and Subclass satisfy the numerosity requirement of CPLR 901(1). WCPD's ALPRs blanket the County and indiscriminately capture passing vehicles. The Vehicle Surveillance System's database collects and preserves hundreds of millions of recordings per year and contains the data of at least thousands if not millions of New York drivers.

121. The proposed Class and Subclass also satisfy the commonality and typicality requirements of CPLR 901(2)–(3). There are numerous questions of law or fact common to each member of the proposed Class and Subclass, including, but not limited to:

- a. Whether WCPD violates Article I, Section 12 of the New York Constitution through its operation of the Vehicle Surveillance System;
- b. Whether WCPD has exceeded its statutory authority through its operation of the Vehicle Surveillance System; and
- c. Whether the Court should issue injunctive relief restraining further unconstitutional and unauthorized operation of the Vehicle Surveillance System.

122. In addition, Defendants are likely to assert the same defenses against Named Plaintiffs and members of the proposed Class.

123. Named Plaintiffs satisfy CPLR 901(4) because they will fairly and adequately represent the interests of the members of the Class and Subclass. Named Plaintiffs have no interests separate from, or in conflict with, those of the proposed Class and Subclass they seek to represent. Named Plaintiffs are committed to the vigorous prosecution of this lawsuit and seek relief on behalf of the entirety of the proposed Class and Subclass. Named Plaintiffs have retained counsel experienced in class action lawsuits and civil rights litigation, particularly in the context of constitutional privacy claims.

124. Finally, as required by CPLR 901(5), a class action is superior to other available methods for the fair and efficient adjudication of the claims asserted here. If members of the proposed Class and Subclass brought separate lawsuits, the resulting duplication of lawsuits would cause undue hardship, expense, and resource constraints to both the Court and litigants and create a risk of inconsistent rulings. Absent a class action, Named Plaintiffs and the members of the proposed Class and Subclass will continue to suffer harm as a result of Defendants' unconstitutional and unauthorized operation of the Vehicle Surveillance System.

JURISDICTION AND VENUE

125. This Court has subject matter jurisdiction over this action under Article VI, Section 7 of the New York State Constitution, which gives the Supreme Court "general original jurisdiction in law and equity"; under CPLR § 3001, which allows the Supreme Court to "render a declaratory judgment having the effect of a final judgment as to the rights and other legal relations of the parties to a justiciable controversy"; and under State Finance Law ("SFL") §§ 123-b, 123-c, and 123-e and General Municipal Law ("GML") § 51, which allow the Supreme Court to grant declaratory and injunctive relief to remedy illegal official acts or illegal expenditures of public funds.

126. Personal jurisdiction lies over Defendants because they are present and domiciled in the State of New York.

127. Venue is proper in this Court under CPLR 503, because the events giving rise to Named Plaintiffs' claims occurred in Westchester County; under CPLR 504, because Named Plaintiffs bring this action against Westchester County; under CPLR 506, because the material events took place and Defendants' principal office is located in Westchester County; and under SFL § 123-c and GML § 51, because some or all of the illegal official acts or illegal expenditures of public funds have occurred and are occurring in Westchester County, and because Defendants' principal office is located in Westchester County.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Violation of N.Y. Const. Article I, Section 12 – Unlawful Search (Against all Defendants)

128. Named Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as though fully set forth herein.

129. Defendants' operation of the Vehicle Surveillance System violates Named Plaintiffs' rights under Article I, Section 12 of the New York State Constitution.

130. WCPD's Vehicle Surveillance System violates New York's constitutional protection against unreasonable searches and seizures because it involves the warrantless and suspicionless collection of personal information and location data, revealing the detailed daily routines and long-term travel patterns of countless innocent New Yorkers.

131. Further, WCPD's system lacks any meaningful safeguards: it allows WCPD to retain these data for over two years; to analyze the data using sophisticated new technology that reveals information previously unavailable to law enforcement; to search and analyze the data

without any suspicion, for any reason; to disseminate all of these personal and detailed data to other law enforcement agencies around the country; and to do all of this without any meaningful regulation, training, oversight, or public reporting.

132. In addition to common law standing, Named Plaintiffs have standing to pursue this claim pursuant to SFL § 123-b [1], which authorizes an action by any citizen taxpayer to challenge “a wrongful expenditure, misappropriation, misapplication, or any other illegal or unconstitutional disbursement of state funds or state property.”

133. Plaintiffs Ann Umemoto, Sarah Moore, and Lora Nelson further have standing to bring this claim pursuant to GML § 51, which authorizes an action by any person who has been assessed \$1,000 by Westchester County within the previous year to challenge “any illegal official act” or “waste” of or “injury” to County funds or property.

SECOND CAUSE OF ACTION
Unauthorized Agency Action
(Against All Defendants)

134. Named Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as though fully set forth herein.

135. WCPD is a department created by the Westchester County Board of Legislators, and “as [a] creature of the Legislature, [it may only] act pursuant to specific grants of authority conferred by [the Legislature]” (*LeadingAge New York, Inc. v Shah*, 32 NY3d 249, 260 [2018]). When an agency acts beyond “the power it was granted by the legislature, it usurps the legislative role and violates the doctrine of separation of powers” (*id.*).

136. WCPD’s Vehicle Surveillance System is unlawful and *ultra vires* and it violates the separation of powers because the Westchester County Board of Legislators and the New York

State Legislature have not granted WCPD authority to operate a Vehicle Surveillance System that indiscriminately surveils Westchester drivers.

137. No New York State or Westchester County statute grants WCPD the power to maintain a Vehicle Surveillance System that indiscriminately collects the movements of Named Plaintiffs and other drivers in Westchester County, nearly all of whom are not suspected of any criminal activity. Similarly, no New York State or Westchester County statute grants WCPD the power to retain Named Plaintiffs' vehicle surveillance data for at least two years; to access, search, and analyze Named Plaintiffs' vehicle surveillance data; or to share Named Plaintiffs' vehicle surveillance data with scores of external law enforcement agencies. When the Westchester County Department of Public Safety was created by statute in 1979, the Westchester County Board of Legislators did not contemplate police officers conducting automated dragnet surveillance. Conducting such surveillance is not and has never been a duty or power "granted or imposed on the Sheriff by law" (Administrative Code § 273.31).

138. WCPD accordingly is exceeding its authority and acting *ultra vires* by operating this unauthorized Vehicle Surveillance System.

139. In addition to common law standing, Named Plaintiffs have standing to pursue this claim pursuant to SFL § 123-b(1), which authorizes an action by any citizen taxpayer to challenge "a wrongful expenditure, misappropriation, misapplication, or any other illegal or unconstitutional disbursement of state funds or state property."

140. Plaintiffs Ann Umemoto, Sarah Moore, and Lora Nelson further have standing to bring this claim pursuant to GML § 51, which authorizes an action by any person who has been assessed \$1,000 by Westchester County within the previous year to challenge "any illegal official act" or "waste" of or "injury" to County funds or property.

THIRD CAUSE OF ACTION
Violation of Separation of Powers and the Non-Delegation Doctrine
(Against All Defendants)

141. Named Plaintiffs incorporate by reference the foregoing paragraphs of this Complaint as though fully set forth herein.

142. In the alternative to the second cause of action, if the Court reads WCPD's enabling statutes to grant it authority to operate its dragnet Vehicle Surveillance System, then this delegation—given its exceedingly broad and general grant of authority—would violate the separation of powers between the executive and legislative branches delineated by the Westchester County Charter and the New York State Constitution.

143. WCPD's Vehicle Surveillance System violates the separation of powers because any statute that could be interpreted to authorize the system would constitute an improper delegation of primary policymaking authority to WCPD by the Westchester County Board of Legislators or the New York State Legislature. The Board of Legislators' broad and nonspecific grant of authority to perform "[a]ll the law enforcement and police powers . . . imposed on the Sheriff by law," is insufficiently specific to authorize mass surveillance of people not suspected of criminal wrongdoing (Administrative Code § 273.3).

144. This broad grant of authority is not sufficiently specific to authorize WCPD to indiscriminately collect the movements of Named Plaintiffs and other drivers in Westchester County, nearly all of whom are not suspected of any criminal activity; to retain Named Plaintiffs' vehicle surveillance data for at least two years; to access, search, and analyze Named Plaintiffs' vehicle surveillance data; or to share Named Plaintiffs' vehicle surveillance data with scores of external law enforcement agencies.

145. Separation of powers requires that the Westchester County Board of Legislators in the first instance consider and balance the weighty privacy, liberty, and security policy concerns implicated by a suspicionless mass surveillance system. That required constitutional step has not yet occurred here.

146. In addition to common law standing, Named Plaintiffs have standing to pursue this claim pursuant to SFL § 123-b [1], which authorizes an action by any citizen taxpayer to challenge “a wrongful expenditure, misappropriation, misapplication, or any other illegal or unconstitutional disbursement of state funds or state property.”

147. Plaintiffs Ann Umemoto, Sarah Moore, and Lora Nelson further have standing to bring this claim pursuant to GML § 51, which authorizes an action by any person who has been assessed \$1,000 by Westchester County within the previous year to challenge “any illegal official act” or “waste” of or “injury” to County funds or property.

REQUEST FOR RELIEF

Plaintiffs respectfully request that the Court:

1. Assume jurisdiction over this matter;
2. Certify a class of all New York State citizens whose vehicle surveillance data have been or will be captured by WCPD’s Vehicle Surveillance System;
3. Certify a subclass of all New York State citizens whose vehicle surveillance data are currently maintained or will be maintained in WCPD’s Vehicle Surveillance System in violation of Article I, Section 12 of the New York State Constitution;
4. Declare that Defendants’ operation of the Vehicle Surveillance System violates Article I, Section 12 of the New York State Constitution;
5. Declare that Defendants’ operation of the Vehicle Surveillance System exceeds

WCPD's statutory authority; or, in the alternative, violates the separation of powers as set forth in the Westchester County Charter and New York State Constitution;

6. Declare that Defendants' expenditures of public funds for this Vehicle Surveillance System constitute illegal or unconstitutional disbursements of public funds or public property under SFL § 123-b;
7. Declare that Defendants' expenditures of public funds for this Vehicle Surveillance System constitute illegal official acts or waste of or injury to public funds or public property under GML § 51;
8. Enjoin Defendants from operating the Vehicle Surveillance System;
9. Enjoin Defendants from expending public funds for the Vehicle Surveillance System;
10. Award reasonable attorneys' fees and costs; and
11. Grant such other relief as the Court deems just and equitable.

Dated: June 9, 2026

Respectfully submitted,

**THE POLICING PROJECT
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⁹ The Policing Project is affiliated with NYU School of Law, but this filing does not purport to represent the School's views.