



Office of the District Attorney
County of Westchester

MEMORANDUM

Date: January 25, 2010

To: The Honorable Board of Acquisition and Contract

From: Janet DiFiore, District Attorney

Re: **Authority to enter into a Memorandum of Understanding with the State of New York, acting by and through the New York Office of the Attorney General and the New York/New Jersey High Intensity Drug Trafficking Area for participation in the License Plate Reader Data Sharing Project for a term commencing on January 1, 2010 and continuing through December 31, 2014 at no cost to the County.**

Transmitted herewith is a resolution which, if approved by your Honorable Board, will authorize the County of Westchester (the "County"), acting by and through its District Attorney's Office (the "District Attorney's Office"), to enter into a Memorandum of Understanding ("MOU") with the State of New York, acting by and through the New York Office of the Attorney General ("NYOAG") and the New York/New Jersey High Intensity Drug Trafficking Area ("HIDTA"), for participation in the License Plate Reader ("LPR") Data Sharing Project, for a term commencing on January 1, 2010 and continuing through December 31, 2014 at no cost to the County.

LPR is an image-processing technology used to identify vehicles by their license plates. LPR uses optical character recognition on images to read the licence plates on vehicles. This technology is used by various law enforcement agencies in various security and traffic applications. Under the terms of the proposed MOU, the District Attorney's Office and NYOAG will grant to one another non-exclusive, non-transferable rights, electronic access and use of LPR data elements, including but not limited to upload, download and search functions, for legitimate law enforcement purposes. HIDTA, a facilitator and funding source for this project, will serve as the information hub for other counties participating in the program.

The MOU will automatically renew for an additional five (5) year period upon expiration of the initial term unless written notice of the intent to terminate is provided by either party. In addition, either party may terminate the MOU for any reason, with or without cause, by giving ninety (90) days written notice of such termination to the other party.

It should be noted that pursuant to the terms of the proposed MOU, the County will indemnify and hold harmless NYOAG/HIDTA from all liability in connection with the MOU, to the extent that such liability results from the negligent acts or omissions of the County, its employees or agents.

This agreement is exempt from application of the Westchester County Procurement Policy pursuant to Section 3(a) (iii) thereof.

The services provided pursuant to this Agreement will serve a public purpose by allowing for the sharing of valuable data collected by police agencies within and without Westchester County. This data

sharing will assist police agencies in their efforts to solve unresolved criminal matters and enhance overall police intelligence capabilities.

The goals and objectives of this Agreement are to allow for the sharing of data collected from license plate readers.

The Agreement is in the best interest of the County in terms of public safety because information derived from this sharing of data will provide law enforcement with an additional resource to solve crimes and, in some cases, through the application of intelligence led policing, prevent criminal activity from occurring.

If this Resolution were not approved, there would be negative consequences to taxpayers because a valuable law enforcement resource would not be exercised, thus compromising public safety and the opportunity to identify and apprehend those engaged in criminal conduct would be diminished.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

JD/ac

APPROVED BOARD OF ACQUISITION & CONTRACT - 2-11-2010 - JOMARY VIEIRA, SECRETARY

RESOLUTION

Upon a communication from Janet DiFiore, District Attorney, be it hereby

RESOLVED, that the County of Westchester, acting by and through its District Attorney's Office be, and hereby is, authorized to enter into a Memorandum of Understanding (the "Agreement") with the State of New York, acting by and through the New York Office of the Attorney General ("NYOAG") and the New York/New Jersey High Intensity Drug Trafficking Area ("HIDDTA"), for participation in the License Plate Reader Data Sharing Project, for a term commencing on January 1, 2010 and continuing through December 31, 2014, at no cost to the County; and be it further

RESOLVED, that the Agreement will automatically renew for an additional five (5) year period upon expiration of the initial term unless written notice of the intent to terminate is provided by either party; and be it further

RESOLVED, that pursuant to the terms of the Agreement, the County will indemnify and hold harmless NYOAG/HIDTA from all liability in connection with the Agreement, to the extent that such liability results from the negligent acts or omissions of the County, its employees or agents; and be it further

RESOLVED, that the County Executive or his duly authorized designee be hereby authorized and empowered to execute any and all instruments necessary and proper to accomplish the purposes of this Resolution.

Janet DiFiore
District Attorney

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars

Budget Funding Year(s) Start Date: 1/1/2010
End Date: 12/31/2014
(must match resolution)

Funding Source Tax Dollars _____ N/A _____
State Aid _____
\$ _____ Federal Aid _____
(must match resolution)
Other _____