

**78216**

July 27 , 2020

TO: Board of Acquisition and Contract

FROM: Thomas Gleason, Acting Commissioner-Sheriff  
Department of Public Safety

RE: Resolution authorizing Westchester County, acting by and through its Department of Public Safety (“DPS”), to enter into a Memorandum of Understanding (“the MOU”) with the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) whereby DPS and ATF will engage in cooperative investigative and enforcement operations to investigate and disrupt and apprehend individuals and organizations engaged in illicit firearms trafficking and violent criminal activities involving the use of firearms. The MOU will commence upon execution and will continue indefinitely. Either party may terminate the Agreement upon 90 days’ notice to the other.

Authority is hereby respectfully requested for Westchester County, acting by and through its Department of Public Safety (“DPS”) to enter into a Memorandum of Understanding (“the MOU”) with the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) whereby ATF, DPS, and other participating agencies (which will enter into their own separate MOU with ATF) in the Hudson Valley area will form the Violent Crime Reduction Partnership (“VCRP”) to engage in cooperative investigative and enforcement operations to investigate and disrupt and apprehend individuals and organizations engaged in illicit firearms trafficking and violent criminal activities involving the use of firearms. The MOU will commence upon execution and will continue indefinitely. Either party may terminate the MOU upon 90 days’ written notice to the other.

Pursuant to the MOU, ATF, as the sponsoring Federal law enforcement agency, may request at its sole discretion that one or more detectives from DPS, subject to the availability of the detectives as determined by DPS, be deputized as a Special Deputy by the U.S. Marshals Service to extend the detective’s jurisdiction, to include applying for and executing Federal search and arrest warrants, and requesting and executing Federal grand jury subpoenas for records and evidence involving violations of Federal laws. Any Federal authority that may be conferred by a deputation is limited to activities supervised by ATF and will terminate when the MOU is terminated or when the Special Deputy leaves the VCRP, or at the discretion of ATF.

To the extent that DPS uses any vehicles provided by ATF, DPS will indemnify and hold harmless ATF from any judgments, awards, debts, expenses, damages, executor's claims and demands as a result of bodily injury and/or property damage arising as a result of the use of such vehicles by the members of the DPS and shall provide defense counsel and exclusively control the defense in any such action. The indemnification and hold harmless provisions of the MOU shall not apply to damages caused, in whole or in part, by the tortious conduct of ATF, its employees or agents, or the other manufacturer of the vehicles or any of the component parts

The public purpose of the MOU is to form a partnership among federal and local authorities to maximize inter-agency cooperation and create a cohesive unit capable of addressing the complex problems of the importation, sale, distribution, possession, and criminal use of illegal firearms in the ATF Hudson Valley area.

The goals and objectives of this MOU are to investigate and disrupt and apprehend individuals and organizations engaged in illicit firearms trafficking and violent criminal activities involving the use of firearms.

The goals and objectives of this MOU will be tracked and monitored DPS sworn members and staff.

Based upon the foregoing, I respectfully recommend approval of the attached Resolution.

TG/SMS/jrc  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACTS 08/05/2020 USA MR/IAJ SECRETARY

## RESOLUTION

Upon a communication from the Acting Commissioner-Sheriff, Department of Public Safety, be it hereby

**RESOLVED**, that authority is hereby granted for the County of Westchester, acting by and through the Department of Public Safety (“DPS”) to enter into a Memorandum of Understanding (“the MOU”) with the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) whereby DPS and ATF will engage in cooperative investigative and enforcement operations to investigate and disrupt and apprehend individuals and organizations engaged in illicit firearms trafficking and violent criminal activities involving the use of firearms., and be it further

**RESOLVED**, that the MOU will commence upon execution and will continue indefinitely until terminated by either party upon 90 days’ written notice to the other, and be it further

**RESOLVED**, that the MOU shall contain language to the effect that, to the extent that DPS uses any vehicles provided by ATF, DPS will indemnify and hold harmless ATF from any judgments, awards, debts, expenses, damages, executor’s claims and demands as a result of bodily injury and/or property damage arising as a result of the use of such vehicles by the members of the DPS and shall provide defense counsel and exclusively control the defense in any such action. The indemnification and hold harmless provisions of the MOU shall not apply to damages caused, in whole or in part, by the tortious conduct of ATF, its employees or agents, or the other manufacturer of the vehicles or any of the component parts; and be it further

**RESOLVED**, that the County Executive, or his authorized designee, be, and hereby is, authorized to enter into and execute this MOU for the County of Westchester.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase or Unit	Revenue	Trust Account	Dollars
N/A						N/A

Budget Funding Years \_\_\_\_\_  
 (must match resolution)  
 N/A

Start Date Upon Execution

End Date 2 years

Funding Source  
 \$ \_\_\_\_\_  
 (must match resolution)

Tax Dollars \_\_\_\_\_  
 State Aid \_\_\_\_\_  
 Federal Aid \_\_\_\_\_  
 Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION CONTRACT # 08/06/2020 - LISA MRIJAJ, SECRETARY