

Robert P. Astorino
County Executive

Department of Probation

Rocco A. Pozzi
Commissioner

March 19, 2010

TO: Board of Acquisition and Contract

FROM: Rocco A. Pozzi
Commissioner
Department of Probation

Re: **Resolution authorizing the County of Westchester to enter into two Memorandums of Understanding with the United States Marshals Service to: 1. receive reimbursement for vehicle retrofit, fuel and minor maintenance for vehicle assigned exclusively to the Department of Probation's Regional Task Force Officer and 2. receive reimbursement for overtime hours worked by the Department of Probation's staff involved with the Fugitive Apprehension Task Force.**

Attached for your consideration is a Resolution which, if approved by your Honorable Board, would authorize the County of Westchester, acting by and through the Department of Probation ("Department"), to enter into two Memoranda of Understanding ("MOU") with the United States Marshals Service ("USMS") whereby the USMS will: 1. receive reimbursement for vehicle retrofit, fuel and minor maintenance for vehicle assigned exclusively to the Department of Probation's Regional Task Force Officer and 2. receive reimbursement for overtime hours worked by the Department of Probation's staff involved with the Fugitive Apprehension Task Force under an MOU commencing on October 1, 2009 (which agreement shall be renewed annually subject to availability of funds based on written notification from the USMS). In both MOUs, either party will have the ability to terminate on thirty (30) days written notice to the other party. These MOUs are pursuant to the Presidential Threat Protection Act of 2000, which provides that the USMS has authority to direct and coordinate permanent Regional Fugitive Task Forces for the purpose of locating and apprehending fugitives. The continuous revisions that the USMS made to the MOUs prevented the Department from submitting the above request within a timely matter. The Department and USMS have finalized all documentation, and the Department is ready to proceed with the approval process.

Administrative Office

The primary mission of the task force is to investigate and arrest, as part of joint law enforcement operations, persons who have active state and federal arrest warrants. The intent of the joint effort is to investigate and apprehend local, state and federal fugitives, thereby improving public safety and reducing violent crime.

The County has received a vehicle from the USMS to be used exclusively by the Department's assigned Regional Fugitive Task Force Officer. There was no cost to Westchester County for the purchase of the vehicle and the Title is in the name of the County of Westchester. Under the first MOU, the USMS will reimburse the County \$5,000 for vehicle retrofit (purchase/installation of emergency equipment, alarms, locking vehicle vaults, window tinting, radio etc.) as well as, up to \$6,000 for fuel and minor maintenance (oil changes, tire replacement etc.), contingent upon availability of funds and submission of proper documentation. Upon termination of the agreement, usage and disposition of the vehicle will be at the County's discretion. Should the Department withdraw its officer, the vehicle remains part of the Department's fleet. Under the second MOU, the USMS will reimburse the County up to \$16,000 for the first year for overtime hours worked by the Department's staff involved with the Fugitive Apprehension Task Force.

The public purpose and goal of this program is to support the public health, safety and/or welfare of the county residents by coordinating enforcement activities of Federal and County law enforcement agencies to locate and apprehend fugitives who are wanted for serious crimes.

This program will be tracked and monitored by the Department to ensure that the officer assigned to the Regional Fugitive Task Force adheres to policies, procedures and guidelines including conduct, property, reporting systems, evidence handling and use of firearms.

If this resolution is not approved, there will be negative fiscal consequences to taxpayers, as the County would have to purchase a vehicle to be used by the Task Force and there would be no overtime reimbursement provided by the USMS. Additionally, the safety and security of the residents of this County could be at risk. These wanted fugitives have the potential, if not apprehended, to have a detrimental effect to the health and welfare of the people in Westchester County.

The proposed MOUs are exempt from procurement pursuant to Section 3(a)(iii) of the County's Procurement Policy.

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

RP/dm
Attachment

RESOLUTION

Upon communication from the Commissioner of Probation, it is hereby

RESOLVED, that authority is hereby granted to the County of Westchester, acting by and through the Department of Probation ("Department"), to enter into a Memorandum of Understanding ("MOU") with the United States Marshals Service ("USMS") commencing October 1, 2009 and terminating September 30, 2010, whereby the USMS has purchased a vehicle for the exclusive use of the Department's assigned Regional Task Force Officer; and be it further

RESOLVED, that the USMS will reimburse the County for qualified expenses, such as fuel, contingent upon availability of funds and submission of proper documentation. Title to the vehicle is in the name of the County of Westchester. Upon termination of the agreement, usage and disposition of the vehicle is at the County's discretion; and be it further

RESOLVED, that authority is hereby granted to the County of Westchester, acting by and through the Department of Probation ("Department"), to enter into a second MOU with the USMS commencing October 1, 2009, (which agreement shall be renewed annually subject to availability of funds based on written notification from the USMS), whereby the USMS will reimburse the County up to \$16,000 for the first year for overtime hours worked by the Department's staff involved with the Fugitive Apprehension Task Force; and be it further

RESOLVED, that either party will have the ability to terminate the MOUs on thirty (30) days written notice to the other party; and be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized and empowered to execute and deliver all instruments and take all actions necessary or appropriate to effectuate the purposes hereof.

Account to be Charged/credited	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
	263	39		1400	T037		16,000
	263	39		2400	T037		\$5,000
	263	39		3240	T037		\$6,000

Budget Funding Year(s) 2009 Start Date 10/1/09 End Date 9/30/2010
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
 \$ 27,000 Federal Aid \$27,000
 (must match resolution) Other _____