

40086

May 2, 2014

To: Honorable Members of the Board of Acquisition and Contract

From: George N. Longworth, Commissioner-Sheriff
Department of Public Safety

Re: Authority for the County of Westchester, acting by and through its Department of Public Safety, to enter into a Use and Dissemination Agreement with the New York State Division of Criminal Justice Services and the New York State Police Forensic Investigation Center for access to records in the State DNA index system.

Authority is requested for the County of Westchester (the "County"), acting by and through its Department of Public Safety (the "Department"), to enter into a Use and Dissemination Agreement with the New York State Division of Criminal Justice Services and the New York State Police Forensic Investigation Center for access to records in the State DNA index system.

Article 49-B of the New York State Executive Law authorizes the establishment of an identification index within the State of New York to include DNA profiles of convicted offenders and casework submitted by authorized New York State laboratories. The New York State Division of Criminal Justice Services ("DCJS") and the New York State Police Forensic Investigation Center ("NYSP") jointly administer this State DNA index system. In order to access this system, the County, acting by and through the Department, must enter into a Use and Dissemination Agreement which governs the terms of such access.

The proposed agreement will commence upon execution and may be terminated by either party upon 30 days notice. There will be no cost to the County.

Accordingly, authority is requested to enter into an agreement with DCJS and NYSP for access to records in the State DNA index system.

The goals and objectives of the proposed Agreement are to allow members of the Westchester County Department of Public Safety to search New York State and Federal DNA Records during the lawful execution of their duties.

The goals and objectives of the proposed Agreement are in the best interests of the County in terms of public safety and/or welfare, as it will enable the Department's members of the Westchester County Department of Public Safety to search New York State and Federal DNA Records when lawfully allowed to do so in the furtherance of criminal investigations.

The goals and objectives of the proposed Agreement will be tracked and monitored by the Department's Commanding Officer.

This agreement is exempt from the operation of the Westchester County Procurement Policy pursuant to Section 3(a)(iii) of such Policy as it is a contract with New York State.

Accordingly, I most respectfully recommend approval of the attached Resolution.

GNL/DLV/dv

APPROVED BOARD OF ACQUISITION & CONTRACTS - 05/29/2014 - JOHANN MIRA, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Public Safety, be it hereby

RESOLVED, that the County of Westchester is authorized to enter into a Use and Dissemination Agreement with the New York State Division of Criminal Justice Services and the New York State Police Forensic Investigation Center for access to DNA records in the State DNA index system; and be it further

RESOLVED, that the agreement will commence upon execution, with either party having the right to terminate the agreement for any reason upon thirty (30) days written notice; and be it further

RESOLVED, that there will be no cost to the County; and be it further

RESOLVED, that the County Executive or his authorized designee is hereby authorized to execute all instruments and take all actions necessary to implement this Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACTS - 05/29/2014 - DOMARCY VIEIRA, SECRETARY

Account to be Charged/credited	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
N/A							N/A

Budget Funding Year(s) _____ Start Date _____ End Date _____
 (must match resolution)

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