

March 5, 2010

TO: Board of Acquisition and Contract

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

RE: **Resolution Authorizing the County of Westchester (“County”), to enter into a Memorandum of Understanding with the U.S. Department of Justice, Federal Bureau of Investigation New York Office Joint Terrorism Task Force commencing upon execution until terminated in order to place one investigator from the Department of Public Safety with the Joint Terrorism Task Force.**

Attached for your consideration is a Resolution which, if approved by your Honorable Board, would authorize the County, acting by and through the Department of Public Safety Services (“Department”), to enter into a Memorandum of Understanding (“MOU”) with the U.S. Department of Justice, Federal Bureau of Investigation (“FBI”) New York Office Joint Terrorism Task Force (“JTTF”) commencing upon execution until terminated. Either party will have the ability to terminate the agreement on sixty (60) days written notice to the other party.

This agreement sets forth that it is the policy of the United States to “deter, defeat, and respond vigorously to all terrorist attacks on our territory and against our citizens, or facilities”. In order to accomplish these purposes, the FBI has requested the County to enter into the MOU which will govern the process by which employees of the County are detailed to work with the FBI as part of the JTTF. In particular, the Department will assign one investigator to the JTTF. The County will be responsible for the pay, overtime, leave, performance appraisals, and other personnel matters relating to its employee(s) detailed to the JTTF. The FBI and the County may provide for overtime reimbursement by the FBI by separate written agreement.

It should be noted that the MOU contains several provisions concerning liability. In particular, the MOU provides that the County's employees who participate on the JTTF will be permitted to drive FBI owned or leased vehicles for surveillance, case management and investigation. Any civil liability arising from the use of a FBI-owned or leased vehicle by such employee while engaged in any conduct other than his or her official duties and assignment under the MOU shall be the County's responsibility. In addition, any claim for property damage or personal injury arising from any use of an FBI-owned or leased vehicle by a County employee which is outside the scope of his or her official duties and

assignments under the MOU will require the County to indemnify and hold harmless the FBI and the United States.

Additionally, the MOU requires the County to acknowledge that financial and civil liability, if any, for the acts and omissions of a County employee detailed to the JTTF remains vested with the County. Additionally, liability for any negligent or willful acts of JTTF members who are County employees undertaken outside the terms of the MOU will be the sole responsibility of the employee and the County.

The goals and objectives of this program are to facilitate sharing FBI information with intelligence and law enforcement communities to protect the United States against threats to our national security, thereby improving the effectiveness of law enforcement.

The goals and objectives of this program will support the public health, safety and/or welfare of Westchester County residents by using the collective resources of the member agencies for prevention, preemption, deterrence and investigation of terrorist acts that affect all United States interests.

The goals and objectives of this program will be tracked and monitored by members of the Joint Terrorism Task Force. All officers assigned to the Joint Terrorism Task Force shall adhere to FBI policies, procedures and guidelines including conduct, reporting systems, evidence handling and use of firearms. The JTTF shall maintain all such reports and records for audit and examination.

Authority is respectfully sought for the County to enter into this Memorandum of Understanding.

GNL/TAG/tsa
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT ADMINISTRATION
JOMAR VIERA SECRETARY

RESOLUTION

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

RESOLVED, that authority is hereby granted to the County of Westchester, acting through its Department of Public Safety Services, to enter into a Memorandum of Understanding ("MOU") with the U.S. Department of Justice, Federal Bureau of Investigation ("FBI") New York Office Joint Terrorism Task Force ("JTTF") to assign an investigator to the JTTF. The County will be responsible for the pay, overtime, leave, performance appraisals, and other personnel matters relating to its employee detailed to the JTTF; and be it further;

RESOLVED, that the MOU shall commence upon execution and continue until terminated. Either party will have the ability to terminate the agreement on sixty (60) 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.

APPROVED BOARD OF ACQUISITION & CONTRACT - 3-18-2020 - PRIMARY VIEW - SECRETARY

Account to be Charged
N/A

Fund	Agency	Capital Project Or Org	Object/ Sub Object	Activity	Dollars
					N/A

Budget Funding Year(s) ____ Start Upon Execution End Date Open

Funding Source Tax Dollars: N/A
State Aid: _____
Federal Aid: _____
Other: _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 3-18-2010 - JOMARY VIEIRA, SECRETARY