

**PROTECTIVE SERVICES COMMITTEE MEETING
PUTNAM COUNTY OFFICE BUILDING
ROOM #318
CARMEL, NEW YORK 10512**

Members: Chairman Jonke & Legislators Nacerino & Sullivan

Tuesday

February 11, 2020

The meeting was called to order at 7:10PM by Chairman Jonke who requested that Legislator Nacerino lead in the Pledge of Allegiance. Upon roll call Legislators Nacerino & Sullivan and Chairman Jonke were present.

Item #3 - Approval/Protective Services Committee Meeting Minutes/ November 19, 2019

Chairman Jonke stated the minutes were accepted as submitted.

**Item #4 - Approval/ Re- Appointments – Emergency Services Safety Advisory Board/
County Executive Odell**

- **Eric Gross, Chairman for (3) three-year term commencing January 1, 2020 to Expire December 31, 2022**
- **Ed Butler, Chief's Association Rep. for (3) three-year term commencing January 1, 2020 to Expire December 31, 2022**
- **Town of Carmel, Sergeant Laura Smith for (3) three-year term commencing January 1, 2020 to Expire December 31, 2022**

Chairman Jonke stated he has attended several of the Emergency Services Safety Advisory Board Meetings. He stated this is a very active and valuable board in our communities. He stated he is in full support of the re-appointment of these three (3) members.

Chairman Jonke made a motion to approve Re- Appointments – Emergency Services Safety Advisory Board; Seconded Legislator Nacerino. All in favor.

Item#5 - Discussion/ Procedure and Protocol Related to Use of the County's Emergency Response Team (ERT)/ Legislator Neal Sullivan

Legislator Nacerino made a motion to waive the rules and accept the additional; Seconded by Chairman Jonke. All in favor.

Chairman Jonke stated Legislator Sullivan requested that this matter be discussed. He stated that Sheriff's Deputy Kevin McManus who is the Commander of the ERT and Town of Carmel Lieutenant John Dearman who is the Assistant Commander on the County's ERT were present to speak to this matter.

Legislator Sullivan stated the purpose of this discussion is not to address any specific event. He stated it is more to give the Legislature an overview of the ERT. He stated he is interested in

learning the makeup of the team, the training of the team and the different aspects of how the ERT may be utilized. He stated he would like to know the when, where and chain of command. He stated he would also like to hear who makes the decision that an event warrants the ERT dispatched. He stated he is not asking for names, if that is not appropriate, but is interested in a broad overview.

Sheriff's Deputy Kevin McManus stated currently the ERT is made up of members from the Sheriff's Department, the Town of Carmel Police Department and the Town of Kent Police Department. He stated there are 25 people on the team, not including the negotiators from each of the Police Departments. He stated 15 are from the Sheriff's Department, six (6) from the Town of Carmel Police Department and four (4) from the Town of Kent Police Department. He stated he is the current leader of the ERT and Lieutenant Dearman is the Assistant Team Commander. He stated there is a second Assistant Team Commander, who is currently at training, he is from the Sheriff's Department. He stated there are three (3) other Team Leaders, one (1) from the Town of Carmel and two (2) from the Sheriff's Department.

Legislator Sullivan questioned who pays the members of the ERT, is it the Police Department they work for. He questioned if the County is responsible for any of the cost related to the ERT.

Sheriff's Deputy Kevin McManus stated the team is primarily funded by a Homeland Security Grant. He explained the funding from said grant covers about half of the training costs. He stated there is another \$35,000 that is allocated to pay for equipment and \$10,000 is set aside to cover call outs for the Towns of Carmel and Kent.

Legislator Sullivan stated if the ERT gets called out who pays for the Carmel and Kent members.

Town of Carmel Lieutenant John Dearman stated approximately four (4) years back the County set aside the \$10,000 budget line to be used to pay the Town of Carmel Officers and Kent Officers when the ERT is called to respond to an event outside of their jurisdiction. He stated the County uses that funding to reimburse the Towns. He stated each member of the team receives \$200 towards training through the grant and the member's agency picks up the balance of the training costs.

Legislator Sullivan stated the other areas he was looking into that have an ERT compiled of members of different police departments operate differently. Each of the corresponding Police Departments pay for their employees. He stated in Putnam County the County actually reimburses the Towns.

Legislator Nacerino questioned what constitutes the need for the ERT and who makes the final decision to dispatch the ERT.

Sheriff's Deputy Kevin McManus stated a request can be made from any Department. He stated a briefing of the incident is provided. He stated a decision is made based on the circumstances of the event.

Chairman Jonke questioned who determines how many of the members of the ERT will respond.

Sheriff's Deputy Kevin McManus stated it depends on the level of the threat. He stated they send a request out to all of the members to see who is available to respond. He stated they never all are available.

Chairman Jonke questioned if the incident is brought under control after the ERT has been requested, can the call for the ERT members to respond be cancelled.

Town of Carmel Lieutenant John Dearman confirmed that can be done.

Legislator Albano questioned how many times was the ERT called out in 2019.

Sheriff's Deputy Kevin McManus stated in 2019 the ERT responded to two (2) incidents. He stated the average yearly number of calls is four (4).

Legislator Sullivan stated the County has a new focus on keeping control of all the County's assets. He questioned if the Asset Manager John Nuculovic has been in contact with the Sheriff's Department to conduct an inventory of the ERT's equipment.

Sheriff's Deputy Kevin McManus stated no one has been in touch with them. He stated they would welcome him.

Legislator Sullivan stated Asset Manager Nuculovic will be in touch with the Sheriff's Department to arrange that. He questioned who handles getting information out to the public via Social Media, when the ERT is going to be involved.

Sheriff's Deputy Kevin McManus stated the ERT does not have social media. He stated ultimately, he believes it would come down to whatever department is handling the incident.

Legislator Sullivan questioned how much training the members receive. He questioned where the training takes place.

Sheriff's Deputy Kevin McManus stated once a month for eight (8) hours. He stated that he would like to get more training time. He stated they utilize different locations: Paladin Center, the Fire Training Center, East Fishkill's Range, Westchester County's indoor range. He stated they have trained in the practice of movement drills at Temple Beth Shalom in Mahopac, the Temple in Southeast and in most of the County Schools.

Legislator Castellano stated there was a reference made in order to get accredited the amount of training time would need to double. He questioned how does not being accredited affect the ERT.

Sheriff's Deputy Kevin McManus stated there is no deterrent, accreditation is not required. He stated if you are accredited in New York State it opens the opportunities to receive grant funds. He stated teams that are not accredited are not receiving grant funds.

Erin Crowley, constituent, questioned what if they need a specific piece of equipment to address a situation, such as a robot, if Westchester has that equipment would the Putnam County Sheriff's Department have to pay Westchester County to use their robot.

Sheriff Langley stated there would not be an exchange of money. He explained there is a Memorandum of Agreement with Westchester County.

Legislator Nacerino stated she would like to applaud Legislator Sullivan for placing this on the agenda. She stated the work the ERT Team does and the training and expertise are paramount to the safety we have here in Putnam County. She thanked Sheriff's Deputy McManus and Town of Carmel Lieutenant Dearman for being present and providing the insight to the workings of the ERT.

Legislator Sullivan expressed his appreciation and stated that the members of the ERT provide a very valuable services to the County. He stated without the tactical training the ERT members have the County would have to rely on outside agencies. He stated in a crisis time is of the essence.

Item #6 - Discussion/ Draft- License Plate Reader (LPR) Policy/ Sheriff Robert Langley
a. Memo To: County Attorney Bumgarner Dated: February 5, 2020
From: Chairman of Protective Services Paul Jonke Re: Draft LPR Policy

Chairman Jonke made a motion to waive the rules and accept the additional; Seconded by Legislator Nacerino. All in favor. (letter dated February 11, 2020 From: District Attorney Tandy and Email dated February 6, 2020 from County Attorney's Office)

Sheriff Langely requested he be allowed to submit a letter from Town of Kent Chief Kevin Owens as additional to this matter, LPR Policy.

Chairman Jonke made a motion to waive the rules and accept the additional Seconded by Legislator Nacerino. All in favor. (letter of support for LPRs from Town of Kent Police Chief Owens Dated: February 11, 2020)

Chairman Jonke stated he will begin by stating he is in support of the LPRs technology and the role they play in crime fighting. He stated he is also in favor of the County having an LPR Policy. He stated he attended a meeting where a presentation by Undersheriff Cheverko was given about the use of LPRs in law enforcement. He stated also in attendance at the presentation were representatives from the County's District Attorney's Office, the Chief of Cold Spring, the Chief from the Town of Kent. He stated after hearing the information presented and shared by the professionals whose work is impacted by LPRs he is compelled to support having the LPRs. He stated he agrees privacy does need to be protected as best as we can. He stated the Sheriff's Department did submit a Draft LPR Policy, which he sent to the Law Department for them to provide their professional opinion. He stated the County Attorney requested more time for her office to review the policy. He stated the County Attorney's Office will present their feedback at the March Protective Services Meeting. He stated that he is in support of this technology and

believes it is a great tool for crime fighting. He stated he does have concerns of what New York State may do in the future.

Legislator Sullivan stated this discussion began about 2 months ago. He stated at which time everyone agreed LPRs are a valuable tool for the Sheriff's Department. He stated there is money in the budget to purchase additional LPRs for use in Putnam County. He stated however, the Legislature wants to have a Policies and Procedures in place before additional LPRs are purchased. He stated the Administration wants there to be Policies and Procedures in place as well. He stated we are in favor of LPRs, but not in favor of having them without having the Policies and Procedures in place. He stated the draft Policy was sent to the Legislature, it is now being reviewed by the County Attorney's Office for any fine tuning that may be needed, at that point it will be reviewed and further tweaked if necessary. He stated the LPRs will get out there as soon as possible. He stated he wants to make sure that there is no misunderstanding on what we are trying to do.

Legislator Nacerino stated the County Executive did send a memo sighting her concerns pertaining to the protection and rights of our constituency. She stated we all acknowledge that. She stated conversely there is the letter from District Attorney Tandy that speaks to the safety and utilization of LPRs is paramount. She stated she does not believe the use of LPRs is an intent to jeopardize people's personal privacy. She stated the intent is to use LPRs to solve crimes. She stated she agrees with having a Policy in place and recognizes the merits.

Chairman Jonke requested that Captain Babcock provide a summary of what was presented at the meeting he attended regarding the usefulness of the LPRs.

Captain Babcock stated at the January 8, 2020 meeting there were representatives present from the agencies that currently use the LPR Technology as well as representatives from the County's District Attorney's Office and a Sheriff's Department Investigator. He stated there were at least 12 cases presented. He stated there were crimes committed in Putnam County. He stated with the LPR data arrests and crimes were solved. He stated the LPR data has become very valuable to law enforcement in criminal investigations. He stated it is a valuable tool. He stated LPRs would be used for law enforcement purposes only. He stated there are two (2) bills in Albany since about 2017. He stated they are written with a focus on limiting private entities from using LPRs. He stated they also have proposals that would prohibit some of the criminal investigations that law enforcement are using the LPR data for now. He stated the Sheriff's Department would not support either pieces of the proposed legislation. He stated the members of the Sheriff's Department appreciate the Legislators concern regarding privacy and not allowing the data to be utilized for non- law enforcement purposes.

Chairman Jonke made a motion to waive the rules and accept the additional; Seconded by Legislator Sullivan. All in favor. (Sheriff Langley presented a copy of the Assembly Bill 7254)

Legislator Sullivan questioned how many LPRs are in the Sheriff's Department currently.

Captain Babcock stated there are three (3) and one (1) fixed LPRs. He stated Town of Carmel, Kent and the State Police utilize them as well.

Legislator Sullivan stated LPRs are already in use in Putnam County. He stated this discussion is about adding more.

Chairman Jonke stated the big question is not about how many LPRs are being used. He stated the main concern that he has heard is related to the retention of the data. He stated that he has heard compelling arguments the data should be stored forever. He stated the scenario attached to that were murder case, when a body is found years from now the data from an LPR can be valuable. He stated for him the retention time is the big question.

Captain Babcock stated he would be in favor of storing the data for as long as possible, for cases such as murder cases. He stated currently there is an LPR Policy they have reviewed that has a data retention time frame of six (6) years. He stated that would be agreeable to the Sheriff's Department. He stated some of the State legislation recommends 180 days retention, which is just not enough time.

Chairman Jonke suggested that the District Attorney be asked for his professional recommendation.

Legislator Sullivan stated he wanted to make a point and make the members of the public aware that there are LPRs in Putnam County in use. He stated this conversation is about adding more, which will be discussed once a Policies and Procedures Plan is in place.

District Attorney Tandy stated he would like to point out that LPRs are also used to exonerate people. He stated as Captain Babcock mentioned it is valuable to keep the data as long as possible. He stated the data collected by an LPR is subject to the restraints of the Constitution, it is subject to Fourth Amendment Restrictions, it is subject to Judges interpreting what those restrictions mean. He stated there will always be concerns, which he believes in our Country are fairly addressed. He stated LPRs are simply another aspect of the proper understanding and use of the Fourth Amendment requirements and procedures.

Legislator Albano stated he is in full support of the use of LPRs and believes it to be a priority to have these tools. He stated the privacy issue is important, however in comparison to the value of the LPR to law enforcement he finds that to be the priority. He stated he supports getting more LPRs now and address the other concerns, but as stated they are already used throughout the county.

Legislator Nacerino stated she agrees with Legislator Albano's statements. She questioned Captain Babcock on how he believes the LPRs could impede on people's privacy.

Captain Babcock stated he does not believe the use of LPRs will impede on people's privacy. He stated if you are a law-abiding citizen there is probably a 99.9% chance that your data would never be looked at.

Legislator Sullivan questioned where the data would be stored. He questioned who is responsible for the protection of the data.

Captain Babcock stated he addressed that topic in the data that he sent to the Legislators marked “Confidential”. He stated they will be password protected and the person would need to be in a police facility with the proper credentials to access the data. He stated to address the question of hacking, they would take all the measures to secure, however in today's age, there have been many hacks. He stated the data would be stored in the Sheriff's Department, IT and the Cloud.

Legislator Castellano question are the LPRs used for traffic violations, like the ones that are posted on traffic lights.

Captain Babcock stated the LPRs in Putnam County would not be used for traffic violations.

Sheriff Langley explained the cameras used on the Traffic Lights use different technology.

Sheriff's Department Civil Bureau Captain Lisa Ortalono stated there was a concern stated by the County Executive in her memo, dated February 10, 2020, that the information from the LPR would be subject to the Freedom of Information Law. She stated that is not accurate, the courts have held that the LPR data is not subject to disclosure. She continued to provide further details on the courts' decision.

Chairman Jonke stated he will follow up with the County Attorney and request that the review of the draft LPR Policy be completed in time for the March Protective Services meeting to get this moving as soon as possible.

Item #7 - Other Business

a. Discussion/ Constituent Erin Crowley - Putnam County Radio Project

Erin Crowley, resident, stated she had sent an email to the Legislature regarding the radio issues.

Chairman Jonke stated a response was sent back to Ms. Crowley. He stated the response stated that the appropriate members of the County's Radio Committee, with the expertise, would provide a response to her inquires. He stated that Captain Babcock, who is one of the members of the Radio Committee is present this evening.

Erin Crowley, resident, stated she would like to know when the implementation schedule for the upgrade would take place and when will the system be live.

Captain Babcock stated there is not a specific answer at this time, as a great deal of factors will be dictated by the acquisition of the antenna leases. He stated there are meetings that have taken place and more are still scheduled to occur.

Chairman Jonke facilitated further discussion. He brought the discussion to an end. He thanked Captain Babcock for responding to many of Ms. Crowley's questions, in spite of the fact that the topic was not on the agenda. He stated the appropriate members of the Radio Committee will respond to Ms. Crowley's questions.

Item #8 - Adjournment

There being no further business at 8:00PM Chairman Jonke made a motion to adjourn; Seconded by Legislator Sullivan. All in favor.

Respectfully submitted by Deputy Clerk Diane Trabulsy.