THE PUTNAM COUNTY LEGISLATURE
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Diane Schonfeld *Clerk*
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Nancy Montgomery	Dist. 1
William Gouldman	Dist. 2
Toni E. Addonizio	Dist. 3
Ginny Nacerino	Dist. 4
Carl L. Albano	Dist. 5
Paul E. Jonke	Dist. 6
Joseph Castellano	Dist. 7
Amy E. Sayegh	Dist. 8
Neal L. Sullivan	Dist. 9

AGENDA
PROTECTIVE SERVICES COMMITTEE MEETING
TO BE HELD VIA AUDIO WEBINAR
PURSUANT TO TEMPORARY EMERGENCY ORDERS

Members: Chairman Jonke & Legislators Nacerino & Sullivan

Wednesday 6:00PM April 15, 2020
(Personnel Mtg. to Immediately Follow)

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Approval/Protective Services Committee Meeting Minutes/ March 10, 2020**
4. **Discussion/ Automated License Plate Readers Policy/ Legislator Sullivan**
5. **Discussion/ Overtime Lines/ Sheriff's Department**
6. **Other Business**
7. **Adjournment**

#3

PROTECTIVE SERVICES COMMITTEE MEETING
PUTNAM COUNTY OFFICE BUILDING
ROOM #318
CARMEL, NEW YORK 10512
Members: Chairman Jonke & Legislators Nacerino & Sullivan

Tuesday March 10, 2020

The meeting was called to order at 6:00PM 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/ Dec. 11, 2019 & Feb. 11, 2020

Chairman Jonke stated the minutes were accepted as submitted.

Item #4 - Discussion/ Approval Special License for People with Autism/ Legislator Nacerino

Chairman Jonke stated Legislator Ginny Nacerino brought this item forward on behalf of her constituents, Mr. & Mrs. Gagliardo. He stated this proposal is to include a distinctive mark on a person's driver's license indicating that they have an Autism Spectrum disorder. He stated the marking would allow members of law enforcement, medical professionals, or anyone looking at the license to recognize that the individual has an Autism Spectrum disorder which could impede their ability to communicate efficiently.

Legislator Nacerino thanked Chairman Jonke for including this item on the agenda. She stated her constituent, Mr. Peter Gagliardo spearheaded a bill pertaining to this topic that was introduced in New York State (NYS). She stated she contacted Mr. Gagliardo and they discussed what precipitated his interest in moving this bill forward. She stated she is proud to have Mr. Gagliardo here tonight and she is proud this endeavor has received National attention, as well as attention from the NYS Assembly and Senate.

Mr. Gagliardo stated professionally, he worked for both Bedford and Yorktown Police Departments and then became a Firefighter and worked for the Mount Vernon Fire Department for 13 years and the Hartsdale Fire Department for 12 years. He stated during that time, he had experiences with individuals that were on the Autism Spectrum and his own son is Autistic. He stated his son is high functioning and was able to obtain a driver's license. He stated being in the field of civil service and volunteerism, he has seen the situation of an individual on the Autism Spectrum being pulled over or stopped. He provided an example of a friend's child who has Asperger's Syndrome and has a NYS issued ID. He stated he was outside of a deli when he was reported for suspicious behavior. He stated upon arriving, the first thing the Police Officer did was handcuff him, which from the prospective of a police officer needing to protect themselves, is understandable. He stated however this caused the individual to panic as he did not

know what was going on. He stated if his NYS issued ID had an identifying marker on it, or at least a note that came up when the ID was run through the system, the officer could have handle the situation differently from the beginning, or continue in a different manner in order to maintain a more normal level for the individual. He stated his son had his license for six (6) months when he got into an accident during a snowstorm and when the police officer arrived he asked his son the general list of questions in this situation, such as if he was using his cell phone. He stated the officer did not know the driver was Autistic until his mother arrived at the scene and told the officer, at which point his demeanor changed as did the way he handled the situation from that point on. He stated his endeavor to have some sort of identifier connected to an ID or Driver's License began in October and it went viral and was featured on ABC News. He stated Assemblyman Nader Sayegh from Yonkers brought this proposal forward on the State level. He stated this identifier does not have to be a distinctive mark on a driver's license but could be in the computer system when the license is run through the system. He stated information such as if the individual wears eyeglasses or is an organ donor is connected to the driver's license, and this information would be just as helpful. He stated knowledge about the Autism Spectrum really started growing in the past 20 years and now is the time when many diagnosed children are at the age where they are able to drive. He stated these children are becoming adults and applying for jobs and this identifier would assist them in this process. He stated his son is one of the top excavators at Northern Westchester BOCES, however he fears that a company or highway department would not give him a chance because he may be unable to properly fill out an application. He stated their intention with this identifier is to help both the individual who is on the Autism Spectrum as well as first responders or anyone who is seeing the information associated with their driver's license or ID.

Legislator Nacerino stated the benefit of this initiative is two-fold. She stated individuals on the Autism Spectrum may not have the same ability to act diplomatically in a stressful situation and this identifier would help a responding officer, or whoever the responder may be, to be aware of all the factors in the situation.

Mr. Gagliardo stated when children on the Autism Spectrum learn, they focus in on the instructions and do not waiver. He stated for example, when his son drives, if the speed limit is 45 MPH, he goes exactly 45 MPH. He stated his son follows the rules of driving exactly, where most people will drive more casually. He stated he worries about road rage incidents because for example his son may be taking too long to make a turn.

Legislator Nacerino stated any diversion from a schedule or pattern could cause a stressful situation for an individual on the Autism Spectrum.

Mr. Gagliardo stated that is correct.

Chairman Jonke stated he has an 11-year-old daughter who is on the Autism Spectrum. He stated this identifier is an advantage for law enforcement, an advantage for the individual with Autism, and is a relief to the parent of that individual. He stated the anxiety that parents of children with Autism have is immense and a great source of the

anxiety is worrying about them being out on their own. He stated this is a great first step and he could not be more supportive of this. He thanked Mr. Gagliardo for coming to the meeting and spearheading this initiative.

Legislator Addonizio stated her support for this initiative. She stated she has a 21-year-old family member who is on the Autism Spectrum and has his driver's license. She stated when he is a passenger in the car, he makes sure she is driving the exact speed limit and obeying other driving rules. She stated this may also raise awareness of the fact that there are drivers on the road who are on the Autism Spectrum.

Legislator Sayegh stated she believes it is currently voluntary for a family to call emergency services to notify them there is a member of their family who is on the Autism Spectrum in case they are ever called to the home. She questioned if this is procedure.

Mr. Gagliardo stated there is training for all officers now. He stated he is not aware of procedure to call ahead of time. He stated he has heard of putting a sticker on their window, however anyone could get a sticker and put it on their window. He stated there is a form available online that can be filled out declaring that the person has a disorder, however anyone could obtain this form and give it to an officer; it does not prove they are sincerely on the Autism Spectrum. He stated having the identifier paired with an ID or driver's license ensures that it is paired with a photograph and is in the official system. He stated this would be more significant than just the form that is out there now.

Legislator Sayegh stated having it on the driver's license is more of a benefit, especially because it would be connected to their home address. She stated this gives responders more information when approaching various situations.

Mr. Gagliardo stated also, to obtain this identifier doctor's forms would be required to prevent anyone from falsely claiming they are on the Autism Spectrum. He stated once the individual is 18 and legally an adult, they can choose to have the identifier removed from their license.

Legislator Sayegh stated this is a wonderful initiative.

Legislator Nacerino stated to Mr. Gagliardo's point, this is not mandatory; it is solely an option that can be exercised.

Mr. Gagliardo stated that is correct; it is the choice of the parents when the individual is a minor, but if they would like it removed once they are 18 that is an option as well.

Legislator Montgomery stated this is a great opportunity to raise public awareness and get drivers to be more conscientious.

Legislator Castellano stated as mentioned earlier, this is a great thing to add to non-driver's license IDs as well. He stated he saw this initiative on ABC News and he is proud that Mr. Gagliardo is from Putnam County. He stated he has a nephew who is on the Autism Spectrum and unfortunately, he will not be able to drive, but he works and has an aid. He stated his aid is not always present and having the fact that he is on the Autism Spectrum noted on his ID is a great peace of mind.

Chairman Jonke stated there is no downside to this and it is a great idea to move forward with it.

Captain James Babcock stated from a law enforcement prospective, it is a great idea because learning more about an individual initially helps the whole process go smoother.

Legislator Nacerino made a motion to Approve Special License for People with Autism; Seconded Legislator Sullivan. All in favor.

Item#5 - Discussion/ Approval Automated - License Plate Reader Policy/ Sheriff Langley

Captain Babcock stated this License Plate Reader (ALPR) Policy provides good controls over who has access to the data and the length that the data is kept. He stated the Sheriff's Department recognizes the public privacy issues that come along with ALPRs and he understands there is concern over the access and the length of time the data will be retained. He stated he would be happy to address these concerns.

Chairman Jonke requested that Senior Deputy County Attorney Conrad Pasquale speak to this item.

Senior Deputy County Attorney Pasquale stated the position of the County Attorney's Office on this matter is neutral. He stated when the Legislature forwarded the policy to the County Attorney's Office it was essentially for the purpose of identifying any issues that may arise as a result of said policy. He stated they did their best to point out what the issues are and if there is any way that some of this could apply to the proposed policy, that is something for the Legislature and Sheriff's Department to consider. He stated he would provide a brief overview of their findings. He stated as has been mentioned, there is a proposed State law before both the Assembly and Senate. He stated the Bill in the Senate has some clarifying information that the Assembly does not, however the Bills are essentially the same. He stated he reached out to Assemblyman Kevin Byrne's office to get an idea of the movement of the bill on the State level as he is on the committee that would be dealing with this legislation. He stated for a bit of brief background, in 2015 there was another version of this law that essentially died in committee and was revived, in more or less the same form, a year or so ago. He stated the current Legislative Session ends in June therefore if there is no movement on it by that point, it will not be passed this year. He stated he does not expect the State legislation to go into effect this year. He stated the County does already have some

ALPRs in effect and there are more that will likely be utilized sometime soon. He stated it is important to get a policy on the books sooner rather than later. He stated the Sheriff's Department's proposed policy is a great starting point. He stated he researched similar laws in other municipalities including states, towns, and police departments in order to be as objective as possible when reviewing this proposed policy. He stated the main issue he found was in relation to the privacy concerns, which comes down to the snapshot versus looking at the data in the aggregate. He stated the ALPR has the information on the license plate and what date and time it was read; looking at this alone does not supply much information. He stated however, if an ALPR reads the same license plate multiple times per day over the course of a week, information such as where the driver is going or what they are potentially doing could be collected, in a "mosaic". He stated this mosaic concept is getting a lot of continued support from the State Courts although currently, the United States Supreme Court does not recognize this mosaic theory. He stated in a 2015 decision, this was pointed out and from the updated research he has read, the theory seems to be gaining momentum. He stated while there is no particular Fourth Amendment issue with the use of ALPRs as it stands, it may come up in the future. He stated he believes this is the reason why the State is looking to preemptively legislate details in regard to this. He stated the information compiled by the ALPRs will be available to the government and individual officers who have access to the data base. He stated privacy advocates object to the quality and quantity of this information, despite the fact that looking at it alone, is publicly available information. He stated only when it is combined in the aggregate does it become an issue to privacy advocates. He stated that being said, there have been concerns raised that this information could be abused by police departments as a whole or by individual officers with access. He stated he is not saying this is going to happen or likely to happen; only that the concern has been raised. He stated in his memorandum he cited incidents that have occurred such as in 2012, the NYPD (New York Police Department) was using ALPR technology to target and patrol near mosques and Muslim areas. He stated in terms of general abuse, there have been incidents of law enforcement officers utilizing law enforcement data in non-law enforcement situations, specifically in 1998 there was an officer who was looking up license plates of vehicles parked near gay bars and blackmailing the owners of the vehicles. He stated these instances are not authorized or permissible and would fall under the umbrella of illegal activities. He stated that being said, the fact that the data exists would be the concern for the privacy advocates. He provided another example of a female police officer who had discovered that her personal driver's license record and information had been accessed 425 times by 18 different police agencies. He stated although on a micro-level, these are some of the concerns that have been raised. He stated another main issue that has been raised is with regard to the public disclosure of ALPR data, which is the more salient issue that needs to be addressed. He stated in NYS the law is not clear on what would be publicly available data. He stated there was a case around 2015 in Monroe County where a newspaper reporter submitted a FOIL (Freedom of Information Law) request for certain ALPR data for his own automobile, six (6) employees at his newspaper, and certain government vehicles. He stated in conjunction with this request, data pertaining to other vehicles recorded around the same time were included. He stated the State Supreme Court held that the mosaic

theory should be applicable, although it is not set in stone. He stated the court determined that the reporter could access his own data, and if he had consent of his coworkers and proof of ownership, he would be entitled to that information as well, however he did not have consent therefore it was denied. He stated as far as the municipal vehicle, since it is not privately owned by an individual, it was granted and that information was provided. He stated the information pertaining to the miscellaneous vehicles that happened to the scanned at the same time was denied, per the mosaic theory. He stated the problem Putnam County is facing is that the mosaic theory is not concrete law in NYS. He stated if a FOIL request for ALPR data was submitted in Putnam County, it would need to be determined on the County level whether the information constitutes public information on whether it would be disclosed. He stated if the FOIL request was denied, it could be appealed and potentially litigated and there is no way to know for certain what a trial level Supreme Court decision may be on the same issue. He stated this information could potentially become public record. He stated this would be addressed if State Law comes into effect in the future. He stated that is the most realistic concern to have at the moment. He stated he compared some major issues addressed in the policy proposed by the Sheriff's Department and in the State policy and found there were a lot of things in the two (2) that lined up. He stated the Sheriff's Department is looking for a six (6) year retention policy, which is wholly consistent with standard data retention policy. He stated inherently, the State wants 180 days, which is a big difference. He stated by way of comparison, retention in some of the other states that have legislation addressing this varies between (3) minutes, which is the lowest and if the data is a "not-hit" it gets deleted right away, 21 days, 60 days, 150 days, and some of the longer retentions are three (3) years and five (5) years. He stated he did not find any state-wide policies with retention longer than five (5) years. He stated within NYS there are a few law enforcement agencies that have an indefinite retention policy, although most do have a length of time noted in the policy. He stated he cannot recommend an ideal length of time for retention, it is an aspect of the policy that will need to be determined among the Sheriff's Department and Legislature. He stated another comparison between the laws is the public reporting. He stated the Sheriff's Department policy provides a specific provision for monthly auditing, which he believes is fantastic, however he does not know what that entails. He questioned what type of information is going to be audited, such as who had access or what access they had. He stated over time once the policy goes into effect what comes out in the audit will come to light, however it is not listed in the policy and is an open question at the moment. He stated this is in comparison to the state policy, which provides for an audit annually, and lists the following information to be audited: number of license plates scanned, number of disclosure orders, changes in policy that effect privacy concerns, names of lists against the license plates were checked and number of confirmed matches, number of disclosure orders resulting in criminal charges, number of disclosure orders resulting in convictions, number of ALPRs operated by the agency, etc. He stated there is extensive information that the State wants to be disclosed, but one (1) thing missing is feasibility of implementation. He stated he finds that many times when State legislation is passed it does not take into consideration the feasibility of how it is going to be implemented. He stated a balance between the two (2) policies might be appropriate as far as adding information

pertaining to what information would be audited and made available into the Sheriff's Department proposed policy. He stated the final comparison is sanctions for violating the law versus violating the Sheriff's Department policy. He stated the State explicitly made it a misdemeanor to abuse the ALPR database, making it a law, not simply a policy or regulation. He stated the County would not be able to do that via a policy like this. He stated there is not anything he saw in the policy itself that explicitly addressed the issue of the sanction, therefore if someone, intentionally or negligently, used the database in a manor they are not supposed to, there is nothing in the policy regarding how to handle that. He stated this is not the type if incident that could be pursued through a misconduct hearing because there is nothing in the policy prohibiting it and it does not say what the consequence would be. He stated this is something to consider that gives teeth to the policy and put concerns at ease. He stated another note relates to sharing the data between law enforcement agencies; the wording of this in the policy is confusing. He read the following from section 427.7 of the policy, "The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law." He stated the concern here is "or as otherwise permitted by law." He stated this seems to be an independent clause completely separate from the first part and almost serves as a catch-all. He stated if the intention of this section was as otherwise *required* by law, that would make sense, for example a court order or FOIL request that had to be complied with. He stated if the intention is to have it read "permitted" he would want further clarification as to what that actually means. He stated the last issue has to do with data access and data security. He stated he is unaware if the data storage is being done on a server in the Sheriff's Department or if it is being stored by a third party. He stated if it is being stored by a third party, controlling who has access to the data has to be paramount. He stated one (1) of the major concerns is that there are a lot of vendors. He stated one vendor he has come across in his research maintains a centralized database which is pooled into their collection of ALPR data, which is all collected by various police agencies. He stated this company sells access to its dataset to repo companies, banks, credit agencies, etc. He stated the question is if they are selling the data or selling access to the data. He stated in this situation the company can claim that they are not selling the data, however they would be selling access to non-law enforcement agencies, which would ultimately have the ability to access the data. He stated he does not know what the intent is in this policy, but it is a concern brought up by many privacy advocates. He stated it would be helpful to work clarification of this into the policy. He stated it is important to have appropriate oversight and control measures ensuring that access is limited to those who should have access. He stated ALPRs are a helpful tool for law enforcement and the sooner it can be utilized, the better. He stated these concerns brought forward are what have stood out to him as things within the policy that may need to be addressed.

Legislator Jonke thanked Senior Deputy County Attorney Pasquale. He agreed that the ALPRs are a valuable tool. He stated he was fortunate to be invited to the Sheriff's Office in December for a presentation about how valuable ALPRs are to law enforcement. He stated he would like to see some form of the policy move out of Committee tonight. He stated the retention within the policy is currently six (6) years; he

would like to reduce this to three (3) years. He stated what moves out of Committee tonight does not have to be the final version, it is something that can be revisited. He stated in fact, he would like to revisit it in about six (6) months to discuss the disciplinary provisions in the policy, which would give it some teeth if someone were to abuse the access to this information. He stated discussions have been had about this over the past few months and these are his concerns.

Legislator Nacerino thanked Senior Deputy County Attorney Pasquale for his overview of the in-depth memorandum sent to the Legislature. She stated it is important to develop some parameters in regards to a sanction if this system were to be abused. She stated to not have any consequences for a violation really negates the whole purpose of the policy. She stated the sharing of the data is also an important component because it is open ended, which leaves it open to interpretation. She stated the clearer the verbiage included in the policy now, the less issues there will be down the road. She stated the multiple discussions that have been held on this topic speaks to the importance of this policy. She stated she is supportive of moving this forward.

Legislator Sullivan stated he believes Putnam County is ahead of the curve in comparison to other towns and counties that do not have policies in place at all. He stated he applauds Sheriff Langley, Captain Babcock, and his fellow Legislators for getting a policy in place that addresses all these issues to prevent anything from going wrong in the future. He stated it is great that the County will be ahead of the curve and be a cutting edge county coming out with a comprehensive policy that will protect both our citizens and the County from future problems. He stated Senior Deputy County Attorney Pasquale did an outstanding job going through and highlighting concerns from an attorney's prospective. He stated many issues were raised including privacy, concerns of abuse, public disclosure of date, FOIL requests, data retention, and the auditing process. He stated there are many questions raised and it would be difficult to address them all tonight. He stated he believes ALPRs are a great tool, and this has been expressed by County Executive MaryEllen Odell in memorandums as well. He stated he would like to see this policy enacted properly, addressing the concerns raised tonight. He stated a concern of his is the time frame for retaining data. He stated the examples provided by Senior Deputy County Attorney Pasquale are from state laws and range between three (3) minutes, 21 days, 30 days, 60 days, and so on. He stated it is important to identify a length of retention that would best suit the County. He stated Sheriff Langley provided an example of ALPRs being utilized to help locate a missing person. He stated in this instance, the data would be searched to help find the individual and would not need to be retained for years. He stated a longer retention would be more helpful for crimes. He stated as a privacy advocate, he believes the less time the data is retained the better. He stated the example provided of a three (3) minute retention time is extreme, but he believes it should certainly be less than six (6) years, and even less than Chairman Jonke's suggestion of three (3) years. He stated he does not believe the policy is going to be crafted tonight.

Chairman Jonke stated he is looking to move something forward tonight. He stated during his meeting at the Sheriff's Department, a deputy stated that there could be value

in retaining records on a permanent basis. He provided an example of a murder taking place and the body not being found for 10 years. He stated in this situation, the data from 10 years earlier could be looked through to see who was in that vicinity. He stated this makes sense to him, although he has not seen other municipalities with that forethought. He stated three (3) years is a compromise and can be revisited. He stated more information may become available that suggests changes to the policy. He stated he does believe discipline for the abuse of the data should be included. He stated he would like Captain Babcock's input on the question pertaining to the storage of the data, such as where the data is stored and if there is a third party involved.

Legislator Sullivan stated there are many questions that would be difficult to answer tonight.

Captain Babcock stated he will address the concerns outlined by Senior Deputy County Attorney Pasquale individually in a format that the Legislature can take their time reading over. He stated in regards to the length of the retention time, the United States Department of Justice published a study and when ALPRs first came into use, no municipality had a policy for them. He stated at that time, essentially what drove the length of the data retention was how much it cost to store all of the data. He stated privacy groups then got involved. He stated District Attorney Robert Tendy and he are in agreement to keep the data as long as possible. He stated the six (6) year retention was included in the proposed policy because the County has used this amount of time for other types of data, therefore this policy would be in compliance with what already exists. He stated they believe the use of ALPRs are worthwhile and they would like to get this program moving forward, and therefore would be willing to reduce the length of retention. He stated as far as the discipline if someone abuses this policy, the Sheriff's Department has a policy within their rules and regulations that addresses any abuse of any policy which allows for termination. He stated the Sheriff's Department is in the process of redoing all their policies and procedures. He stated this is a Lexipol policy; Lexipol is a company that works with many law enforcement agencies throughout the Country. He stated this policy has been reviewed by active members in the field and he believes it is a good policy. He stated language could be added to the policy to note that abuse of this policy could result in termination. He stated making this abuse a misdemeanor was mentioned earlier, however he does not believe making the violation of a municipality's policy or procedure a criminal act would pass. He stated he would leave that decision to the State.

Chairman Jonke stated he is not suggesting including criminalizing the abuse in the policy.

Captain Babcock stated as with any other policy, violation could result in termination.

Legislator Montgomery questioned if the State law would supersede the County law.

Senior Deputy County Attorney Pasquale stated yes, if the State law went into effect, wherever there was a conflict, the State law would be the one followed.

Captain Babcock stated he believes the intent of the statement referred to earlier "or other permitted laws" was for the purpose of a law being enacted that would supersede the County law.

Senior Deputy County Attorney Pasquale stated that clarifies it and that is the effect it seems it should have. He stated he believes the wording would just need to be tweaked a bit.

Sheriff Langley stated working together, this can be cleaned up and we will have a good, solid policy. He stated as far as discipline goes, the punishment would need to fit the violation and how severe it is. He stated if it were a gross abuse of the system, the individual could be facing termination but if it is a minor offense, it could be handled by a letter going into their file with a loss of a few days of vacation time. He stated discipline would need to be taken case by case depending on the abuse of the system.

Legislator Nacerino stated it is important to include language that speaks to that rather than be evasive altogether. She stated it could even say that this policy is mirroring the disciplinary actions outlined in another policy. She stated she certainly does not think it should be a misdemeanor, but there should be some clear language speaking to a violation. She stated such a violation is a serious matter, especially if it is being used for personal reasons or personal agendas as represented in some examples provided by Senior Deputy County Attorney Pasquale. She stated she believes a three (3) year retention of data is sufficient, but she respects Captain Babcock's and District Attorney Tendy's opinion of six (6) years and she would support keeping that if they felt it was an important factor in looking back to investigations. She stated this policy may be a temporary measure because in 12-18 months the State could enact its policy.

Sheriff Langley stated the recommendation of three (3) years is fair, however it could always be looked at again down the road. He stated the information collected could prove to be vital for many years. He cited an example from 1995 when Robin Murphy disappeared from Shoprite Plaza in Carmel without a trace. He stated if she were found today and this technology was utilized back then it would provide invaluable information for law enforcement in the investigation. He stated it is difficult to determine how long to retain data. He stated he believes three (3) years is a good starting point.

Chairman Jonke stated this has been discussed for quite some time and he would like to see the policy move forward to be able to implement the use of the ALPRs. He thanked the Chief of Cold Spring Police for his patience.

Sheriff Langley stated the policy can always be amended.

Chairman Jonke stated that is correct, it is not etched in stone and can be reviewed over the next couple of months. He stated for the sake of moving this through Committee tonight, he would like to decrease the retention from six (6) years to three (3)

years. He stated when reviewing the policy again down the road he would like to include disciplinary actions.

Legislator Sullivan stated Senior Deputy County Attorney Pasquale has raised many concerns and he does not see the need to rush this policy through when we are so close to being able to finish the policy and address all of those concerns. He stated realistically, it is difficult to come back to a policy in the future. He stated he believes it would be better to enact the policy correctly the first time. He stated law enforcement in the County, towns, and State already have ALPRs therefore there he does not understand the urgency to rush this and get it done. He stated there are plenty of questions that have been raised. He stated rather than approving it now and saying it will continue to be worked on and tweaked, it could be worked on for another month and approved as a final policy.

Legislator Sayegh stated in reference to Legislator Sullivan's comments, the reasoning to move it forward sooner rather than later is that Cold Spring has this technology that they are waiting to implement. She stated other towns are already utilizing ALPRs. She stated, that being said, from a woman's standpoint, she is concerned about the technology and how it is being used. She stated specifically, she is concerned with the availability of information that could contribute to stalking by abusive spouses. She stated for example, a husband or boyfriend could submit a FOIL request for his own vehicle to track his significant other. She stated there is a wide range of abuses that are possible. She stated it was mentioned that the information would be downloaded to an Excel spreadsheet, which is very user friendly. She stated this could be very accessible and she asked how this information is protected. She stated she agrees that this technology is a good tool that needs to be utilized, but there are some genuine concerns about privacy.

Captain Babcock stated using the example provided by Legislator Sayegh, he would argue that the technology would help law enforcement find the person who is stalking. He stated in a situation like that, the use of ALPRs would be part of an ongoing criminal investigation and would be one of many tools utilized to help solve the crime. He stated he is not familiar with the reference of the Excel spreadsheet.

Legislator Sayegh stated it is referenced in the policy that the data can be extracted into Excel.

Sheriff Langley stated that would be utilized when conducting a search for specific information; once it is located it could be extracted to an Excel spreadsheet for the investigator or deputy to use during their investigation.

Legislator Sayegh questioned how that information is protected.

Sheriff Langley stated it would be kept in a case file in the office.

Chairman Jonke stated it is important to remember that ALPRs are currently being used with no policy in place. He stated he would prefer to move the policy forward tonight even if it is not perfect rather than hold off another month.

Captain Babcock stated he wanted to touch base on the security of this data. He stated the data is stored in the County network, therefore to access it the individual must be a County employee with a county log in and password, and then another password is required to access the software to review the data. He stated currently, there is a small percentage of employees, mostly investigators, in the Sheriff's Department with access to the data. He stated records are kept pertaining to who logs in to access the records, which license plate they are researching, whether there was a hit or not, the date and time that it was accessed, and which case it was relevant to. He stated if he logs in and sees license plates are being searched without a case number on it, he will know the policy has been violated. He stated the use of the system is to look for criminal activity.

Legislator Nacerino stated she agrees with Legislator Sullivan that if a policy is going to be developed it should be complete when it is moved forward. She suggested moving the policy forward in concept if there is enough time for the Sheriff's Department to address the major concerns highlighted tonight in time to be submitted as backup for the April 7, 2020 Full Legislative Meeting. She stated this would move the policy forward in a timely and complete manner and allow Cold Spring to begin using their equipment.

Captain Babcock stated his agreement to that proposal.

Legislator Nacerino made a motion to move the Automated License Plate Reader Policy in concept to the Full Legislative Meeting.

Chairman Jonke stated he would first address Legislator Montgomery.

Legislator Montgomery thanked the Sheriff's Department for the information they have provided. She stated yesterday she requested that the memorandum being discussed tonight be released to Captain Babcock, Sheriff Langley, and Cold Spring Police Department Office in Charge Larry Burke. She stated it would have been very helpful for them to have seen this memorandum.

Legislator Jonke stated he was unaware that they were not copied on the memorandum, but he subsequently had a conversation with Captain Babcock and Undersheriff Cheverko regarding pertinent parts of it.

Legislator Montgomery stated she understands the parameters put in place by Chapter 55 of the Putnam County Code entitled Ethics, Code of, and Financial Disclosure that speaks to the Legislature's ability to share a legal memorandum. She stated tonight, she is hoping to find a compromise that both respects the County Code and ensures that real progress is made in providing the law enforcement officers in Cold Spring with the tools they are requesting and are already deployed by other agencies within the

County. She stated she is supportive of putting this policy in place. She stated it is likely that the State policy will be passed and will supersede our policy eventually. She stated going back to Chapter 55 of the Putnam County Code and the Legislature's inability to disclose that information, she questioned if the contents of the memorandum written by Senior Deputy County Attorney Pasquale are allowed to be disclosed because he is present at the meeting and is discussing it.

Legislator Nacerino stated it is now public record and has been disclosed by the highlights provided by Senior Deputy County Attorney Pasquale.

Legislator Montgomery questioned if it is legal to disclose it since it is a confidential memorandum.

Senior Deputy County Attorney Pasquale stated just to be clear, confidentiality does not rest with the attorney, it rests with the client. He stated in this case, the memorandum was done at the behest of Chairman Jonke and it would be up to the Legislature to waive privilege in the case of confidentiality.

Legislator Montgomery clarified that the decision to disclose the memorandum would be up to the whole Legislature.

Senior Deputy County Attorney Pasquale stated that is correct.

Legislator Montgomery stated the contents of this confidential memorandum have already been discussed. She stated she understands the need to respect Chapter 55 of the Putnam County Code and the ethics involved with disclosing the information in the memorandum.

Legislator Sullivan questioned where the memorandum was disclosed.

Legislator Montgomery stated the information in the memorandum was disclosed tonight.

Legislator Nacerino stated she believes Legislature Sullivan is asking where Legislator Montgomery wants to further disclose the information.

Legislator Montgomery stated she believes Captain Babcock, Sheriff Langley, and Cold Spring Police Officer Larry Burke should have had a copy of the memorandum where the concerns of the County Law Department were spelled out so they could have been prepared to address them this evening.

Chairman Jonke stated to be fair, he had a discussion with Captain Babcock prior to tonight's meeting.

Captain Babcock stated he and Chairman Jonke had a discussion regarding the concept of where the County wanted the policy to be without detail.

Chairman Jonke stated correct, he did not discuss any of the concerns outlined in the memorandum.

Legislator Sullivan stated he would like to ask Legislative Counsel Firriolo if an opinion was provided to Legislator Montgomery in regards to her request and ability to release this memorandum.

Legislative Counsel Robert Firriolo stated he is unable to answer that directly as it would breach attorney-client privilege.

Legislator Montgomery stated regardless, she would like this policy to be in place. She thanked Cold Spring Police Officer Larry Burke for participating in these meetings over the past few months.

Legislator Castellano stated he is curious about something Sheriff Langley mentioned about Discovery Law and how that might impact this. He stated for example, if an ALPR was in an area where a bank gets robbed and an arrest is made based on the information collected by the ALPR, he questioned what the County would have to turn over.

Sheriff Langley stated any information collected that puts the individual in that area would need to be produced.

Legislator Castellano stated he believes per Discovery Law all the information on cars that traveled in that area would need to be provided.

Sheriff Langley stated only the information that pertains to the case would be required.

Legislator Castellano questioned what happens if someone is arrested, but says it was someone else, and the Sheriff's Department has the evidence through the ALPR data.

Captain Babcock stated he believes the District Attorney would make that part of the case and discovery part of the trial. He stated his understanding is that it is pertinent to use it specifically as probable cause. He stated the defendant would have to make that case.

Legislative Counsel Firriolo stated he believes he knows what Legislative Castellano is asking He stated for example, if he was a defense attorney and the evidence against his client was that a white Toyota Corolla was seen at the crime and identified as the getaway vehicle and his client has a white Toyota Corolla that was identified through the use of ALPRs, he would request information on every other white Toyota that was picked up by the ALPR. He stated he believes what Legislator Castellano is getting at is that under the new Discovery Laws, a lot more data than just the hit on the one (1) vehicle would need to be produced.

Captain Babcock stated that would not be done without legal counsel from the District Attorney's office. He stated it would be very case specific.

Legislative Castellano stated he is in favor of the use of ALPRs and he believes the data should be kept as long as the Sheriff's Department deems necessary. He stated a three (3) year retention is a good length of time, however the examples shared tonight pertaining to the benefit of keeping the data longer were sensical. He stated this is incredible technology. He stated the ALPRs are not being used to track vehicles that pass a stop sign or red light; they are being used in the investigation of crimes. He questioned what other purposes the ALPRs can serve.

Sheriff Langley stated if there is someone in danger, whether they are suicidal or have dementia, and they get into their vehicle and drive off, that information can be entered into the system and shared with nearby law enforcement agencies to be put into their systems. He stated if the vehicle passes through one of the areas it will alert the system and notify law enforcement where the individual is located. He stated it is a means to better track down a missing or endangered individual. He stated in a criminal case, the ALPRs would not be monitored; the data would be searched within a specific time frame. He stated data collected through the ALPRs could provide structure to a case that has only a foundation. He stated at that point, it becomes an investigative tool rather than a tool that alerts. He stated ALPRs are not intended for traffic violations.

Legislator Castellano stated he wanted to make that clear since cameras for traffic violations are out there as well.

Captain Babcock stated the "hot list" is put out by law enforcement and consists of license plates related to suspended registration, wanted people, missing people, among others. He stated the State would like to limit the use of the data collected by the ALPRs to just the hot list. He stated in law enforcement, the data is so much more valuable than finding a stolen car; the value of the data is solving a string of crimes.

Legislator Addonizio stated going back to the example of a white Toyota being present at a crime scene, she questioned how law enforcement identifies which specific vehicle they are looking for or if they look at all the data collected on white Toyotas for that time frame.

Sheriff Langley stated they would look at all white Toyotas, but the search could be narrowed down with more information such as the model of the vehicle or how many doors the vehicle has. He stated images of the vehicle are also taken which provides identifying information such as bumper stickers.

Legislator Addonizio stated if that additional information is unknown, there would be a large pool of vehicles in the search.

Sheriff Langley stated there may be suspect information as well such as race or gender. He stated this information could be used in conjunction with the type of car by finding which white Toyotas are registered to an individual that fits that criteria.

Captain Babcock stated the data would be searched with specific information known.

Legislator Sullivan stated he wants Cold Spring to have use of the ALPRs. He stated he would like to make it clear that by creating this policy that would oversee the use of ALPRs, Cold Spring would abide by the County Policy since the County is providing the funding for the ALPRs.

Cold Spring Police Officer Burke stated he wanted to clarify the example about the Toyota Corolla. He stated security footage around where a crime took place might show a bumper sticker or even the license plate, but maybe not all the numbers. He stated this information combined with the information collected through the ALPR can provide confirmation of which vehicle to look for.

Legislator Addonizio stated sometimes there is no security footage.

Cold Spring Police Officer Burke stated there are times there is no security footage, but most times there is.

Legislator Sullivan stated he has a question for Legislative Counsel Firriolo pertaining to the purchase of ALPRs for Cold Spring. He questioned how to incorporate the verbiage that he just mentioned into the policy about Cold Spring abiding by the Putnam County ALPR Policy since the County is providing the ALPRs.

Legislative Counsel Firriolo stated the policy being considered tonight would apply to the Sheriff's Department. He stated if there were requirements that a municipality obtaining County funds abide by the same policy, there would have to be an agreement in writing with that municipality.

Legislator Sullivan stated since this policy is for the Sheriff's Department to abide by, it would make sense to have another municipality that we are providing funding for to abide by the same.

Legislative Counsel Firriolo stated the fund transfer could be approved subject to the subsequent execution of an agreement with a municipality that they agree to abide by Putnam County's ALPR policy.

Cold Spring Police Officer Burke stated realistically, originally, he wanted the ALPRs just for Cold Spring and was not going to add in with the Sheriff's Department. He stated the ALPRs were going to be placed in the middle of town. He stated this means the only policy they would need to follow was their own in the Village of Cold Spring.

Legislator Sullivan stated since the County is approving and releasing the funding, he believes the County is able to establish the terms around the use.

Cold Spring Police Officer Burke stated correct, in speaking with the Sheriff's Department it was determined that it would be better to work together on this as it would help both the Sheriff's Department and Cold Spring Police Department at the same time. He stated they are looking to put ALPRs in the Village of Nelsonville as well. He stated the Departments often work together on investigations, therefore it makes sense to work together on this as well. He stated it is frustrating that when he came before the Legislature months ago, he thought the funding would be approved then and now they are caught up in a policy, which he believes is a good policy and he is very supportive of it. He stated he would like the Cold Spring Police Department to be able to utilize the ALPRs. He stated another important point is that even if the funding is approved tonight, the equipment would still need to be ordered and installed, which could take a few months, allowing ample time for the amendments to be made to the policy before the use of the ALPRs begins by the Cold Spring Police Department.

Chairman Jonke thanked Cold Spring Police Officer Burke for his patience.

Cold Spring Police Officer Burke stated he wants the policy to be in place as much as everyone else.

Legislator Sullivan stated the funding for the ALPRs can be approved tonight, subject to having a policy in place that everyone agrees on. He stated not to delay the use of equipment, they can be purchased and ready to use once the policy is in place.

Cold Spring Police Officer Burke restated that it could take months to have the equipment ready to go, therefore there is plenty of time to implement the policy. He stated he would like to review the policy before it is adopted as well.

Legislator Nacerino stated it seems that everyone is on the same page and would like to see this policy move forward. She stated she would like to move this forward in concept and identify some salient factors that the Legislature would like to see before the policy is voted on at the April 7, 2020 Full Legislative Meeting. She stated a timeline could then be set when the policy would come back to Committee for further amendments to the policy, perhaps in June. She stated as Chairman Jonke could put forth a memorandum with further amendments of which the Legislature would like to see that would correct some unresolved issues. She stated she does not want to put forth a sloppy policy, as it speaks to the integrity of the Legislature and she believes this is a fair compromise to move it forward with the understanding that there is more work to be done and with a timeline to ensure the work gets done. She suggested amendments prior to the April 7, 2020 Full Legislative Meeting include language pertaining to sanction, data sharing, and the auditing of the system. She stated the policy can then be amended in June to attend to any outstanding issues.

Chairman Jonke questioned if Legislator Nacerino would like to put that forward in the form of a motion.

Legislator Sullivan stated he is not ready yet and would like to ask Legislative Counsel Firriolo about approving this in concept.

Legislative Counsel Firriolo stated he is never comfortable with approving something in concept. He stated what the Committee can do is vote to move the policy forward tonight as is or vote to amend it. He stated if it is moved forward as is, that is what will go to the Full Legislative Meeting. He stated at the Full Legislative Meeting, a motion can be made to amend and substitute a revised resolution. He stated in essence, if the policy is moved forward tonight the Legislators have the right not to vote in favor of it if there is no suitable substitute by the time of the Full Legislative Meeting.

Legislator Sullivan stated there are a few things he would like to see incorporated. He stated penalties for violating the policy needs to be addressed. He stated in terms of the audit policy, there are lots of questions. He stated he found a NYS Department of Justice ALPR Progress Report from 2006 that showed information such as who looked at the data and what it was used for. He stated reports like this one on the usage of ALPRs have been produced since 2006 and the Legislature has not seen anything like it. He also questioned if an external vendor would be used.

Captain Babcock requested clarification on the use of an external vendor. He stated the data is stored within the County.

Legislator Sullivan questioned if an external contractor would be involved.

Sheriff Langley stated no external vendor would store the data; it is stored within and by the County.

Chairman Jonke suggested moving this forward as is tonight and he will send a memorandum to the Sheriff's Department indicating what the Committee would like to see in the policy and what outstanding questions there are. He stated this would give the Sheriff's Department ample opportunity to come back with a revised policy.

Legislator Nacerino stated previously, items have been moved forward in concept however if that is not suitable, it is the same idea to move it forward with the intention of revising it on the floor at the April 7, 2020 Full Legislative Meeting. She stated she would like to make a motion to move the Automated License Plate Reader Policy as is to the Full Legislative Meeting with the intention of having the salient points discussed this evening addressed including sanctions, the audit, and the data sharing to be revised on the floor with the caveat that the policy will be considered again in June in order to address outstanding issues. She questioned if the Committee was in agreement with this compromise.

Legislator Sullivan stated it seems like a lot of work to complete in three (3) weeks.

Captain Babcock stated it is a tremendous amount of work. He clarified that the policy would apply to any situation where County funds were used to purchase an ALPR system. He stated it is a little contradictive to the meeting held in January with law enforcement representatives from throughout the County. He stated the law enforcement all wants to be on the same page. He stated the Sheriff's Department wants to utilize their resources with the resources of the other law enforcement agencies within the county so this data can be shared, which is the real purpose of it. He stated right now, the Sheriff's Department, State Police, Village of Brewster, and Town of Kent are utilizing ALPRs and it seems like it is getting restrictive by having this Sheriff's Department Policy be the main policy if the equipment is purchased with County funds.

Chairman Jonke agreed.

Captain Babcock stated also, Senator Pete Harckham secured a $74,000 grant. He stated he has two (2) weeks to get a tremendous amount of work done to respond to the grant.

Legislator Sullivan stated he is not trying to stop the grant.

Chairman Jonke stated we are beating a dead horse here. He stated the Sheriff's Department brought forward a standard policy and he pointed out specific parts that he would like to see amended. He stated if there are other parts in particular the Committee would like to see amended, he asked that they send a memorandum to the Sheriff's Department requesting the changes.

Chairman Jonke made a motion to approve the Automated License Plate Reader Policy as written.

Legislator Nacerino stated she made the motion a few minutes ago to approve this policy as written with the three (3) topics to be addressed, which is not a tremendous amount of work.

Legislator Sullivan stated it was more than three (3) topics.

Chairman Jonke stated he is making a motion to move this policy as is.

Legislator Sullivan stated he cannot support that motion because the County Law Department, who are experts in this, have come before the Committee to voice many concerns. He stated the memorandum from the Law Department is six (6) pages long. He stated Senior Deputy County Attorney Pasquale has made a very good point of many of the concerns. He stated again, he wants the ALPRs to be utilized, but he wants to do it right and not rush it through. He stated County Executive Odell also wants it done correctly and he agreed with her philosophy. He stated the State is moving in this direction. He stated just because the Towns and Villages do not have the

resources to create a comprehensive policy does not mean the County should lower its standards. He stated maybe after the County puts something together they will adopt it on their own, realizing they should have a policy themselves.

Legislator Nacerino stated the County is working backwards here. She stated her motion did not have a second and she would still like to move the policy forward as is tonight with the issues of sanctions and employee responsibility, the open ended interpretation of the sharing of the data as discussed earlier, and length of retention addressed by April 7, 2020 Full Legislative Meeting. She stated the other concerns can be addressed in June. She stated this provides ample time to come to terms with the full scope of the policy. She stated setting this timeline provides the Sheriff's Department time to address the concerns without leaving further amendments open ended, which would be irresponsible on the part of the Legislature.

Legislator Nacerino made a motion to move the Automated License Plate Reader Policy to the Full Legislative Meeting with the minor details addressed by that time.

Legislator Nacerino stated any outstanding concerns can be sent to the Sheriff's Department via memorandum.

Chairman Jonke seconded that motion. He asked if the Committee was all in favor.

Legislator Sullivan requested clarification of Legislator Nacerino's idea to have this back on Committee in June.

Legislator Nacerino stated if it is adopted at the April Full Legislative Meeting, it provides two (2) months to resolve the outstanding issues that the Committee can identify by memorandum. She stated if it would be better to have the matter back in July or August, that is fine as well, but it should have a target date.

Legislator Sullivan stated he wants to understand what is being voted on. He stated he thinks the vote is to hold the policy open until June when a complete policy can be voted on.

Legislator Nacerino stated the Committee is voting on adopting the policy as is with the minor provisions being addressed by the April 7, 2020 Full Legislative Meeting, which are: adding sanctions for any officer who abuses the policy, clarifying the open ended language of the sharing of data, and amending the terms of the data retention from six (6) years to three (3) years. She stated these are three (3) simple measures that she does not believe would be too consuming to accomplish in 3½ weeks. She stated further, an end date would be set to resolve any outstanding issues, which she would suggest be in June.

Chairman Jonke called for a roll call vote.

By Roll Call Vote: Three Ayes - Chairman Jonke, Legislator Nacerino, & Legislator Sullivan. Motion Carries.

Item #6 - Approval/ Pending the Approval of a Putnam County Automated - LPR Policy/ Budgetary Amendment (20A008)/ Asset Forfeiture Funding

Chairman Jonke made a motion to move Budgetary Amendment 20A008 forward, contingent on the language which would provide for the Village of Cold Spring to abide by the policy adopted by Putnam County; Seconded by Legislator Nacerino.

Legislator Montgomery questioned if the other agencies that already have ALPRs will have to abide by the County policy as well, since it is a requirement for Cold Spring.

Chairman Jonke stated he is not sure if that requirement can be implemented retroactively.

Legislator Sullivan stated he is not sure if the County provided the funding for the equipment in other towns.

Chairman Jonke stated he does no recall funding the equipment for another town.

Legislator Montgomery stated out of respect for the Village of Cold Spring, it would be unfortunate if they were not allowed to establish their own policy. She stated it would be good governance to let them create their own policy.

Chairman Jonke stated the motion was made and asked if the Committee was in favor. All in favor.

Item #7 - FYI/ Letter from Town of Southeast Fireworks Committee – Regarding the Annual Event to be Held July 3, rain date July 11, 2020/ Chairman Jonke

Chairman Jonke stated Legislator Castellano is on the Town of Southeast Fireworks Committee. He stated historically, assistance has been requested from the Sheriff's Department for the Fourth of July Fireworks event.

Legislator Castellano stated the fireworks event used to be held in Scolpino Park, which is a smaller area than they use now, and it was held solely by the Town without much involvement of the County. He stated he believes the last time it was held there was in 2011. He stated the event was not held in 2012, which resulted in a bit of an uproar from local residents. He stated in 2013 the Town of Southeast created a Fireworks Committee to organize collecting donations from local business or anyone wanting to donate. He stated it was decided to hold the event at the Highlands Shopping Center. He stated he does not believe the 2013 event was planned very well and there were issues such as having to contact the Department of Health, having porta potties available, and security. He stated these issues have been addressed in the years

since. He stated the budget of the event, including the fireworks, is between $8,000 and $10,000 each year. He stated letters have been sent to the Legislature and Sheriff's Department to alert them that the event will be held this year on July 3, 2020. He stated they have received support from many local businesses. He stated the Sheriff's Department has done an excellent job providing security at the event. He stated he has always believed this is a great event to have Sheriff's Deputies mingling with private citizens and it is a great exercise for the Sheriff's Department. He stated Sheriff Langley has done a great job to lower the cost over the years. He stated the event was held one (1) year on the Fourth of July, which required overtime pay for the Deputies, therefore it has since been held around the holiday, but not on the actual date. He stated the Town has alerted us that the date this year is July 3, 2020. He stated the cost for security is still in question. He stated it is private property and assistance from the State Police will be researched.

Chairman Jonke stated part of the discussion was that perhaps the presence of the Sheriff's Department be scaled back. He stated he does not recall how many officers were on duty last year. He stated this type of event may not call for the amount of security that has been deployed in the past. He stated scaling the required personnel back will result in a cost savings.

Legislator Nacerino stated many discussions have been had about how to best reduce overtime. She stated this may be an instance where overtime could be reduced in the sense of reducing staff. She stated it is also possible not to approve the overtime, if we are really focused on reducing overtime and not compromising safety, this might be an event that the County either opts in or out of. She stated in trying to prioritize where the overtime is necessary, this may not be the ideal place to put those dollars for overtime. She stated the input of the Sheriff's Department is valued in assessing this situation and this is a big topic for the Legislature. She stated the Legislature struggles with overtime and compromising services and safety. She stated this is an event that serves one (1) town and requires a lot of overtime. She questioned if this is something we really want to do.

Legislator Sullivan agreed with Chairman Jonke and Legislator Castellano. He stated last year the County looked at this event very closely and afterward an evaluation of the event was done including the presence of both the public and law enforcement. He stated between the officers from the Sheriff's Department and State Police, and taking budgetary constraints into consideration, it may not be necessary to have as many officers this year.

Sheriff Langley stated the Sheriff's Department can look at that to see where they may be able to scale back without compromising public safety. He stated there are some tools that have been utilized such as drones to control the traffic, which gets everyone out in a safe, timely manner; last year it took about 40 minutes. He stated in the past it took multiple hours for the vehicles to vacate the Highlands Shopping Center. He stated there are probably areas that can be scaled back. He stated both the State Police and Fire Police have been a tremendous help as well.

Legislator Sullivan requested that the Sheriff provide the number of tickets written on uninsured vehicles over the past two (2) years. He stated the backup shows that the County can bring in $1 million based on the amount of uninsured vehicles. He stated he is in the insurance business and he does not believe there are that many uninsured vehicles on the road anymore, especially with the use of tools such as ALPRs. He stated he would be interested to see actual numbers.

Sheriff Langley stated if he produced that it would be an unfair assessment because it would only be information from the Sheriff's Department, and the other law enforcement agencies in the area would not be included.

Legislator Sullivan stated the information would be useful for him to know.

Sheriff Langley stated it would need to be researched.

Legislator Montgomery stated the County does not have a stated need for this system. She stated this is basically an ALPR and she questioned if the third party that would be collecting the data would be mandated to follow the County's ALPR policy once approved.

Chairman Jonke stated that is something that could be discussed if it ever comes up for approval.

Legislator Nacerino stated the requirement for another municipality to follow the County's ALPR policy was based on the fact that funding for the equipment came from the County.

Legislator Montgomery stated her concern is privacy issues as it pertains to the use of these devices within the County.

Chairman Jonke stated this is for informational purposes only.

Legislator Montgomery questioned why it is on the agenda.

Chairman Jonke stated the County Executive requested that it be placed on the agenda. He stated there is no one present at the meeting to speak to it.

Item #10 - Other Business – None

Item #11 - Adjournment

There being no further business at 7:59PM Chairman Jonke made a motion to adjourn; Seconded by Legislator Sullivan. All in favor.

Respectfully submitted by Administrative Assistants Beth Green & Edward Gordon.

THE PUTNAM COUNTY LEGISLATURE
40 Gleneida Avenue
Carmel, New York 10512
(845) 808-1020 Fax (845) 808-1933

Toni E. Addonizio *Chairwoman*
Neal L. Sullivan *Deputy Chair*
Diane Schonfeld *Clerk*
Robert Firriolo *Counsel*

Nancy Montgomery	Dist. 1
William Gouldman	Dist. 2
Toni E. Addonizio	Dist. 3
Ginny Nacerino	Dist. 4
Carl L. Albano	Dist. 5
Paul E. Jonke	Dist. 6
Joseph Castellano	Dist. 7
Amy E. Sayegh	Dist. 8
Neal L. Sullivan	Dist. 9

AGENDA
PROTECTIVE SERVICES COMMITTEE MEETING
PUTNAM COUNTY OFFICE BUILDING
ROOM #318
CARMEL, NEW YORK 10512
Members: Chairman Jonke & Legislators Nacerino & Sullivan

Tuesday 6:00PM March 10, 2020

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Approval/Protective Services Committee Meeting Minutes/Dec. 11, 2019 & Feb. 11, 2020**
4. **Discussion/ Approval Special License For People With Autism/ Legislator Nacerino**
5. **Discussion/ Approval Automated - License Plate Reader Policy/ Sheriff Langley**
6. **Approval/ Pending the Approval of a Putnam County Automated - LPR Policy/ Budgetary Amendment (20A008)/ Asset Forfeiture Funding**
7. **FYI/ Letter from Town of Southeast Fireworks Committee – Regarding the Annual Event to be Held July 3, rain date July 11, 2020/ Chairman Jonke**
8. **Update/ FYI – Bail Reform/ Feb. 13, 2020, Memorandum From County Executive Odell**
9. **Update/ FYI – Uninsured Vehicle ID System Overview/ Feb. 14, 2020, Memorandum From County Executive Odell**
10. **Other Business**
11. **Adjournment**

Cc: All
Protective 4/15
#4

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Neal L. Sullivan	Dist. 9

MEMORANDUM:

Date: April 6, 2020

To: Robert L. Langley, Jr.
Putnam County Sheriff

From: Paul E. Jonke
Chairman Protective Services Committee

Cc: James Babcock
Putnam County Sheriff's Captain

Re: Protective Services Committee Meeting April 15, 2020 – ALPR Policy

As the Chairman of the Protective Services Committee, I am forwarding the attached memorandum at the request of my colleague and fellow committee member, Legislator Sullivan.

Please be advised to call into the Protective Services Meeting audio webinar, you will find the link on the Legislature's web page. The link will be available on said site when the agenda is published. When you sign into the webinar, please be sure to input your name so you can be identified, and your microphone will be unmuted for you to participate in the discussion.

Thank you for your attention to this request.

Attached

/det

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Amy E. Sayegh	Dist. 8
Neal L. Sullivan	Dist. 9

MEMORANDUM

TO: Paul Jonke
Chairman Protective Services

FROM: Neal L. Sullivan
Legislator

DATE: April 3, 2020

RE: April 15th Protective Services Meeting – Continue Discussion of ALPR Policy

Respectfully, I request that you invite Sheriff Langley and Captain Babcock to the April 15th Protective Services Meeting.

The ALPR Policy that Captain Babcock submitted to the Legislature on March 30, 2020 answered item #s 3, 5 and 6 of my attached memo, which I appreciate. I would like to discuss the open items of said memo at the April Protective Services Meeting.

Thank you.

Att./

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Neal L. Sullivan	Dist. 9

MEMORANDUM

DATE: March 13, 2020

TO: Paul Jonke
Chairman, Protective Services Committee

FROM: Neal L. Sullivan
Legislator, District #9

RE: Follow-up Questions to the Sheriff's Department Regarding Automated License Plate Reader Policy

The March 10, 2020, meeting of the Protective Services Committee had a productive discussion regarding the proposed policy and procedures for the Sheriff's Department's use of Automated License Plate Readers ("ALPRs") and associated data management issues. While there were many questions answered, there are still important issues that remain unresolved, and others that should be memorialized. I therefore respectfully request that, on behalf of the Committee, a memorandum be sent to Sheriff Langley and Captain Babcock seeking responses to the following questions and issues:

1) A question was asked to the Sheriff and Captain Babcock regarding the use of outside vendors or contractors in connection with the use of ALPRs. From the response received we understand that no party other than the Sheriff's department stores ALPR data. Please confirm that our understanding is correct.

Further, please provide more information as to whether any outside party, such as a private contractor or vendor, has any ability to view, store, transfer, or otherwise access in any way any, the data captured by ALPRs.

If any such outside party can access Putnam's ALPR data in any way, please identify the party or parties and explain: What access do they have; What policies or procedures do they have in place regarding privacy / data access / data resale or sharing with others; What policies or

procedures do they follow for data retention; Does the Sheriff's Department have a written agreement with the contractor ensuring that data will not be sold or shared with anybody; and What safeguards do they have in place to protect the security of the ALPR data they are storing?

2) In the discussion of how ALPRs work, it came to light that ALPRs do more than just capture license plate numbers. Members of the Sheriff's Department indicated that ALPRs can capture the image of the vehicle including details as small as a bumper-sticker, and also capture the images of people in the vehicles. Please clarify exactly what types of images ALPRs capture, and also explain whether these images either are, or can be, used with computerized facial recognition technology to associate ALPR data with photographic databases.

3) As discussed in the Protective Services Committee meeting, the proposed policy does not contain any penalties for violations of the policy, such as the use of ALPRs or captured data for non-law-enforcement or unauthorized purposes, or data access or ALPR use by unauthorized individuals. The addition of such a provision was part of the Committee's vote to move the policy forward. Please advise what provision will be added to the policy for violations and explain how the Sheriff's Department plans to enforce it.

4) The proposed audit policy seems to be vague and lacks a lot of necessary detail. For example:

- What is the content of the audit (data audited, form of report, etc.)? Will it include:
    - The number of license plates scanned in a given time period?
    - The number of preservation requests?
    - The number of disclosure orders, and those resulting in criminal charges, and those that result in convictions?
    - The names of the lists against which captured plate data was checked, and for each list, the number of confirmed matches?
    - The total number of APLRs operated by the Department?
    - The total number of ALPR readings being retained?
    - The number of requests made for ALPR data, including (a) the number of requests that resulted in the release of information; (b) the number of out-of-state requests; (c) the number of federal requests; and (d) the number of federal or out-of-state requests that resulted in the release of information.
    - Any data breaches or unauthorized uses of the ALPR database?
    - Any changes in policy or procedures that could affect privacy concerns?
    - What data was reviewed (e.g., license plate data, vehicle images, driver images, etc.) and for what purpose?
- Will the audit data be made available to the public? If not, why not?
- If so, how will it be made available? Will it be published on the Department's website? How frequently?

- Does the Sheriff's Department complete the quarterly DCJS reports for ALPR data?

5) The proposed policy states in section 427.7 that "ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes **or as otherwise permitted by law**." As discussed in the Protective Services Committee meeting, and to conform to the intent expressed about the sharing of ALPR data, the proposed policy should be revised to state that "ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes **required by law**."

6) The proposed policy has a six (6) year data retention period. As discussed in the Protective Services Committee meeting, the change to a three (3) year data retention period provision was part of the Committee's vote to move the policy forward. The revised policy should contain that change.

Thank you for your attention to these questions and concerns. We look forward to your response in due course.

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THE PUTNAM COUNTY LEGISLATURE
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Joseph Castellano	Dist. 7
Amy E. Sayegh	Dist. 8
Neal L. Sullivan	Dist. 9

MEMORANDUM

TO: Robert L. Langley, Jr.
Putnam County Sheriff

FROM: Paul Jonke, Chairman
Protective Services Committee

DATE: April 9, 2020

RE: Overtime Lines

I respectfully request that you participate during the Protective Services Committee Meeting audio webinar scheduled on Wednesday, April 15, 2020. The Committee will be discussing the Overtime projections in the Sheriff's Department for this year. I request that you provide the status of the Overtime lines in your department for the first quarter as follows:

- To date, have you expended more than 25% of Overtime funds for the 1st Quarter?
- If so, could you explain the reasons why and what plans you have implemented to rectify this in the coming months.

The Protective Services Committee Meeting is scheduled to begin at 6:00 P.M. The link to attend the audio webinar can be located on the Legislature's webpage. When you sign into the webinar, please be sure to input your name so you can be identified, and your microphone will be unmuted for you to participate in the discussion.

Thank you for your assistance to this request.