

Edward Hotchkiss
Mayor



Robert A. Yamuder
Administrator

August 1, 2012

Daniel Berger
Lower Hudson Valley Chapter
297 Knollwood Road, Suite 217
White Palms, New York 10607

Dear Mr. Berger:

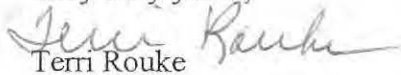
This is to acknowledge receipt of your request under the Freedom of Information Law dated July 30, 2012 to the Village Of Pelham.

We will be exploring all records that may exist, which may or may not be releasable under the Freedom of Information Law. After we have found all the records, we will provide you with an estimate for the actual cost of reproduction of these records, and if any of them, or portions of them, may be withheld under the exemption provisions of the Freedom of Information Law.

We will give you a further response within twenty (20) business days of the date of the request. A follow-up response should be sent to you on or before August 27, 2012.

Should you have any further questions before you next hear from us, please contact us by e-mail at info@pelhamgov.com and we will respond to them as soon as possible.

Very truly yours,


Terri Rouke
Village Clerk

Cc: Village Administrator Robert Yamuder
Village Attorney Mercedes Maldonado

Edward Hotchkiss
Mayor



Robert A. Yamuder
Administrator

August 27, 2012

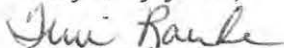
Daniel Berger
Lower Hudson Valley Chapter
297 Knollwood Road, Suite 217
White Plains, New York 10607

Dear Mr. Berger:

We have processed your request for records for your FOIL dated July 30, 2012. The cost of copying of these records, twenty-five (25) pages at twenty-five cents per page, totals \$6.25. The cost to mail the package is \$1.70. Please send a check made payable to the Village of Pelham in the amount of \$7.95 and we will mail the package to you

Should you have any further questions, please contact us by e-mail at info@pelhamgov.com and we will respond to them as soon as possible.

Very truly yours,


Terri Rouke
Village Clerk

Cc: Village Administrator Robert Yamuder
Village Attorney Mercedes Maldonado



STATE OF NEW YORK
DIVISION OF CRIMINAL JUSTICE SERVICES
Four Tower Place
Albany, New York 12203-3784

DAVID A. PATERSON
GOVERNOR

DENISE E. O'DONNELL
COMMISSIONER

January 16, 2009

Chief Joseph R. Benefico
Pelham Village Police Department
Town Hall
5th Avenue
Pelham, NY 10803

RE: Letter of Agreement Regarding Transfer of License Plate Reader (LPR)

Dear Chief Benefico:

Congratulations! Your agency has been selected as an eligible recipient for a License Plate Reader (LPR) award from the NYS Division of Criminal Justice Services (DCJS) through a grant received from the Governor's Traffic Safety Council.

DCJS will purchase an LPR for your Law Enforcement Agency (Recipient) to commit to a two-year traffic safety improvement initiative. In addition, DCJS will provide a one-year manufacturer's warranty and vendor developed Operation Center Software license for use in crime reduction activities and the apprehension of offenders.

In order to insure successful implementation by June 30th, 2009, DCJS and ELSAG North America Law Enforcement Systems, LLC will be working together to coordinate LPR software downloads, equipment installation, and training.

Agencies in agreement with the terms set forth in the attached DCJS Letter of Agreement (LoA) will receive one (1) LPR Unit upon the completion of the following:

STEP 1: Submit the signed LoA to DCJS via fax (518.457.1186) **by midnight of Wednesday, January 28th, 2009** to the attention of Michele Mulloy.

The original, signed LoA should be mailed directly to the attention of:

Eileen Langer-Smith
Division of Criminal Justice Services
3rd Floor, 4 Tower Place – Stuyvesant Plaza
Albany, NY 12203

STEP 2: Designate an agency laptop with the following minimum requirements:

- Windows 2000 (Service Pack 4) or XP – No Vista
- Available USB (2.0 preferred) and Ethernet Port (10/100)
- 1Gb RAM
- 1.6 GHz + processor (Pentium 4 preferred)
- 60 gb Hard Drive

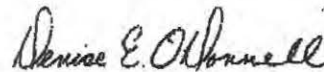
In order to participate in the LPR initiative, those agencies that do not currently have an available agency laptop which meets the above minimum requirements will need to purchase and receive delivery of one by Tuesday, March 31st, 2009.

STEP 3: Complete the attached Agency Coordinator Contact Form and fax it with the signed Letter of Agreement.

If you are in agreement with the attached LoA, please sign it and return the original to the Office of Program Development and Funding, attention Motor Vehicle Theft and Insurance Fraud Unit by midnight of Wednesday, January 28th, 2009.

If you have any questions or are unable to comply with any of the above requirements by the deadlines indicated, please contact Michele Mulloy at 518.485.0913. Thank you for your assistance.

Very truly yours,



Denise E. O'Donnell



ELSAG North America Law Enforcement Systems, LLC

412 Clocktower Commons
 Brevster, NY 10509
 Duns # 196140821
 Phone: 1-866-9MPH900 (967-4900)
 Fax: 336-379-7164

DATE

10/21/2008
DCJS Funded Quote

Delivered to:

Village of Pelham Police Dept
 Att: P.O. Jason Pallett
 34 Fifth Ave.
 Pelham, New York 10803

Quotation valid until: December 31, 2008

Prepared by: Pat Fox

Projected Arrival Date: TBD

(Please mail or fax your Purchase Order to the address or number above)

Receipt of Goods

<p>NASPD Multi-State Contract #PC62119 Award #19745 (California Participating Addendum) WSCA # PC 62119 Hazardous Incident Response Equipment (Contract term: 5/20/2007 - 5/10/2010)</p>

Model #	Description	Cost	Units	Amount
MPH-900X2	Mobile License Plate Reader - Includes two units with LPR Processors, cameras (color and IR LPR); Infrared Illuminators; enclosures, junction box, cables and related software. (REQUIRES INSTALLATION BY ELSAG N.A. AUTHORIZED PERSONNEL).	\$16,900	1	\$16,900.00
MPH-900INSTALL	Hedley mounts for a Ford Crown Victoria (No Charge), an Operations Center License (\$600.00) and a 1 yr. extended warranty (\$875.00).	\$1,475	1	\$1,475.00
Phone Support	24 Hour Telephone Support by qualified MPH-900 technicians			FREE
ON-SITE TRAINING	Included in the purchase of both transportable and permanent MPH-900 installations available in group and individual sessions.			FREE
TRAINING CENTER MEMBERSHIP	Unlimited access to Remington ELSAG training classes held either in the field or at Company Facilities.			FREE
			TOTAL	\$18,375.00

Service Plan for goods and services provided by the above quote

Year I	Free		
Year II	\$875	Hardware and Software	Due: 10/1/09
Year III	\$875	Hardware and Software	Due: 10/1/10
Year IV	\$875	Hardware and Software	Due: 10/1/11
Beyond		Software Only	Due: 5/1/12

Service Plan Includes:

- Software Updates
- Annual Training/Service
- Parts & Labor

Approval Signature: _____





ELSAG North America Law Enforcement Systems, LLC

12 Clocktower Commons
Newtown, NY 10509
Phone # 1-866-9MPH900 (967-4900)
Fax: 336-379-7164

DATE

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Attn: P.O. Jason Pallett
4 Fifth Ave.
Pelham, New York 10803

Quotation valid until: December 31, 2008
Prepared by: Pat Fox

Projected Arrival Date: TBD

Please mail or fax your Purchase Order to the address or number above)
Mobile Tactile Computer (MTC) in-car PC with touch pad keyboard, installation and mounting hardware

New York Office of General Services NASPO Multi-State Contract #PC62119 Award #19745
Hazardous Incident Response Equipment Group #38232

Model #	Description	Cost	Units	Amount
9106-03C	Model MTC-212 Mobile Tactical Computer Includes 12.1" high-brite (1000 nit) LCD, 1.6 GHz Pentium-M CPU, 60 Gb HD, 512 Mb DDR RAM, waterproof backlit 88-key keyboard w/mouse pointer, front panel volume and LCD brightness controls, fully integrated CPU/LCD, 3-USB 2.0, 2-COM, 2-Ethernet 1-1394 F	\$4,995	1	\$4,995.00
52513	Upgrade to full stroke tactile keyboard with touchpad and usb interface	\$159	1	\$159.00
INST SUP	Installation of in-car PC	\$750	1	\$750.00
152005-18	Mounting hardware for vehicle for in-car PC	\$329	1	\$329.00
			TOTAL	\$6,233.00

Approval Signature: _____

DEM Micro Mobile Tactile Computer
Three year manufacturers warranty included



ELSAG North America Law Enforcement Systems, LLC

Item#: MPH-900X2

Description: 2 cameras, permanently mounted License Plate Reader System

Details:

- Two - infrared camera, color-overview camera in singular vacuum sealed housing.
- One License Plate Reader processor
- (2) Shielded camera cable with 16 pin military spec connectors
- (1) NMEA- compliant GPS Receiver with software drivers and utilities
- (1) 12V 25' Power cable
- (1) 25' Cat 6 Ethernet cable (RJ45-16 pin mil spec)
- Carsystem LPR interface software (latest version).

Optional Accessories:

- Permanent mount

Special Notes:

~~This item must include Item# MPH-900INSTALL~~

Pricing:

~~Catalog Price / \$23,100~~

Discounted State Term Pricing:

~~\$16,300 installed~~



STATE OF NEW YORK
Andrew M. Cuomo, Governor

Sean Byrne
Acting Commissioner
Division of Criminal
Justice Services

Office of Program
Development and Funding

Anne Marie Strano
Deputy Commissioner

New York State



Suggested Guidelines:

Operation of License Plate Reader Technology

2011

New York State Division of Criminal Justice Services

4 Tower Place

Albany, NY 12203

<http://criminaljustice.state.ny.us>

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LICENSE PLATE READER ADVISORY PANEL

The New York State License Plate Reader (LPR) Advisory Panel is comprised of professionals with experience in various aspects of law enforcement and license plate reader technology. Original guidelines were developed in 2008; however, as LPR technology and court decisions have evolved since that time, it became necessary to review the guidelines.

During 2010, the Advisory Panel met to review the previous guidelines and to discuss changes in technology, applications and developments in various aspects of license plate readers (LPR). This document includes a history of the LPR project in New York State, general operations of LPR technology, practical guidelines for the deployment of LPRs and for the management of data derived from this technology.

William Zelenka, Assistant District Attorney, Bronx County, NY
Patrick Ryder, Detective Sergeant, Nassau County Police Dept., NY
John Ventre, Detective, Nassau County Police Dept., NY
Tom Lohmann, Director, National Insurance Crime Bureau
Kevin Gallagher, Special Agent, National Insurance Crime Bureau
Terence Hurson, Deputy Inspector, New York Police Dept., NY
Rich Belluci, Investigator, New York County District Attorney
Larry Wyman, Senior Investigator, NYS Dept. of Motor Vehicles
Eileen Langer-Smith, NYS Division of Criminal Justice Services
Michele Mulloy, NYS Division of Criminal Justice Services
Ken Buniak, NYS Division of Criminal Justice Services
Robert Fernandez, Lieutenant, New York State Police
Randy Morehouse, Sergeant, New York State Police
Kevin Chevier, NYS Division of Homeland Security and Emergency Services
James Burke, Inspector, Suffolk County Police Dept., NY
Steven Vandervelden, Assistant District Attorney, Westchester Co. District Attorney
Mark A. Spawn, Director of Research/Training, NYS Association of Chiefs of Police
Ken Middleton, First Deputy Director, New York / New Jersey HIDTA
Robert J. Poisson, Lieutenant, New York State Police
Matthew E. B. Brotmann, Special Advisor, NY Attorney General's Office

Part I

LICENSE PLATE READER TECHNOLOGY

INTRODUCTION

This report has been prepared to offer guidelines and best practices for agencies using LPR technology (LPR systems can be an important asset to agencies in carrying out their law enforcement function). A carefully developed policy that addresses issues such as authorized uses, training, data retention, audit trails, dissemination and sharing of data will help to ensure that LPR technology remains an important tool for use by the law enforcement community.

The goal of these guidelines is to provide a basis upon which law enforcement agencies can build policies that provide authorized users with the information necessary to ensure public safety while protecting individual privacy rights. The LPR Advisory Panel urges agencies to use these guidelines in the development of their own agency protocols.

NOTE: The procedures outlined herein have been developed as a general framework for the development of a comprehensive policy for the deployment, use, and management of license plate readers and data. This document has been developed so that policymakers can modify certain procedures to best fit the needs, operations and resources of their individual agency. LPR technology has evolved rapidly and that progress will likely continue. As a result, administrators are encouraged to regularly monitor their policy as technological advances may require that procedures be updated to be consistent with such changes.

BACKGROUND AND DESCRIPTION: TECHNOLOGY

The concept of using cameras as a method to record a vehicle passing through a specific location and then identifying the owner/operator has been in development since the 1970s. Early technology could capture a picture of a license plate and vehicle with the date and time. Upon retrieving the plate number after searching hours of captured images, the plate number could then be manually searched against a database. This technology was time consuming, expensive and limited by lighting and weather conditions.¹

License plate reader technology developed along with the use of videotape and camcorders. The analog videotape had to be converted from analog images to digital images and stored on a computer hard disk. The resulting digital images were further processed to locate and extract the license plate and time-stamp information through specialized software using character recognition techniques. This technology, while better than earlier methods, still had many drawbacks, including high costs that limited its general use by state and local governments.²

¹ Transportation Research Board, 2002. "Effects of Ambient Light, Camcorders, and Automated License Plate Reader Settings on Plate Transcription Rates".

² Transportation Research Board, 2002. "Reduction of Video License Plate Data".

The latest license plate reader technology has incorporated digital photography which eliminates the conversion steps and reduces the amount of computer file storage needed to support an effective system. Digital photography has also decreased the size of the camera hardware required and utilizes infrared lighting to address lighting and weather conditions. This has also reduced the overall costs for an effective system, making the technology obtainable at the local, county and state levels of government.

Today's LPR systems use specialized digital cameras and computers to quickly capture large numbers of photographs of license plates, convert them to text and compare them quickly to a large number of plates of interest. LPR systems can identify a target plate instantly, allowing law enforcement to identify target vehicles that might otherwise be overlooked. The technology is available in mobile systems mounted on police cars, and fixed/portable systems that can be mounted on poles or on the roadside.

A range of camera systems are available, most capable of reading license plates during the day or night and in a variety of weather conditions. The systems operate fast enough to capture all of the license plates they come into contact with so that the number of license plates that can be read is limited only by the number of vehicles passing the cameras. LPR systems typically include infrared strobe and camera systems that can take high speed, high contrast images that allow plates to be read at closing rate speeds of 150 miles per hour.

Mobile license plate reading systems are designed to allow officers to patrol at normal speeds while the system reads license plates and alerts the officer if there is a match to a "hot list." "Hot lists" contain a large list of target plates stored within the vehicle's LPR computer. This is essential due to the volume of plates scanned by the LPR and the necessity for an immediate alert if a target plate is scanned. Currently, "hot lists" are transferred daily by state and federal authorities and can be updated by the LPR operator through a hard-link or wireless upload. "Hot lists" may contain a variety of plate data, including terrorist watch lists, stolen cars and parking scofflaws.

When a target plate is scanned, the officer is notified with a message. The alert can be specific to the plate, and some alerts can be customized by the user/agency. Once a "hot list" has been uploaded into the LPR computer, it can be updated automatically or manually. For example, once a daily upload has been made, any recent car thefts, for example, will not be posted until the next (daily) upload. Most LPR systems allow the user to add plates to, and delete plates from, the "hot list". This is particularly useful for crimes that recently occurred, AMBER Alerts, Be-on-the-LookOut (BOLOs), for cases in which stolen vehicles have been recovered, or other situations in which the alert can be cancelled. Some LPR systems can also alert the driver if a manually entered "hot list" entry was recently scanned. Integrated GPS technology allows the operator to locate the last contact with the vehicle.

The use of LPR technology in law enforcement has included a variety of applications: homeland security, electronic surveillance, suspect interdiction, stolen property recovery, facility management and more. The identification of stolen vehicles, stolen license plates, and wanted and missing persons was the primary focus of most early implementations.

LPR systems record every license plate scanned. Some systems record the location, date and time of each scan. This intelligence resource is available as a law enforcement tool, allowing the officer to identify the last known contact with a vehicle and also to report the list of vehicles located in a specific area within a given time range.

Most LPR systems include a set of cameras, most of them infrared-illuminated. Some include “progressive” cameras that capture images at a variety of computer-controlled lighting conditions by actively managing infrared strobes integrated into the cameras. These cameras are typically mounted outside of the vehicle as auto glass can interfere with their operation. Most cameras are mounted either permanently on the rooftop or trunk, magnetically in a transportable configuration, integrated into the light bar, or within a covert housing.

Some implementations of LPR use a dedicated computer for the high-intensity camera and image management while others use the in-car computer. In either case, the cameras connect to a computer and display that can be the same mobile data terminal or in-car computer. Typically, LPR systems only require the operator to have one computer display in the vehicle. The processor in an LPR system can include a specialized computer that manages the cameras and allows the system to run at very high speeds regardless of the speed or power of the existing in-car PC.

LPR software typically has three components – the character translation component (Optical Character Recognition), the hot list management component and the user interface. Other additional software components manage GPS information, plate read, alarm history, and reporting features.

The Optical Character Recognition (OCR) of images taken by LPR cameras is performed through the use of sophisticated algorithms. Six primary algorithms that LPR system software requires to identify a license plate are:

1. Plate localization, which finds and isolates the plate contained in the picture;
2. Plate orientation and sizing, which compensates for the skew of the plate and adjusts the dimension to the appropriate size and shape;
3. Normalization, which adjusts the brightness and contrast of the image;
4. Character segmentation, which finds the individual characters on the plates;
5. Optical character recognition, which converts the image into actual characters, and
6. Syntactical / Geometrical analysis, which checks characters and positions against specific rules to identify the license plate state of issuance.³

The “hot list” management component enables the LPR to obtain daily updates to the “hot list”, maintain “hot list” files and retain all relevant files per time frame established by the law enforcement agency. The agency then may choose to upload the data retained in the LPR to a designated server for retention. The user interface manages LPR activity and allows the user to quickly identify an alarm and the target vehicle. In most cases, most of the screen

³ International Association of Chiefs of Police, 2009, Privacy impact assessment report for the utilization of license plate readers, pp 5-6 (September, 2009).

space on the user interface is reserved for the target vehicle/plate photo as that is the primary means for alarm vehicle identification. The interface also allows the user to enter additional target plates, check information in the "hot list", and deal with the visual and audible alarm queues. The Global Positioning Software (GPS) enables the LPR to record date, time and location of license plate scans.

LPR TECHNOLOGY AND INVESTIGATIONS

LPRs are an excellent resource to aid in criminal investigations. For the purpose of this document, investigative applications are discussed as active and passive. The active search describes situations in which license plate data is uploaded to an LPR computer, generally with an alarm that will indicate the nature of the entry. For example, LPRs used by patrol officers and detectives might contain lists of wanted subjects. The passive search focuses on the investigative or crime analysis level of enforcement in researching data already collected.

Part III

SUGGESTED POLICY/PROCEDURES

SUGGESTED POLICY/PROCEDURES: LICENSE PLATE READERS

DATE:

REVIEW DATE:

SECTION:

Editorial note: Policymakers are encouraged to customize this document for their own agency, giving consideration to personnel/assignments, resources, and infrastructure, among other things. Blank lines and italicized language has been inserted as a guide for the development of your customized protocols. Be sure to delete any blanks or italicized language before saving your final document.

I. PURPOSE: The purpose of this policy is to provide members and staff with guidance on the application and use of license plate readers (LPR), management of LPR data, and maintenance of LPR equipment.

II. POLICY: License plate readers have enhanced law enforcement's ability to detect violations of law, recover stolen property, apprehend fugitives, assist in investigations and more. Members and staff will use LPRs in accordance with the procedures and guidelines set forth. Further, data captured from LPRs will be used properly and responsibly as defined herein.

III. DEFINITIONS

Department: the _____ Police/Sheriff's Department/Office.

Fixed camera: permanently affixed to a structure such as a pole, overhead, or bridge.

GPS: global positioning system.

LPR: license plate reader.

LPR Data Query Logs: a record of a search or query of LPR data from (the server).

Hot List: data is provided through the New York State Integrated Justice Portal and includes license plate numbers of stolen vehicles, stolen license plates, wanted person with a license plate associated with the record, and suspended or revoked registrations. Also includes national data (i.e. NCIC, NICB) for similar categories, and for license plates associated with AMBER Alerts, terrorist watch lists and the like; also includes manually entered license plate information for crimes just occurred in a local jurisdiction, gang members, wanted persons, and other investigative targets.

Members: sworn police officers of this department.

Mobile camera: affixed to a vehicle permanently or magnet-mount.

MOU: memorandum of understanding.

OCR: optical character recognition.

Portable camera: stationary but are capable of being moved as needed, such as a traffic barrel or speed radar sign.

SOP: standard operating procedure.

Staff: non-sworn employees of the Department.

IV. GENERAL ADMINISTRATION

- a. LPRs will be used only by members who have been properly trained in the use of same. (*designation of personnel authorized to use LPR* _____)
- b. LPR data may be accessed by members for a legitimate law enforcement purpose. (*designation of personnel authorized to access LPR data* _____)
- c. LPR data may be accessed by staff who have been authorized by (*specify position, i.e. Chief/Sheriff/Detective Captain/etc.* _____) for a legitimate law enforcement purpose.
- d. The (*specify person/position* _____) is responsible for receiving reports of LPR defects, damage or other matters requiring maintenance of the Department's LPR systems.
- e. The (*specify person/position* _____) is responsible for the maintenance of data including backing up of LPR data, requests for searches or LPR data, and for maintenance of internal hot lists.
- f. The (*specify person/position* _____) is responsible for the inventory of LPRs within the Department and for ensuring that the Department has included all LPR equipment valued at more than (*indicate threshold, i.e. \$2,000, \$5,000, \$10,000, etc.* _____) is included for coverage on the municipality's insurance plan.
- g. The (*specify person/position* _____) is responsible for the annual review of the policy and procedures contained herein and for making recommendations to the (*Chief/Sheriff* _____) for any necessary amendments thereto.
- h. LPR hot lists and data gathered by Departmental LPRs will be maintained securely. Requests for searches may be made by members of this Department or by other law enforcement agencies subject to the provisions of this policy (*or state other permissible uses, sharing or restrictions* _____). Also see ____ (i.e.: Section VI(b), below)
- i. Prior to the use of mobile LPR equipment, members must receive training administered by (*specify* _____). The (*specify* _____) will ensure that any changes in hardware, software or law are the subject of continued in-service training or bulletins.

V. OPERATIONS

- a. Prior to a tour of duty, members using an LPR will ensure that an upload of hot list data from the Integrated Justice Portal has been performed for that day.
- b. Data from field LPRs, whether mobile or portable, will be uploaded to *(specify, i.e. the Department's server _____)* via *(specify method of transmission, position responsible, and how often, i.e. via flash drive by the LPR Data Custodian _____)*.
- c. When enforcement action, an investigation or prosecution results from an LPR hit, the hit will be preserved via *(specify method in which you will document the hit _____)*.
- d. LPRs may be used in special operations or details such as high crime area patrols, STOP DWI initiatives, enforcement details, directed criminal investigations, etc. subject to the authorization of *(position _____)*.
- e. When violent crimes occur, this Department may solicit assistance from other agency's with LPR-equipped cars for assistance in identifying a vehicle or to gather license plate data in a particular area. Similarly, other departments may request assistance from this Department in the event of the same. Any mutual aid requests will be directed through the *(specify position, i.e. Duty Sergeant, Desk Officer, Duty CID Detective, etc. _____)*. Consideration should be given to deploying LPRs strategically such as at a perimeter, choke points, major highways, other avenues of escape, etc.

VI. LPR DATA

- a. Members may request of *(specify position _____)* that certain license plate numbers *(complete or partial _____)* be entered into the Department's Hot List. Examples of entries include:
 1. Gang members/associates
 2. Sex offenders
 3. Crime suspects
 4. Fugitives
 5. Search warrant targets
- b. Access to LPR data shall be limited to *(specify positions/personnel, designees _____)*.
- c. Members making inquiries must make a log entry onto the LPR Query Log.
- d. If the LPR Query Log contains a hit with an arrest associated with it, the LPR Query Log must be retained as part of the case file.
- e. LPR Data Query Logs shall be maintained and secured for future audits.
- f. Access to LPR data must be for a legitimate law enforcement purpose.
- g. Members or staff conducting a query on behalf of an authorized requestor should make a log entry.

- h. Requests to review stored LPR data and search results will be recorded and maintained in appropriate case files.
- i. LPR data will be transferred/uploaded on a *(specify timeframe, i.e. daily/weekly/monthly_____)* basis by *(specify position responsible_____)* to the *(specify destination of data, i.e. central server, crime analysis center, etc._____)*
- j. LPR data from all mobile, portable and fixed LPRs will be managed by *(specify person/position_____)*.
- k. LPR data will be stored in the Department's *(specify, central server/other_____)* for a period of no less than *(specify_____)*, except in the following circumstances:
 - 1. LPR records will be maintained for *(time_____)* and/or until a final disposition has been reached in the particular case.
 - 2. LPR hits associated with an arrest will be maintained in the criminal case file and retained for the maximum period of time associated with such record.
 - 3. LPR hits associated with felony investigations will be maintained in the criminal case file and retained for the maximum period associated with such record.
 - 4. Whenever otherwise directed by the *(specify command position_____)*
- l. Sharing and dissemination *(describe your agency's authorized LPR data sharing procedures, i.e. In addition to the procedures in Section VIII below, access to LPR data shall be limited to designated personnel who have been provided account access or who have been specifically authorized to access or search LPR data; data will be uploaded to the Crime Analysis Center, etc. or to other law enforcement entities upon the direction of the Chief of Police/Sheriff/Commissioner, etc.; note whether certain sharing is done routinely, and/or upon specific request of a law enforcement agency, etc.)*
- m. Backing up of LPR data system *(designation of position responsible for preserving LPR data, frequency, redundancy and method of backup)*

VII. FIELD PROTOCOLS

- a. PATROL – LPRs are useful in general patrol assignments when the patrol vehicle is in a position to monitor vehicular traffic. LPRs may only be used for a legitimate law enforcement purpose.
- b. Members may not use a mobile LPR unless properly trained in its use and operational protocols.
- c. LPR-equipped vehicles should be used as often as possible. When not in use, LPR-equipped vehicles should be secured.

- d. Members will ensure that a daily upload of hot list data has been performed to the LPR system so as to prevent stops using outdated data.
- e. When the LPR indicates a hit, prior to making the stop, the member must
 - 1. Verify that the captured plate image matches the plate number of the vehicle
 - 2. Confirm that the hit is accurate through dispatch, etc.
- f. The proactive entry of data or access to LPR records must be for a legitimate law enforcement purpose by authorized personnel. This applies to data uploaded prior to the deployment of the LPR as well as data which may be uploaded by a member during a tour of duty. Proactive/manual entry of LPR hot list in the field is permitted for:
 - 1. Dispatch reports of crimes, BOLOs, alerts in which a license plate number is part of the broadcast
 - 2. When directed or authorized by (*specify: dispatch, Sergeant, CID, etc. _____*) and which must be for a legitimate law enforcement purpose.
 - 3. members should query their LPR to ascertain if there is a prior read of the license plate which is the subject of the particular alert, bulletin or alarm.
- g. Proactive/manual entry of LPR hot list in the field is required for AMBER Alert or Missing Child or College Student Alert bulletins. Additionally, members must query their LPR to ascertain if there is a prior read of the license plate which is the subject of the alert.
- h. Members will make an entry in the LPR Daily User Log whenever the LPR is used.
 - 1. Upon completion (*or when the log is filled _____*), the LPR Daily User Log will be forwarded to the (*specify person/position _____*).
 - 2. The (*specify person/position*) will ensure that entries are complete.
 - 3. If the LPR Daily User Log has an arrest or associated hit, it will be retained in the case folder.
 - 4. The LPR Daily User Log will be retained until all arrests have reached a final disposition.

VIII. INVESTIGATIVE PROTOCOLS

- a. Access to stored LPR data shall be limited to *(specify positions authorized _____)*.
- b. Members conducting LPR data inquiries must have been granted access by *(specify person/position _____)*.
- c. Requests to review stored LPR data shall be recorded and maintained in the same manner as criminal history logs.
- d. All inquiries of LPR data will be recorded by the member making the inquiry in the LPR Data Query Log.
- e. LPR Data Query Logs will be retained until all matters have reached a final disposition.

IX. LPR MAINTENANCE

- a. At the beginning of each tour of duty, members should verify the aim of the LPR camera(s) to ensure they are reading the correct lanes of traffic.
- b. Camera lenses may be cleaned with glass cleaner sprayed on a soft cloth.
- c. Any damage shall be reported immediately to the *(specify LPR Administrator _____)*.
- d. Technical questions concerning the LPR shall be directed to the *(specify LPR Administrator _____)*

Authorized by: _____ Chief/Sheriff

Date: _____



MEMORANDUM OF AGREEMENT FOR THE WESTCHESTER INTELLIGENCE CENTER (WIC) AMONG THE PARTICIPATING FEDERAL, STATE AND LOCAL LAW ENFORCEMENT AGENCIES

1. Overview

a. Background:

The Westchester Intelligence Center ("WIC") was established as a crime intelligence center to foster and facilitate information sharing and collaboration among law enforcement agencies, particularly field intelligence officers, operating in Westchester County as a means of increasing the ability of law enforcement to rapidly triage criminal events that endanger public safety and quickly respond to situations as they develop.

The principal goal of WIC is to support local police agencies in their efforts to abate crime and augment public safety in Westchester County.

WIC operates under the auspices of the Westchester County District Attorney's Office ("WCDAO") and is staffed by members of multiple law enforcement agencies. WIC is headed by an Executive Director, who shall serve as the Administrator of this Agreement ("Administrator").

b. Purpose and Intended Benefits:

With the goal of enhancing public safety, while protecting individual privacy rights, the parties to this agreement seek to establish a mechanism for the sharing and exchange of criminal intelligence information and data for the advancement of legitimate law enforcement purposes, including crime solving and abatement, identification and location of suspects and known offenders, detection of predictive trends in criminal activity, and development of strategies to solve and prevent crimes.

c. Agency Participation:

Any federal, state or local law enforcement agency operating in Westchester County ("Agency") may participate in WIC.

2. Information and Resources to be Shared:

Subject to the confidentiality provisions outlined in this agreement, WCDAO will make the resources of WIC available to all participating Agencies. WIC will share information

- All employees of WIC and each participating Agency having access to information and data stored and maintained at WIC will be subject to a criminal investigation background check.
- Each Agency will inform the Administrator or his/her designee, in writing, when an employee or agent of the Agency is no longer authorized to access WIC as a representative of the Agency.

6. Third Party Dissemination of Information and Data:

There shall be no third-party dissemination by an Agency of information and data obtained through WIC without the express, written consent of the Administrator.

7. Accuracy:

Each Agency will make every reasonable effort to ensure the information and data it contributes to WIC is accurate, complete and up-to-date.

It is expressly understood and agreed that an Agency shall use the ordinary investigative tools to insure the objective reliability of any information and data received from WIC which is relied upon to conduct any police initiated encounters.

8. Modification or Termination – General:

This agreement may be modified or terminated at any time by agreement, in writing, of both parties.

9. Termination for Non-Compliance:

This agreement may be terminated at any time by either Party if the other Party fails to meet its obligations under this agreement.

It is expressly understood and agreed that this agreement will, at the election of the Administrator, cease immediately if a recipient Agency is found to be improperly using or disclosing the shared information and data. In addition, such improper use or disclosure will be subject to the penalties provided by applicable law.

10. Term of Agreement:

This agreement shall go into effect upon full execution hereof by both parties. It shall remain in effect unless and until terminated in accordance with paragraph 8 or 9.

11. Notices:

Any notices required by this agreement shall be in writing and shall be effective on mailing. All notices shall be sent by registered or certified mail, return receipt requested, or by overnight courier, and mailed to the following addresses:

WCDA: Honorable Janet DiFiore
District Attorney of Westchester County
Westchester County Courthouse
111 Dr. Martin Luther King, Jr. Blvd.
White Plains, New York 10601

With copy to: Robert Kelly
Executive Director
Westchester Intelligence Center
85 Court Street
White Plains, New York 10601

Agency: Pelham Village Police Department

12. Compliance with Law:

WIC and Agency will comply with all applicable federal, state and local laws, codes, ordinances, rules, and regulations in performing activities under this agreement.

13. Execution of Memorandum of Agreement:

By executing this agreement, WCDAO and Agency acknowledge that they have received a copy of this agreement and will comply with its terms and conditions. This Memorandum of Agreement may be executed in one or more counterparts, each of which will be deemed an original, but all of which together constitute one and the same instrument. A complete original will be kept on file with WIC.

Agreed to on behalf of WCDAO and WIC:

Robert Kelly,
Administrator, WIC

Date

Agreed to on behalf of: Pelham Police Department
Law Enforcement Agency

Chief Joseph Benefico
Name and Title of Authorized Representative

Date

and data – whether generated by WIC or provided to WIC by outside law enforcement agencies - with participating Agencies for legitimate law enforcement purposes only.

3. Requests for Information:

All requests for information and data from WIC shall be submitted to the Administrator or his/her designated representative. The Administrator shall be the final arbiter of whether the information and data requested by the Agency is available for dissemination.

4. Record Retention:

It is understood and agreed that the requesting Agency is responsible for the preservation of all records and/or reports generated by WIC at the request of the Agency, and shall be the repository of those records and reports.

Each Agency shall retain, as part of its own case files and records, any records and reports (electronic and physical copies) obtained from WIC. The retention shall be in accordance with that Agency's policies for record retention and in compliance with any and all applicable federal, state, county and local laws.

5. Confidentiality and Security:

- In accordance with its purpose WIC shall be permitted to disseminate information and data supplied by an Agency to authorized users under the terms provided herein except to the extent such information and data has been specifically identified as "confidential" by the providing agency.
- Information and data possessed by WIC is subject to disclosure in accordance with the laws governing the criminal justice system and by court order.
- Only authorized users are allowed to view and use the information and data possessed by WIC. Any authorized user who receives a request from a non-authorized user for information and data provided by WIC shall not release that information, but may refer the requestor to the Administrator.
- Each Agency will make reasonable arrangements to maintain the security of the information and data in its custody, by protecting it against such risks as unauthorized access, collection, use, disclosure or disposal.
- Each Agency will advise WCDAO and WIC immediately of any circumstances, incidents or events concerning the following: unauthorized access to or modification of information or data supplied by WIC; unauthorized use of such information and data; unauthorized disclosure of such information and data; and breaches of privacy, security and confidentiality with respect to the information and data or with respect to any computer system in its custody that is used to store or access such information and data.
- Each Agency must investigate and cure any of the aforementioned incidents of unauthorized use of WIC information and/or data.